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## THE BASIS OF A CRIME INDEX

THORSTEN SELLIN\*

To the student of social phenomena, the statistical method has proved of the greatest importance. Sociological investigators are using statistics more and more frequently to objectify social changes and relationships. While statistical presentation has been found to be a valuable scientific device, its psychological importance has also come to be fully realized, for to most people and particularly to him who is not fully aware of the nature and the limitations of statistics, numbers carry in themselves something of a categorical imperative. Jacquart has aptly voiced this fact:

"On the mass of readers of a book or listeners to a lecture, statistical figures exercise a peculiar fascination. . . . They carry in themselves the imperative attraction of the absolute. Their arrangement in narrow and ordered columns adds to their power. They seize the attention immediately, and he who does not take care will fall victim to their seduction. They are in fact the subtlest of accomplices in propagating error or disguising paradoxes."<sup>1</sup>

This compulsive power of statistical presentations is fully realized not only by sound scholars but also by statistically ignorant persons who, in and out of season, use—or rather misuse—statistics to buttress their personal opinions. This is, of course, no fault of statistics. Like every tool, it is no better than the quality of insight, skill and knowledge possessed by the person who wields it.

For the study of crime, its extent, fluctuations, trends, and its causes, treatment, and prevention, the statistical method has been regularly used since the day of Quetelet. Criminal statistics have not yet reached a uniformly high stage of development, however, and this in part accounts for the frequency with which they are abused. This paper will deal with one of these abuses, namely, the employment of recorded crime rates as indexes to crime.<sup>2</sup>

Any alert newspaper reader can find statements almost daily to the effect that crime is increasing or decreasing, because arrests, prose-

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<sup>1</sup>Jacquart, Camille. *Statistique et science sociale*. Brussels, 1907. Pp. 64-65.

<sup>2</sup>In this essay the term "crime index" will be used in only one sense, that of an index to the total criminality of the area or group studied. It is obvious that criminal statistics may furnish the basis for indexes for other purposes, particularly for the measurement of administrative efficiency.

cutions, convictions, commitments to penal institutions, or the volume of the prison population show increases or decreases. Similar statements are even found in more pretentious productions. In an article of a few years ago, to cite a typical example, the following statement was made:

"It is apparent, therefore, as measured by commitments [to penal institutions], *which may fairly be considered an indicator of the prevalence of crime*, that in 1923 we were not in the United States on the crest of a crime wave; in fact that we were 37.7 per cent below the level of 1910."<sup>3</sup>

In a still more recent article appearing in a highly respected German criminological journal,<sup>4</sup> the author, on the basis of the rapid increase in the prison population of New York State, concludes that:

"According to prison statistics, therefore, criminality in the State of New York since 1923 has increased in a continuous and extraordinary manner."

It would be easy but unprofitable to multiply these illustrations and to cite similar statements made with reference to judicial or police statistics. Their authors assume: (1) that rates of recorded crime may be used as indexes to the real or total criminality of the area or group studied; (2) that global rates of recorded crime—rates based on the total of crimes recorded instead of on selected crimes—may be so used; and that all rates of recorded crime, whether based on police, judicial, or penal statistics, may be used for index purposes.

That a reliable crime index would be of great value is self-evident. Unless we have such an index which faithfully reflects the criminality of an area or a social group, *it is impossible to make conclusive studies of the relationship of crime fluctuations or trends to fluctuations or trends in other social phenomena, such as changes in the rate of social mobility, changes in the biological composition of social groups, or in their economic or political life. Furthermore, a crime index is necessary in order that the effects of deliberate policies of social reform, particularly in the field of crime treatment or prevention, may be gauged.*

A crime index must be based, of course, on that fraction of the total criminality which is *recorded by public*<sup>5</sup> authorities who *come*

<sup>3</sup>Potter, Ellen C. *Spectacular Aspects of Crime in Relation to the Crime Wave*. The annals of the American Academy of Political and Social Science, Volume 125. May, 1926. Pp. 1-19. My italics.

<sup>4</sup>Trommer, Harry. *Die Kriminalität im Staate New York in dem Jahre 1918 bis 1927 nach den Statistiken seiner Gefängnisse*. Zeits. f. d. ges. Strafrechtsw. Vol. 50. 1930. Pp. 755-760.

<sup>5</sup>It has been suggested that there might be a possibility that private organizations such as insurance companies, commercial establishments, etc., might

into contact with the crime. It must be based, of course, on the assumption that a certain constancy exists over long periods of time in the proportionate relationship of the total criminality to that recorded. The questions which confront us, then, are these:

May we assume the existence of such a proportionate relationship for all forms of recorded crime?

Are all rates of recorded crime, whether based on police, judicial or penal statistics, likely to reflect this relationship equally well?

The first of these questions has been adequately answered. Georg von Mayr devoted these trenchant lines to it in his great work on criminal statistics:<sup>6</sup>

"The inclination to file complaints and to begin formal public or private prosecutions varies greatly with the status and the development of social customs and consequently with the degree of 'criminal irritability and nervousness' (Seuffert) as well as with the period, the locality, and the social stratum so that the resultant latent criminality neither temporarily nor locally represents a constant quota of the total criminality. . . . The nature of the offense also greatly conditions the degree of probable (objective) detection. No way exists to calculate these latent quotas—with the increased severity of the offense their decrease may be assumed, although here, as well, the probability of detection is no doubt bound up with the nature and the type of the offense. . . . The relation between the real criminality and the recorded criminality at the various steps in the state's activity until the final judicial determination is made is not the same and depends on the nature and the severity of the offense as well as on the period, the locality, and the social class involved. All these differentiations should inspire the scientist to more profound statistical researches. They should cause one to approach with diffidence the general figures presented in grand totals and lead one to realize that these totals (*Blockzahlen*) . . . can only in a most limited fashion furnish useful answers to questions of moral statistics even though they may suggest such questions of a significant nature which can be answered only by careful differentiating researches. As a warning against complete reliance on total crime figures (*Blockzahlen*) I may cite the evidence presented by me over forty years ago and accepted by Ottingen according to which no parallelism between society and criminality exists."

In his "La Criminalité Comparée" (pp. 68-69), Gabriel Tarde, touching on the same question, says:

"It is possible, of course, that if, hypothetically speaking, the same number of offenses had been committed annually, the portion prosecuted may have risen from year to year due to various causes; . . . for

compile data which would throw some light on the movement of real criminality. While I am not prepared to discount this suggestion completely, I feel certain that chief reliance must rest on official figures.

<sup>6</sup>Mayr, Georg von, *Statistik und Gesellschaftslehre*. Vol. 3. Pp. 414, 418.

instance, . . . the greater density of the population . . . may have facilitated the discovery of certain crimes such as thefts, concealment of infants, etc., or our century may have seen a progressive weakening of certain prejudices or objections hindering the victims of certain crimes from reporting them, such as betrayed husbands, the losers in fights, masters robbed by their servants, dupes of clever confidence men, and persons sexually outraged."

The last report of criminal statistics for England and Wales also deals with it, as is evident from the following quotations:

"Certain factors may operate to increase the number of crimes that are reported and recorded, quite independently of the number of crimes actually committed. . . . One such possible factor is . . . an increased willingness of victims, or of those interested in them, to report certain classes of offenses. Thus, changes in the moral outlook of men and women, or the greater interest taken by women in all that concerns their sex, may lead to the more ready reporting of sexual offenses against women and the young; and the increased protection afforded by the Courts and the Press to victims of extortion, or blackmail, may lead to the more frequent reporting of offenses of that kind."<sup>7</sup>

The most searching statistical analysis has been made by the Finnish statistician, V. Verkko, who concludes that the crime rates of a host of minor offenses, and some major offenses, cannot be used for index purposes and that only a few crimes can furnish data for such use.<sup>8</sup>

These opinions and facts make certain generalizations possible. It is obvious that a crime index should not be based on recorded data which undergo artificial variations without corresponding changes in the real criminality, of which the index should serve as a measurement.

<sup>7</sup>*Criminal Statistics England and Wales, 1928.* (London, 1930.) Pp. ix-x.

<sup>8</sup>Verkko, V. *Kriminalstatistiken och den verkliga brottsligheten.* Nordisk Tidsskrift for Strafferst. Vol. 8. April, 1930. Pp. 95-128. Only limitations of space prevent me from quoting extensively from this excellent article. On the point under discussion, Verkko has the following to say: "Assaults causing little or no injury, which comprise relatively large groups of crime, belong to the type of crime which, according to (Finnish) law cannot be prosecuted by the State's Attorney unless the injured party brings a complaint. This legal provision is responsible for the fact that the discoveries of the offenses depend largely upon the attitude of the people concerning the punishable nature of the act. If this attitude undergoes a change, and, for instance, grows less condemnatory, the number of these crimes brought to the attention of the police or resulting in court action . . . may decrease year after year, although the real number of assaults may rise." (P. 116.) This author mentions among the crimes, which "cannot serve as a basis for reflections concerning real criminality, adultery, crimes against morals, rape, perjury, certain property crimes such as frauds, forgeries, embezzlements, and fraudulent bankruptcies, as well as certain crimes of violence, such as disturbances of the peace and resistance to public officials." (P. 118). He concludes that "the crimes which may be statistically used as the basis for conclusions regarding the trends of real criminality are no doubt few." (P. 119.)

Certain crimes have a very low degree of "reportability" or "detectability", because they are of a private nature,<sup>9</sup> because the victim is anxious to avoid the discovery of the offense,<sup>10</sup> because the inconvenience of public prosecution is considered greater by the victim than the injury caused him by the crime, or because public opinion does not regard the offense as serious, in which case the average citizen, the police, or the prosecutor, will make only mild and sporadic attempts to enforce the law.<sup>11</sup> In these offenses, changes in social attitudes toward the crime on the part of the public in general, the victim, or the agencies of law enforcement may be so great over a period of time that the recorded crime rates may exhibit fluctuations which are purely artificial and without corresponding changes in the rate of total criminality. Since these offenses, furthermore, compose the major part of recorded criminality, *it is obvious that a crime index must be based on the recorded crime rates of only a few selected offenses which are considered as greatly injurious to social welfare, and at the same time public in nature, and of such a kind that they induce the fullest possible cooperation between the victim or those interested in him, and the agency of law enforcement.*

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Assuming, then, that the crime index must be based on selected

<sup>9</sup>Such as adultery, abortion, sodomy, certain frauds, most offenses against public order, etc. It is well known to students of vital statistics that only an extremely small proportion of criminal abortions ever reach the attention of the agencies of law enforcement. As a result, these agencies act only in cases where, due to medical malpractice, severe physical injury or death have resulted. Any comparison between the divorce rate on the basis of adultery in some American states and judicial statistics of this crime will show the impossibility of drawing from official statistics any conclusions of the prevalence of this particular form of criminal conduct.

<sup>10</sup>Blackmail, for instance, or certain types of crimes associated with sex morality. A recent autobiography by an American professional woman criminal (May Churchill Sharpe: *Chicago May, Her Story*. New York, 1928), testifies to this fact. This prostitute earned her living for many years by theft of property belonging to her clients, and although her crimes were almost daily occurrences, her arrest on charges of theft numbered "about fifteen."

<sup>11</sup>The liquor prohibition laws in the United States are an illustration in point. In states or localities where public opinion favors prohibition, the recorded crime rates are likely to be proportionately higher than in communities where public opinion does not favor the law. In a great many of the latter communities, the law is openly flouted without danger of arrest or prosecution. In the article by Mr. Verkko already cited, we find the following comment on the Finnish law which prohibits the sale of alcoholic liquids: "In 1928, instances of sales of alcoholic liquids known to the police in the city of Helsingfors were considerably fewer than in other parts of the country (13.1 instances per 100,000 population). In spite of this fact, the police in Helsingfors took notice of 9,902.9 cases of drunkenness per 100,000 population, while the corresponding figure for the whole country was 2,821.3." (P. 118.)

offenses, we come to the second question: Are all types of crime rates likely to serve equally well for index purposes? This question has not been answered by the statistician.<sup>12</sup> First, let us examine the tables and diagrams here presented. Table I and Figure I are based on data secured from the criminal statistics of France. It will be seen that the curve of recorded offenses (Table I, Column 2) shows a trend quite disproportionate to the others and that the peak shown by most of the rates during the period 1846-1860 is barely noticeable in the rate of imprisonment. It should be noted that we are dealing here with gross figures. While "crimes known" doubled, prison sentences tripled in number. In Figure Ia, further evidence is presented for Mayr's statement (see earlier quotation) that there is no parallelism between the statistics of major and minor crimes.

Table II and Figure II present information concerning the rates of recorded criminality in England and Wales. Only indictable offenses have been shown. In proportion to crimes known to the police, the rate of prosecutions varies considerably, while the rate of imprisonment shows great departures. A study of the table will, furthermore, show that the divergencies in the rates of crime known and of prosecutions are largely due to crimes against property, although some of the other offenses show interesting variations. Commitments to prison for non-indictable offenses have increased in proportion to prosecution for such offenses

Table III and Figure III present data for the state of Pennsylvania. During the period studied, convictions have been steadily rising in proportion to prosecutions, while the rate of commitments to state penal institutions bears no close relationship to either of the other two rates.

Table IV and Figure IV deal with prosecutions and admissions to penal institutions in the state of Massachusetts. The decline in institutional commitments coincides with increased use of probation.

Table V and Figure V are based upon crimes reported and arrests in two American cities. It is only in the last few years that certain American municipalities have published data of the first mentioned type. The data here presented have been secured from bulletins of the semi-official associations of criminal justice in Baltimore, Maryland, and Cleveland, Ohio. A glance at the diagram will show

<sup>12</sup>In this paper only the bold outline of the answer will be sketched. The illustrations, in part, have been gathered from non-American sources, but the generalizations are based on American experience and *their value for other jurisdictions must be determined independently by those who are interested in the application of these generalizations to the criminal statistics of other countries.*

that in Cleveland for the period studied, the rate of major crimes reported rose with considerable rapidity in proportion to the arrest rate, while in Baltimore the diametrically opposite trend may be observed.

The various crime rates presented in these tables and diagrams show curious parallelisms and divergencies. It is apparent that if, in a given case, a scholar were to employ one of these rates as a crime index for correlation of other purposes, he would reach quite different conclusions from those which would grow out of the use of some other rate. They cannot be all, therefore, equally valid for index purposes.

Divergencies in recorded crime rates are in part due to variations in the proportions of crime groups within the crime mass, or to changing cultural elements in the area or group studied. But changes in administrative efficiency and policies are also in a large part responsible. The records of a crime—from the time it becomes known to the police to its disposition by arrest, prosecution, conviction and commitment to a penal institution—represent successive steps in procedure. Crime rates based on these steps are all end results of a selective process into which enter the willingness to report a crime, the desire to record it, the ability on the part of the police to detect and arrest the criminal, the policy which guides the prosecutor in deciding whether to bring the offender to trial at all, or to trial on the crime charged; the desire on the part of the jury or the judge to convict, and, finally, the sentencing policy of the judge,<sup>13</sup> which is in itself governed to a large extent by legislative policies.

<sup>13</sup>An interesting example of how judicial policy may artificially change rates of recorded crimes appears in the English report cited. (Pp. xxx-xxxi.) "Since the decision of the Court of Appeal in *R. v. Syres* (1908) 1 C. A. R. 172, Courts of trial, after a prisoner has pleaded guilty or has been found guilty of the offense or offenses charged, often take into consideration, in passing sentence, other charges which the prisoner in Court admits that he has committed. Many prisoners readily avail themselves of this humane procedure, which was designed to avoid re-arrest on discharge and thus to enable men on leaving prison to make a fresh start with a clean sheet. It is not expressly authorized by Statute and some Courts hesitate to pass sentences that really take effectively into consideration every one of the offenses that are thus 'admitted.' . . . The use of the procedure has *diminished* the numbers of persons shown as charged with indictable offenses; but has tended to *increase* the numbers of offenses shown as known to the police, because some offenses become 'known to the police' for the first time during the steps preliminary to giving a prisoner the opportunity of having other and known offenses taken into consideration." In 1928, for instance, out of 130,469 indictable crimes listed as known to the police, only about a hundred thousand were with any degree of certainty committed during the year, for 30,813 were "admitted" in court. These crimes covered a long span of years.



Each one of these factors is a variable of considerable moment; a few of them will be considered briefly here.

It is, perhaps, unnecessary to discuss the importance of integrity on the part of the law enforcement agencies in recording offenses known to them or dealt with by them. Evidence exists, however, to show that over a long period of time crime records may be so improved that an increase in crimes recorded is due solely to the development of higher standards of police morale or administration. The increase in crimes known to the police of England and Wales is apparently due in part to this fact.<sup>14</sup>

A recent study of the Chicago police system uncovered a deliberate suppression of crimes known to the police.

"An amazing percentage of the records of offenses known to have been committed and known also to have been reported to the police have been suppressed and only reported to the criminal records bureau when an offender has been apprehended and the offense thus cleared up. It is the record of crime in their respective districts as low as possible."<sup>15</sup>

The Chicago Crime Commission, a private organization, which made a study of the registers containing the offenses reported to the police stations and compared them with the records of the central criminal records bureau of the police department, found that in 1926 only 7 per cent of certain serious crimes reported to the police—robbery, burglary, larceny, assault with deadly weapon, and assault to kill, malicious mischief, and rape—were recorded at headquarters. In 1927, 18 per cent of the same types of complaints reached the criminal records bureau.<sup>16</sup>

In 1928 a "major crimes bureau" was established in the Detective Division of the Police Department and a campaign was initiated

<sup>14</sup>*Criminal Statistics England and Wales*, 1928. (London, 1930.) Pp. ix-x. "Certain factors may operate to increase the number of crimes that are reported and recorded, quite independently of the number of crimes actually committed. One such . . . factor . . . is . . . increased willingness on the part of police to record as 'crimes' incidents that become known to them, or are reported to them, which probably indicate crimes but because proceedings do not follow) are never proved to be crimes beyond the shadow of a doubt. For years past the Home Office and many Chief Officers of Police have encouraged the recording of every such matter, with a view to making the statistics more accurate and complete. This factor of increased recording is not likely to swell very much the figures of offenses of actual violence against the person, or against property with violence, because such crimes tend by their very nature to become known or to be reported; but there can be little doubt that it tends to make the figures generally become every year more nearly complete and therefore to swell increasingly the apparent volume of this class of crime."

<sup>15</sup>*Chicago Police Problems*. By the Citizens Police Committee. (Chicago, 1931. 281 pp.) P. 195.

<sup>16</sup>*Ibid.* p. 194.

throughout the Department to improve the reporting system. In spite of this, a recent private inquiry by Bruce Smith for the Citizens' Police Committee found that of 261 robberies and burglaries reported by certain large commercial enterprises to the police since January 1, 1929, only 44 per cent had been transmitted by district police stations to the "major crimes bureau".<sup>17</sup>

Obviously the gradual or temporary improvement in the morale or the quality of police personnel or in their policies of dealing with crime records may cause considerable variations over a long period of time in the number of crimes registered as known to the police.

After the crime has been reported, the arrest of the criminal depends on many factors. Among them we find the efficiency of the detective service, which is intimately bound up with policies of selection, training, and equipment of personnel. The arrest rate as well as other rates, may also be seriously affected by rapid social changes. The English report, already cited, claims, for instance, that "the motor age", which had helped to increase the mobility of the criminal, has also greatly reduced his chance of capture.<sup>18</sup>

<sup>17</sup>*Ibid.* p. 197.

<sup>18</sup>*Criminal Statistics England and Wales, 1928.* (London, 1930.) Pp. xxii, xiv-xv. "One main result of the incoming of the Motor Age has been the partial re-dispersal into country districts of populations and activities that during the 19th Century had been concentrated in towns. If it is in the country districts that the huge rise in offenses of 'breaking-in' has occurred, that rise would therefore be shown to be a by-product of the coming of the motor vehicles. . . . It cannot be doubted that crimes against property with violence have increased most in the country districts outside the great towns, especially in the Home Counties, and that the increase in this class of crime is therefore due to the incoming of the Motor Age. The explanations are not far to seek. The motor car enables the criminally-minded in the great towns to travel faster and farther afield into regions where they are not known and the chances of interference with their criminal activities before they return, or of subsequent arrest, are less. The motor car also enables more people to live in the country, either all the year round, or during the summer, or during week-ends. Whether they live in isolated big houses, which offer rich spoil, or in smaller homes which yield collectively good hauls, or in scattered bungalows, huts and so on, a dozen of which can be broken into in an hour or two while unoccupied, their new dwelling places in the country tempt the criminal and strain the resources of the police, all the more so because the homes of the motor users so often are either distributed sparsely over the countryside or, like the concomitant refreshment houses, garages, patrol stations and various shanties, are strung out all along the lengths of arterial and other roads. The temptation to the idle or criminally disposed in the town areas is two-fold; first to 'borrow' a car and, secondly, to 'do a job' with it; and the chances of doing the job successfully and of getting away are so much greater in the country that only the most daring prefer the more dramatic 'smash-and-grab' raid or 'bag-snatching' in the middle of a town, the numbers of which latter offenses are relatively so few that they hardly go to swell the statistics of crime throughout the country. Lastly, the increased mobility of the whole population, owing to the use of the motor, results in premises being more often left temporarily

Unless a criminal is caught by the police, he cannot be prosecuted, but even when he is caught and held for the prosecutor, it depends on the latter's policy whether the criminal will appear in court at all, or appear charged with the crime he actually committed or with some other offense. The prosecuting attorney in the United States has always enjoyed great discretionary powers. He is an elective official and is frequently anxious to secure convictions because the public erroneously considers a high record of convictions as evidence of efficiency. He, therefore, not only fails to prosecute many minor offenses in which convictions are uncertain, but in the case of major offenses he is frequently willing to compromise justice by bargaining with the criminal. The process is simple. A person is accused of a crime which carries a heavy penalty, but the prosecuting attorney is not confident that he can secure a conviction on the evidence at hand. He suggests to the defendant a procedure which will save both of them expense and worry. If the defendant is willing to plead guilty to a lesser degree of the offense, or even to an entirely different offense which carries a much lower penalty, the district attorney promises not to press the original charge. The result of this compromise is the prosecutor secures a conviction without wasting the money, time and energy necessary for a trial which may be lengthy; the defendant takes the penalty for an offense which may have been conjured out of thin air, but in doing so the threat of punishment on the original charge is permanently removed.<sup>19</sup>

A good illustration of the effect of such administrative policies on the composition of recorded crime rates is provided by the recent investigation carried on by the State of New York into the work of the District Attorney's office of New York County. During this investigation Professor Raymond Moley presented in a public hearing a statistical survey of the work of the District Attorney's office during the year 1930, and compared it with the work of certain former prosecutors. The District Attorney under investigation had claimed earlier in the hearing that, like all prosecutors, he had centered his attention on serious criminality, and wished to be judged by his record

unoccupied, and 'all-in' insurances go to take the loss off the shoulders of the losers and tend, therefore, to diminish their care of their belongings."

<sup>19</sup>No one interested in this and other phases of the administration of criminal justice should fail to study the two books by Professor Raymond Moley of Columbia University, acknowledged authority on the administration of criminal justice in the United States: *Politics and Criminal Prosecution*. xii+241 pp. New York, 1929; *Our Criminal Courts*. xxiii+271 pp. New York, 1930. In these books Professor Moley has analyzed some of the interesting material gathered, in particular, through the various state and local crime surveys of the last decade.

on major crimes, Professor Moley, therefore, surveyed only a few serious felonies. Without referring in detail to the interesting statistical material thus presented, let us merely examine the nature of the convictions secured by two of the five district attorneys studied, on the basis of indictments for robbery, burglary, grand larceny, and assault. In 1913, for instance, 27.2 per cent of the convictions made on the above felony charges, as stated in the indictments, were convictions for misdemeanors, 30.3 were convictions for a lesser felony than that mentioned in the indictment, that is, either a lesser degree of the felony charged, or a different felony carrying milder penalty; 42.5 per cent of the convictions were *for the crime charged* in the indictment. In 1930 these proportions were respectively 56, 36, and 8 per cent. The importance of these data will be realized more clearly when it is remembered that in 1930 only 9.3 per cent of the convictions resulted from trials, while 90.7 per cent came after a plea of guilty.

*Even in the case of serious crimes*, then, administrative policies of the prosecutor, particularly the policy of accepting pleas to a lesser offense, vary greatly from period to period. Furthermore, these policies cause such serious displacements within the recorded crime mass originally brought to the attention of the prosecutor that prosecution and conviction rates, even for specific serious crimes, bear no constant relationship to crimes known to the police or to arrests or indictments.

Finally, we arrive at penal statistics. Here very little discussion is necessary. A glance at the various tables and diagrams presented will make clear that prison commitments not only represent an insignificant fraction of the recorded criminality, but one which closely depends on the sentencing policies of the court, in turn determined largely by legislation. Prison commitments decrease with the increased use of fines, suspended sentences and probation.<sup>20</sup> As for the volume of the prison population, its dependence on the length of the sentences prescribed by law and imposed by the court is obvious. It is possible to find a decrease over a long period of time in the rate of commitments to penal institutions accompanied by an increase in the volume of the prison population. Prison statistics are, therefore, useless for index purposes.

<sup>20</sup>In these commitments we also find reflected such extraneous variables as race and nationality prejudices, the economic capacity of the defendant to pay a fine, etc. For a study of the effect of race prejudice on police and court actions, see Sellin, Thorsten, *The Negro Criminal, A Statistical Note*. The Annals of the American Academy of Political and Social Science. Vol. 140. Pp. 52-64. Nov., 1928.

The above discussion, incomplete as it is, may, nevertheless, suggest an answer to the questions raised earlier in this paper. First, it is not possible to assume that a proportionate relationship exists over a long period of time between all total and recorded criminality. Considering the disturbing variables discussed in this paper, there is every reason to believe that such a relationship may be assumed to exist *only in the case of certain forms* of criminality. Second, all recorded crime rates, even of selected crimes, cannot be assumed to reflect this relationship with equal fidelity. Due to a number of variable elements represented by changes in administrative policies and efficiency, *the value of a crime rate for index purposes decreases as the distance from the crime itself in terms of procedure increases*. In other words, police statistics, particularly those of "crimes known to the police", are most likely to furnish a good basis for a crime index.<sup>21</sup> By crimes known to the police we mean, of course, that residue of crimes reported which, upon investigation, will prove to be well founded. If this contention has merit, statistics of this kind should be gathered by all jurisdictions,<sup>22</sup> while judicial and penal sta-

<sup>21</sup>The "Report of the Commission for the comparative study of criminal statistics of various countries," presented to the 18th session of the International Institute of Statistics, Warsaw, 1930 (see *Bulletin*, Vol. 24, No. 2, pp. 567-8), while suggesting that statistics of crimes known to the police be gathered by all countries, nevertheless unequivocally stated that "for the purpose of determining the status and the movement of criminality in each country, it is the statistics of crimes objectively determined by irrevocable and definitive sentences which should be submitted to study." (P. 568.) With this contention I am, of course, in complete disagreement. It is one thing to determine judicially the guilt of a defendant and another to determine the existence of a certain crime, even though the criminal may be unknown. It is the latter process which is important to him who studies *the status and the movement of criminality* and his hope for worthwhile data must lie with the police, not the court.

<sup>22</sup>At present, a considerable number of local police departments throughout the world publish such data, but only in a few countries are they gathered on a national basis. The criminal statistics of France have since their inception carried information concerning "affaires classées," but not by specific offenses. England and Wales and Scotland have published the number of "indictable offenses known to the police" in a very detailed manner and recently Finland has followed suit. For a year over one thousand police departments in the United States have reported monthly to the U. S. Department of Justice the number of major crimes, by offense, known to them, and the results have been published in a monthly bulletin. Unlike the systems of other countries mentioned, however, the American plan is on a volunteer basis and was worked out by a committee of the International Association of Chiefs of Police, and a research staff, headed by Mr. Bruce Smith of the National Institute of Public Administration, New York City. See *Uniform Crime Reporting*, New York, 1929. xvi+464 pp.

There is one fundamental difference between the character of the British and the American data, aside from questions of completeness, in which the former naturally excel. The American "crimes known to the police" are tabulated solely on the basis of police determination of the offense, while

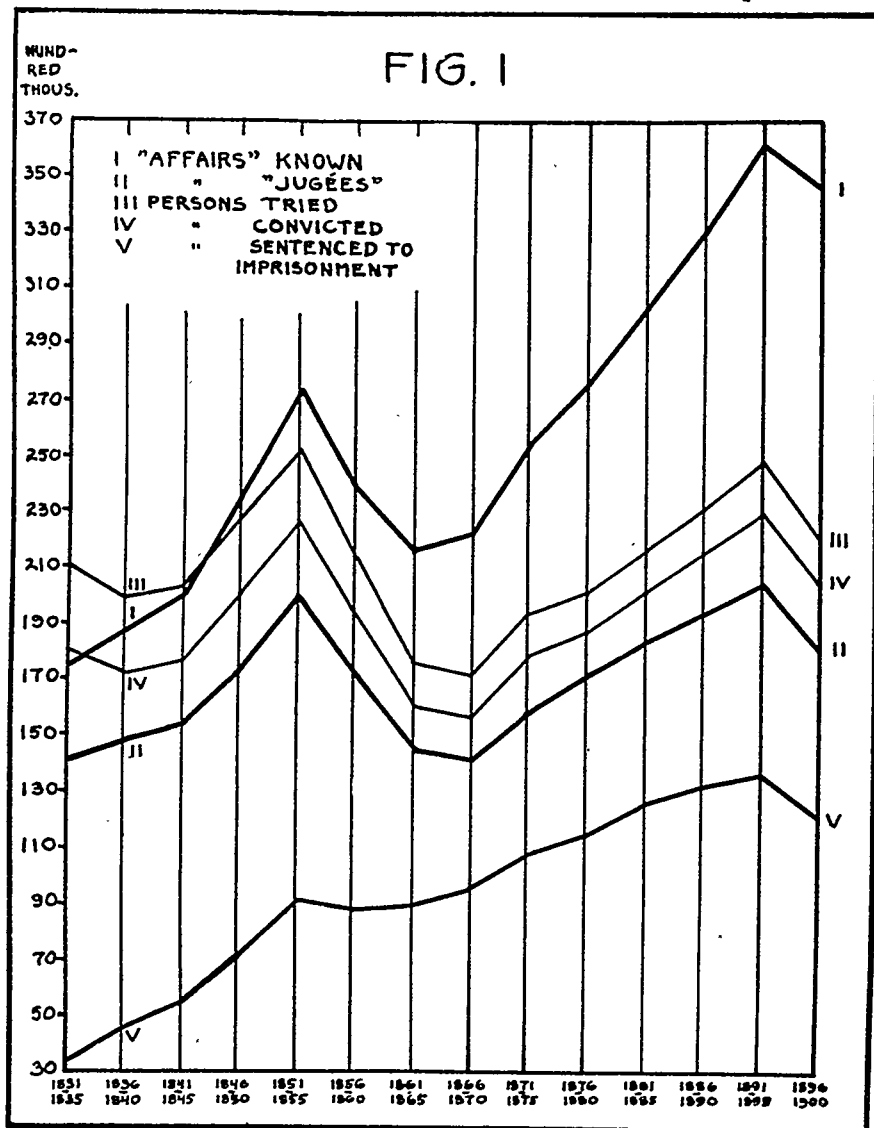


FIGURE I. RECORDED "CRIMES" AND "DÉLITS", FRANCE, 1831-1900.  
(Annual averages, by five-year periods; Table I, columns 2, 13-16)

the English figures have a composite basis. "If there is a committal or conviction within the year, the table [of crimes known to the police] shows the nature of the crime as *judicially determined*. Failing this, the charge which is named in the summons or warrant or on which the prisoner is arrested is taken as determining the crime. If there are no proceedings and no ap-

tistics, in particular, should be so collected and tabulated that the objectification of administrative structures and functions is emphasized.<sup>23</sup>

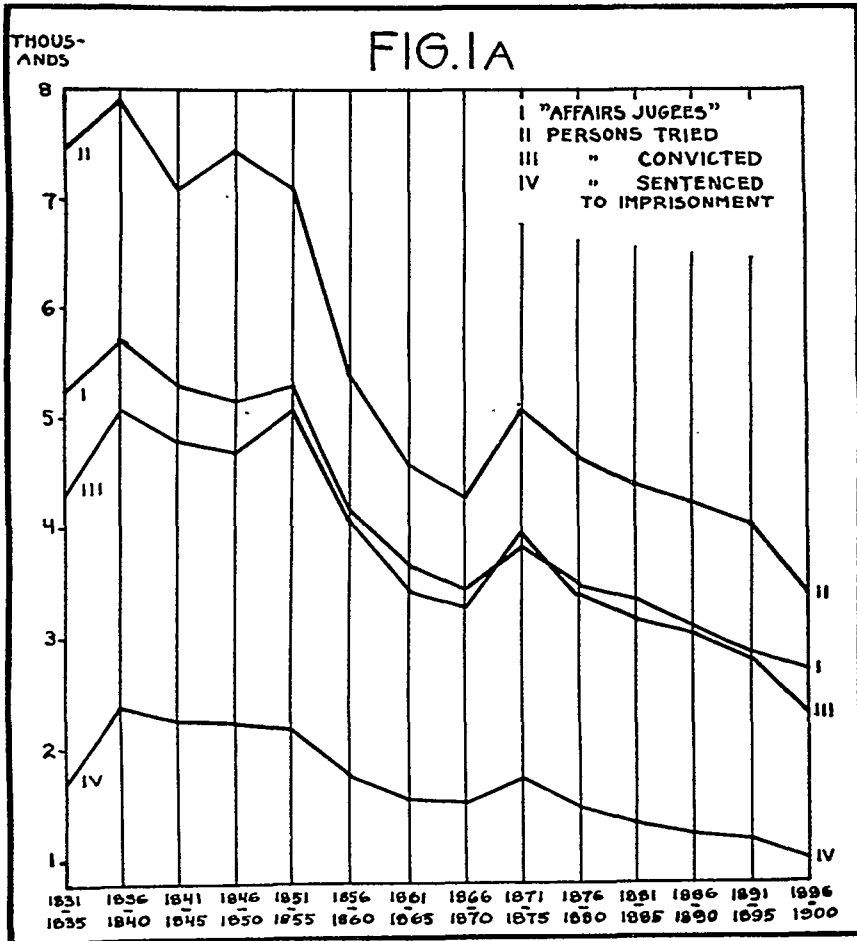


FIGURE 1A. RATES OF RECORDED "CRIMES", FRANCE, 1831-1900.  
(Table I, columns 3-6)

prehension, the character of the crime is judged by the facts so far as known to the police." (*Criminal Statistics of England and Wales*, 1928, p. 88.) The result is, of course, that it is impossible on the basis of English data to evaluate the extent to which the administrative variables mentioned in this paper affect the composition of the crime mass originally dealt with by the police. For another serious defect in the English data, see footnote No. 13.

<sup>23</sup>After reading the manuscript of this article, Professor E. H. Sutherland pointed out that dishonesty on the part of the police in recording crimes

The construction of a crime index is not completed by merely selecting the rate of a few offenses known to the police over a period of time. This index must be built up on the basis of a knowledge of the legislative history and of the qualitative and quantitative changes in the population of the period and the area studied. Furthermore,

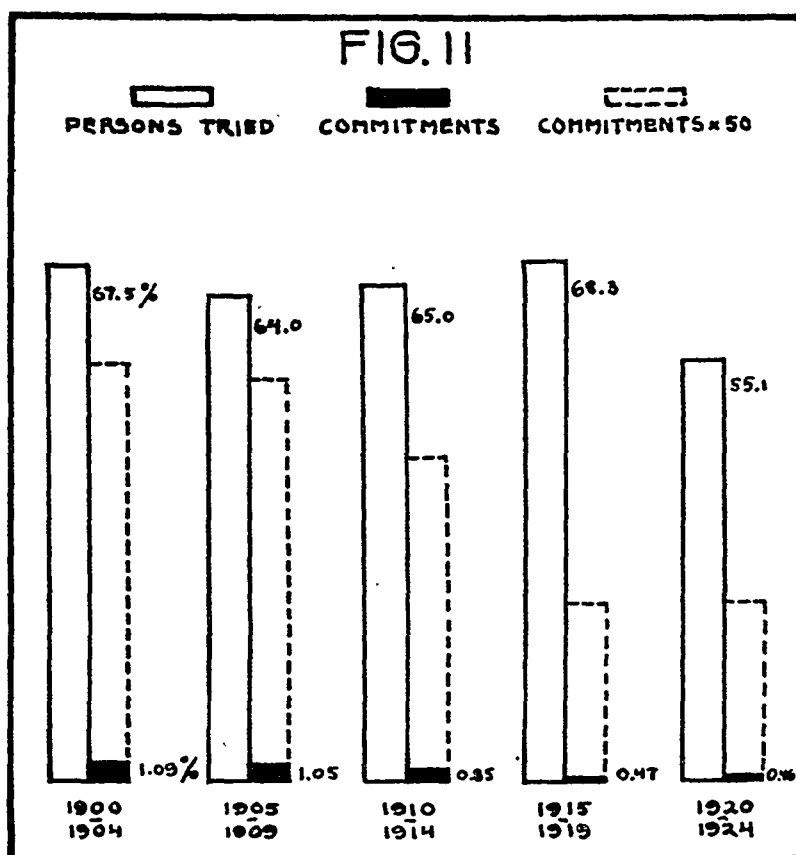


FIGURE II. PERCENTAGE OF INDICTABLE CRIMES, KNOWN TO THE POLICE RESULTING IN TRIALS AND COMMITMENTS TO CONVICT PRISONS. ENGLAND AND WALES, 1900-1924.

known to them might make arrests a better basis for a crime index. This contention is sound. On the other hand, the scholar who employs "crimes known" need only evaluate three major disturbing influences affecting this rate—changing social attitudes toward crimes and toward the police (largely determining the "reportability" of offenses), and changing police policies in recording crimes known—while if he uses arrests, he must in addition to the two factors first mentioned consider two more, that is, changing police ability in detection and changing arrest policies after detection.



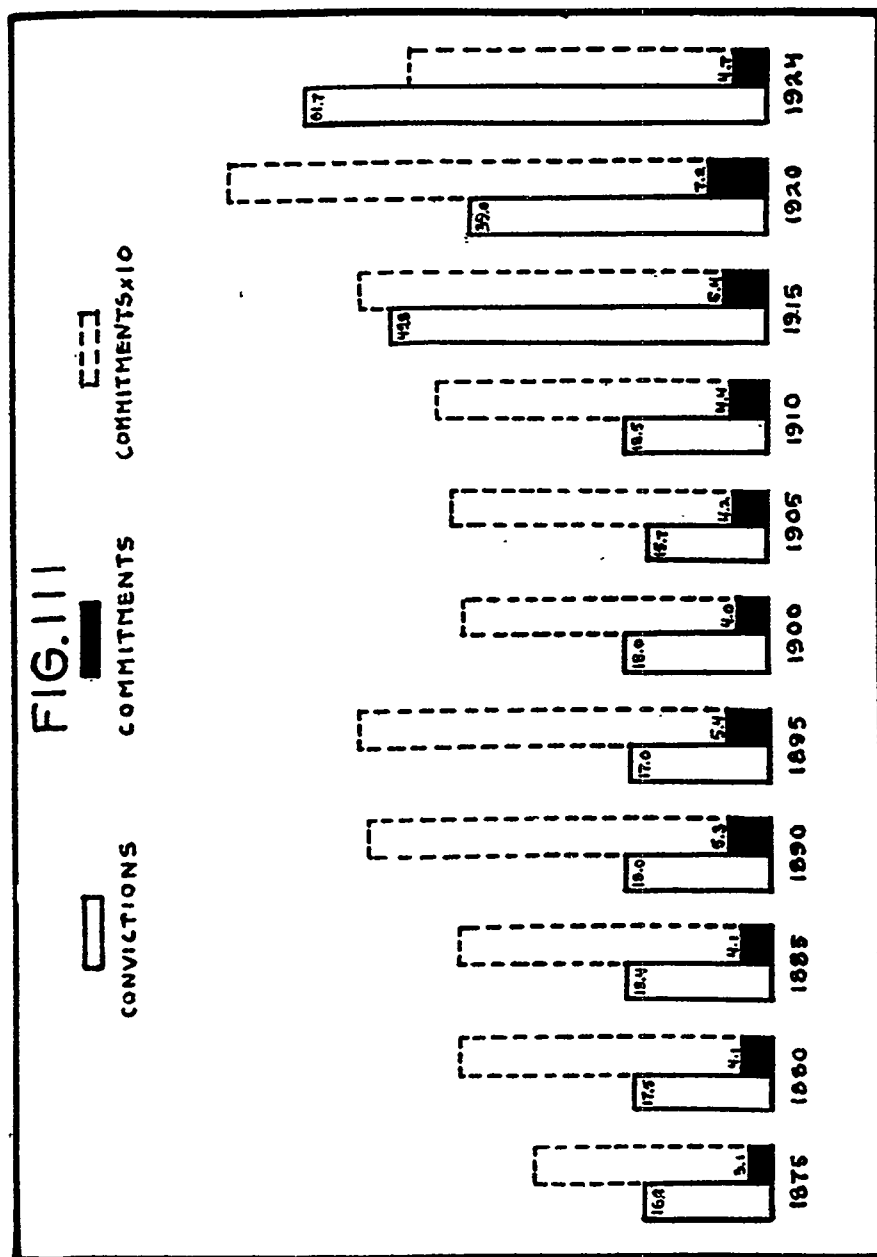


FIGURE III. PERCENTAGE OF PROSECUTIONS, RESULTING IN CONVICTIONS AND COMMITMENT TO PENAL INSTITUTIONS, PENNSYLVANIA, 1875-1924, BY SELECTED YEARS.

since the "reportability" and the "detectability" of crimes are influenced both by the transformation of social attitudes toward criminal behavior and its consequences and by changes in police efficiency, and since these transformations and changes are likely to create the greatest disturbances in an index constructed on the basis of a long-time series of data—admittedly better for scientific use than shorter series—the research student who constructs and employs the index must be intimately acquainted with the culture and the public administration of the area studied. Scientifically important investigations in this field must, therefore, always be strictly limited in terms of culture areas. International comparisons are particularly hazardous, and are usually misleading and of little or no scientific value.

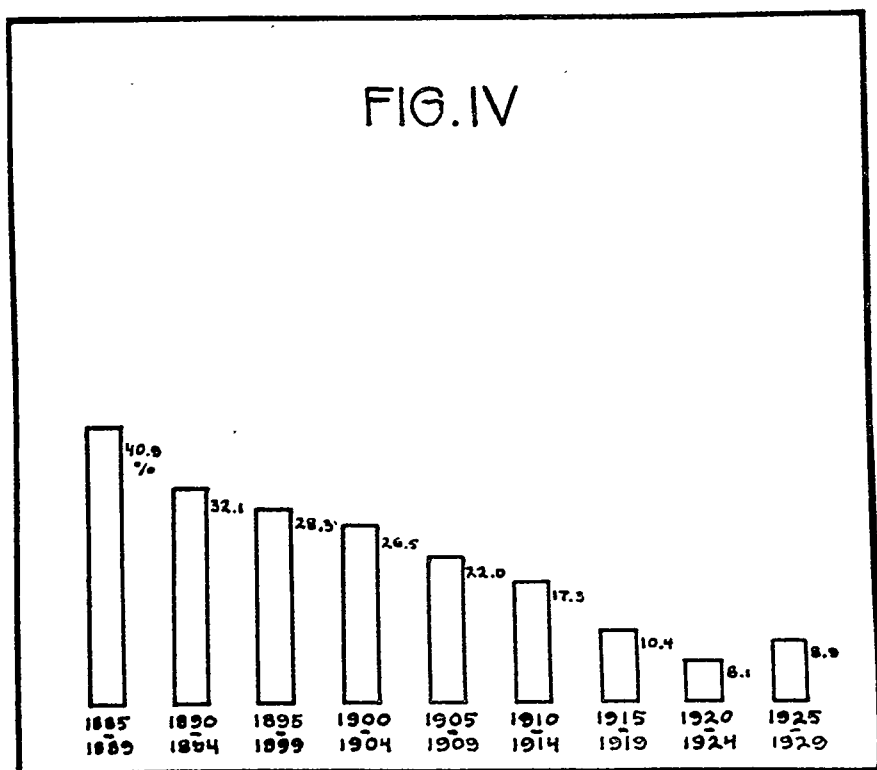


FIGURE IV. PERCENTAGE OF PROSECUTIONS RESULTING IN ADMISSION TO PENAL INSTITUTIONS, MASSACHUSETTS, 1885-1929.

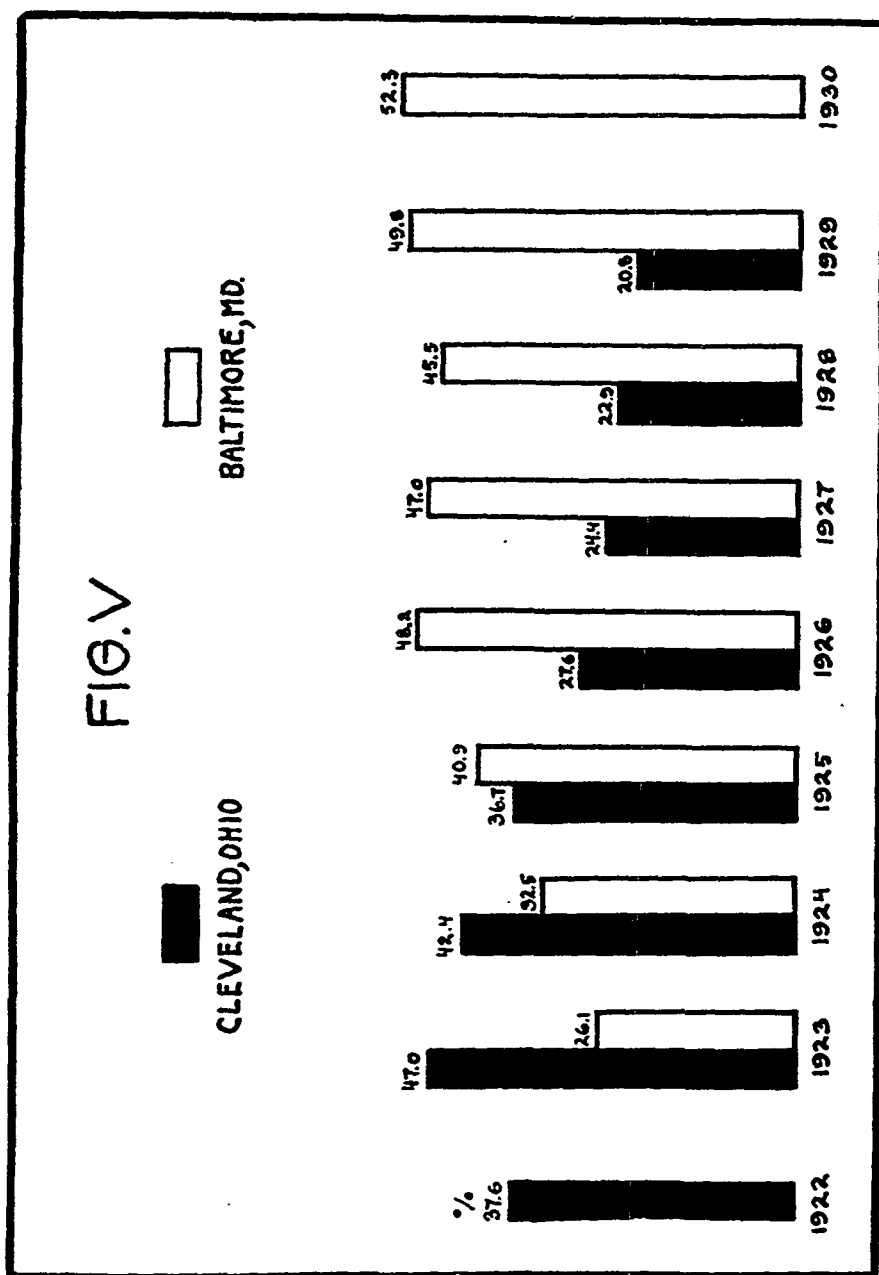


FIGURE V. PERCENTAGE OF MAJOR FELONY REPORTS RESULTING IN ARRESTS, CLEVELAND, OHIO, AND BALTIMORE, MARYLAND, 1922-1930.

TABLE I. RATES OF RECORDED CRIMINALITY, FRANCE, 1831-1900\*  
(Gross Annual Averages, by Five-Year Periods)

Years	Cours d'assises						Tribunaux correctionnels										Cours d'assises and Tribunaux correctionnels					
	"Affairs" Known**	"Affairs jugées"	Persons Tried	Persons Con- victed	Persons Sen- tenced to Im- prison- ment***	Délits Com- muns	"Affairs jugées"						Persons Sen- tenced to Im- prison- ment	"Affairs jugées" (Col- umns 3 and 9)	Persons Tried (Col- umns 4 and 10)	Persons Con- victed (Col- umns 5 and 11)	Persons Sen- tenced to Imprison- ment (Cols. 6 and 12)	Persons Sentenced to Imprison- ment (Cols. 6 and 12)				
							Contra- ventions fiscales et forestières	TOTAL	Persons Tried	Persons Con- victed	Persons Sen- tenced to Im- prison- ment											
												7							8	9	10	11
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16							
1831-35	174,809	5,244	7,466	4,300	1,680	46,496	89,242	135,738	203,207	175,694	32,734	140,982	210,673	179,994	34,414							
1836-40	187,419	5,728	7,885	5,088	2,386	60,510	81,430	141,940	191,787	166,787	43,735	147,668	199,672	171,895	46,121							
1841-45	200,268	5,292	7,104	4,791	2,228	72,212	76,710	148,922	195,525	172,681	51,540	154,214	202,629	177,472	53,768							
1846-50	235,700	5,159	7,430	4,697	2,229	96,570	72,456	169,026	221,414	196,359	70,318	174,185	228,844	201,056	72,547							
1851-55	272,633	5,278	7,104	5,085	2,163	124,560	70,276	194,836	245,146	221,531	90,221	200,114	252,250	226,416	92,384							
1856-60	238,928	4,155	5,383	4,075	1,729	122,532	45,579	168,111	207,420	188,889	86,229	172,266	212,803	192,964	67,958							
1861-65	215,778	3,658	4,550	3,434	1,518	118,161	23,524	141,685	172,020	156,467	88,929	145,343	176,570	159,901	90,447							
1866-70	221,497	3,435	4,275	3,280	1,495	118,621	20,828	138,649	166,565	153,332	93,729	142,084	170,840	156,612	95,224							
1871-75	255,097	3,853	5,072	3,955	1,717	132,623	22,922	155,545	188,855	175,201	106,764	159,398	193,927	179,156	108,481							
1876-80	275,795	3,446	4,374	3,419	1,429	146,024	21,205	167,229	196,483	184,114	112,228	170,675	200,857	187,533	113,657							
1881-85	304,114	3,342	4,382	3,180	1,316	160,567	20,239	180,806	212,839	198,688	125,365	184,148	217,221	201,868	126,681							
1886-90	330,852	3,095	4,229	3,034	1,216	166,934	23,374	190,308	227,515	212,477	131,023	193,403	231,744	215,511	132,239							
1891-95	361,577	2,860	4,020	2,812	1,141	173,605	27,733	201,338	243,481	227,796	135,681	204,198	247,501	230,608	136,822							
1896-1900	345,536	2,448	3,400	2,328	961	160,161	19,708	179,869	218,057	202,096	120,014	182,317	221,457	204,424	120,975							

\*Compte général de l'administration de la justice criminelle en France pendant l'année 1880 et rapport relatif aux années 1826 a 1880.  
Imprimerie Nationale, Paris. 1882; *Compte général* . . . pendant l'année 1900. Paris, 1902.

\*\*Includes crimes leading to prosecution together with those which were known to have been committed but for various reasons did not result in prosecution (the criminal was not discovered, the offense was of a minor nature, etc.).

\*\*\*One year or more.

TABLE II. RATES OF RECORDED CRIME, ENGLAND AND WALES, 1900-1924\*  
(Annual Averages, per Five-Year Periods, per 100,000 pop.)

Years	Crimes against the person**		Sex Crimes***		Crimes against Property****		Miscellaneous Crimes†		Total Crimes Known		Total Persons Tried		Total Commitments†† to convict prisons		Non-indictable Offenses	
	Known to the police	Persons Tried	Known to the police	Persons Tried	Known to the police	Persons Tried	Known to the police	Persons Tried	Crimes Known		Number	Per Cent of Crimes Known	Number	Per Cent of Crimes Known	Persons Tried	Commitments to Convict Prisons
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1900-04	5.95	4.84	4.74	3.26	236.79	162.35	8.19	2.26	255.67	172.71	67.5	2.8†††	1.09	2205	499†††	
1905-09	5.95	4.37	4.96	3.23	265.73	172.67	9.10	2.55	285.72	182.82	64.0	3.0	1.05	1982	445	
1910-14	5.47	3.81	6.45	4.66	249.07	164.26	8.57	2.38	269.56	176.11	65.0	2.3	0.85	1782	328	
1915-19	3.65	3.56	6.10	4.71	236.43	163.16	4.76	1.07	251.00	171.50	68.3	1.2	0.47	1457	78	
1920-24	3.52	2.42	7.94	5.60	263.65	145.31	4.88	.92	279.99	154.25	55.1	1.3	0.46	1562	79	

\**Criminal Statistics, England and Wales, 1928*. His Majesty's Stationery Office, London, 1930. Table E.

\*\*Includes murder and attempts; manslaughter and infanticide; woundings and other offences of violence.

\*\*\*Includes unnatural offenses, etc.; rape, etc.; and bigamy.

\*\*\*\*Includes burglary and housebreaking; robbery and extortion; aggravated, simple, and minor larcenies; obtaining by false pretences and other frauds; receiving stolen goods; forgery, coining, arson and other offenses against property.

†Includes perjury, attempts to commit suicide and certain other indictable offenses.

††Taken from Sutherland, E. L., *The Decrease in the English Prison Population*. Unpublished manuscript.

†††1904 only.

TABLE III.  
RATES OF RECORDED CRIMINALITY, PENNSYLVANIA, 1875-1924  
(By Selected Years and per 100,000 population)\*

Years	Persons Charged with Crime	Convictions		Commitments to State Penal Institutions	
		Number	Per Cent of Persons Charged	Number	Per Cent of Persons Charged
1	2	3	4	5	6
1875	512.7	86.6	16.9	15.9	3.1
1880	404.1	71.0	17.5	16.6	4.1
1885	422.5	77.7	18.4	17.6	4.1
1890	373.8	66.5	18.0	19.8	5.3
1895	451.2	76.3	17.0	24.2	5.4
1900	373.3	66.4	18.0	14.9	4.0
1905	443.5	69.8	15.7	18.7	4.2
1910	356.2	66.1	18.5	15.6	4.4
1915	382.1	190.1	49.8	20.9	5.4
1920	357.7	139.7	39.0	25.7	7.2
1924	483.5	298.4	61.7	23.0	4.7

\*Potter, Ellen C., *op. cit.*, Tables 1 and 5.

TABLE IV.  
CRIMINAL PROSECUTIONS AND ADMISSIONS TO PENAL INSTITUTIONS,  
MASSACHUSETTS, 1885-1929  
(Annual Averages, by Five-Year Periods, and per 100,000 population)<sup>1</sup>

Years	Prosecutions	Admissions	
		Number	Per Cent of Prosecutions
1	2	3	4
1885-89	3,349.1	1,369.4	40.9
1890-94	3,323.9	1,065.9	32.1
1895-99	3,922.7	1,109.1	28.3
1900-04	3,523.8	934.8	26.5
1905-09	4,188.4	922.8	22.0
1910-14	4,673.2	810.8	17.3
1915-19	4,821.4	501.4	10.4
1920-24	4,164.1	254.1	6.1
1925-29	5,014.3	445.0	8.9

<sup>1</sup>Based on data in an unpublished study by Emma A. Winslow on *Fluctuation in Employment and in Crime in Massachusetts*.

TABLE V

MAJOR FELONIES REPORTED AND ARRESTS MADE, CLEVELAND, OHIO, 1922-1929,  
AND BALTIMORE, MARYLAND, 1923-1930\*

Years	Cleveland			Baltimore		
	Crimes Reported	Arrests		Crimes Reported	Arrests	
		Number	Per Cent of Reports		Number	Per Cent of Reports
1	2	3	4	5	6	7
1922	7,067	2,658	37.6	.....	.....	....
1923	6,658	3,129	47.0	6,486	1,696	26.1
1924	7,231	3,064	42.4	5,544	1,812	32.5
1925	9,022	3,315	36.7	5,430	2,223	40.9
1926	9,798	2,707	27.6	4,717	2,272	48.2
1927	11,654	2,850	24.4	4,920	2,314	47.0
1928	11,238	2,579	22.9	4,949	2,254	45.5
1929	11,968	2,490	20.8	4,348	2,168	49.8
1930	.....	.....	....	4,650	2,431	52.3

\*The Cleveland Association for Criminal Justice, *Eighth Annual Meeting, June 19, 1930*. (Bul. No. 34), Cleveland, 1930; Baltimore Criminal Justice Commission, *Eighth Annual Report, 1930*, Baltimore, 1930.