

# TASK FORCE REPORT: CRIME AND ITS IMPACT— AN ASSESSMENT

Task Force on Assessment

THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND  
ADMINISTRATION OF JUSTICE

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Commission Report: The Challenge of Crime in a Free Society

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146852.

U.S. Department of Justice  
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Task Force on Assessment

THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND  
ADMINISTRATION OF JUSTICE

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Copies of other task force reports and other supporting materials can also be purchased.




## FOREWORD

In February of this year the President's Commission on Law Enforcement and Administration of Justice issued its General Report: "The Challenge of Crime in a Free Society." As noted in the Foreword to that Report, the Commission's work was a joint undertaking, involving the collaboration of Federal, State, local, and private agencies and groups, hundreds of expert consultants and advisers, and the Commission's own staff. Chapter 2 of that Report made an assessment of findings relating to the dimensions, trends, characteristics and impact of the crime problem in America.

This volume embodies the research and analysis of the staff and consultants to the Commission which underlie those findings, and in many instances it elaborates on them. Preliminary drafts of most of the materials in the volume have been distributed to the entire Commission and the subject matter has been discussed generally at Commission meetings, although more detailed discussion and review have been the responsibility of a panel of four Commission members attached to this Task Force. The organization of the Commission and Task Forces is described in the General Report at pages 311-312. While individual members of the panel may have reservations on some points covered in this volume but not reflected in the Commission's General Report, this volume as a whole has the general endorsement of the panel.

Three of the six appendices to this volume are papers prepared for the Commission by Task Force consultants which were used as background documents in the preparation of this volume. The publication of these papers does not indicate endorsement by the panel of Commission members or by the staff of the positions or findings of the authors, though they are believed to be of interest and value as source material. Other consultant papers which were also used as background materials but which could not be included here are being separately reproduced in the Commission's series of Research Studies and Selected Consultants' Papers.

The Commission is deeply grateful for the talent and dedication of its staff and for the unstinting assistance and advice of consultants, advisers, and collaborating agencies whose efforts are reflected in this volume.

  
NICHOLAS DEB. KATZENBACH  
Chairman

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## PREFACE

The material presented in this volume is intended to supplement and amplify the discussion of "Crime in America" in Chapter 2 of the General Report of the Commission to the President. It is the principal product of the work of the Task Force on Assessment of Crime, though a number of the research studies and consultant papers initiated by the Task Force were designed to produce findings and recommendations for other areas of the Commission's work.

In addition to the staff members assigned to this Task Force, many members of the Commission staff participated in the planning of the Commission's work in this area and in the preparation of this volume.

The Task Force had a panel of four Commission members to guide its work and on several occasions the deliberations of the panel were aided by the assistance of three Advisers, Professor Thorsten Sellin of the University of Pennsylvania, Professor Philip Selznick of the University of California at Berkeley, and Dr. Stanton Wheeler of the Russell Sage Foundation. At an early stage in the planning of the work of the Task Force, consultation regarding the analysis of criminal statistics was secured from three experts in the uses of social statistics, Professor Otis Dudley Duncan of the University of Michigan, Professor Karl F. Schuessler of the University of Indiana, and Professor Marvin Wolfgang of the University of Pennsylvania. This planning group was joined on two occasions by representatives of the principal Federal agencies concerned with crime statistics: Dana Barbour, Office of Statistical Standards, Bureau of the Budget; Jerome Daunt, Uniform Crime Report Section, Federal Bureau of Investigation; Reese Hall, Federal Bureau of Prisons; James McCafferty, Administrative Office of the U.S. Courts; Richard Perlman, Children's Bureau, Department of Health, Education, and Welfare; Henry Sheldon, Bureau of the Census.

The Task Force was particularly fortunate in the excellent cooperation it received not only from many agencies within the Federal government that provided willing assistance in securing and tabulating previously unpublished data, but also from police departments and crime statistics bureaus at State and local levels. Throughout this volume an effort has been made to acknowledge the many contributions of these agencies at the appropriate places. A special acknowledgment, however, is due the Uniform Crime Reports Section of the FBI for the many hours of staff time devoted to aiding the Task Force in its exploration of police statistics and in providing unpublished data to meet the special needs and questions raised in this analysis.

Since the work of the Task Force covered such a broad area a large number of consultants were requested to re-

view the state of knowledge concerning different aspects of the crime problem, to evaluate existing research results, to identify gaps in this knowledge, and to draw action or policy implications where this was possible. Of particular value were the results provided by the three major public surveys undertaken by survey research organizations with the financial assistance of the Office of Law Enforcement Assistance, Department of Justice.

The first of these surveys was undertaken within Washington, D.C. by the Bureau of Social Science Research, Washington, D.C. under the direction of Albert D. Biderman. The second was a national survey of 10,000 households by the National Opinion Research Center of the University of Chicago under the direction of Philip H. Ennis. The third was a survey in Chicago and Boston by the Survey Research Center of the University of Michigan under the direction of Albert J. Reiss, Jr. In addition to the surveys of the general public, Professor Reiss undertook surveys of police attitudes in eight police districts in Washington, D.C., Boston and Chicago; observations of police-citizen transactions in these districts; and a survey of a sample of businesses and organizations as well. In addition he aided the work of the Task Force by assembling and analyzing special statistical tabulations of police data on crime from a number of different cities.

The results of this research effort has proved enormously useful to the Task Force in shedding light on such matters as the problem of unreported crime, public attitudes toward crime and law enforcement, the characteristics of victims and victim-offender relationships, and a variety of other crime problems. The extensive use made of these research results is evident throughout the volume and is testimony to the significant contribution which these survey research organizations have made to knowledge in this field.

Professor Norman Abrams, on leave from the Law School of the University of California, Los Angeles as Special Assistant in the Criminal Division of the Department of Justice, provided important assistance in preparing an initial draft of Chapter 7 on "Professional Crime" and Chapter 8 on "White Collar Crime," drawing on previous consultant reports, staff documents and other sources. The task force also had the assistance of the Anti-Trust and Tax Divisions of the Department of Justice in preparing Chapter 8 on white collar crime.

The three appendices prepared by consultants are followed by two methodological notes and a series of tables of crime rates for Index offenses by city rank. The first of the methodological notes, Appendix D, deals with the difficult problem of developing a procedure for accurately estimating the effect of demographic variables such as

age, sex, race and urban residence on crime rates. Consultants Jean G. Taylor and Joseph A. Navarro of the Institute of Defense Analyses were of great assistance in preparing this Appendix. The second note, Appendix E, prepared by the Uniform Crime Reports Section of the Federal Bureau of Investigation describes the Section's

procedure in correcting its trend calculations. The tables presented in Appendix F are designed to stimulate further research into comparative criminal statistics among cities. The differences are striking in many instances and invite a probing attention which the limited resources and time of the Task Force did not permit.



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# Introduction

The most natural and frequent question people ask about crime is "Why?" They ask it about individual crimes and about crime as a whole. In either case it is an almost impossible question to answer. Each single crime is a response to a specific situation by a person with an infinitely complicated psychological and emotional makeup who is subject to infinitely complicated external pressures. Crime as a whole is millions of such responses. To seek the "causes" of crime in human motivations alone is to risk losing one's way in the impenetrable thickets of the human psyche. Compulsive gambling was the cause of an embezzlement, one may say, or drug addiction the cause of a burglary or madness the cause of a homicide; but what caused the compulsion, the addiction, the madness? Why did they manifest themselves in those ways at those times?

There are some crimes so irrational, so unpredictable, so explosive, so resistant to analysis or explanation that they can no more be prevented or guarded against than earthquakes or tidal waves.

At the opposite end of the spectrum of crime are the carefully planned acts of professional criminals. The elaborately organized robbery of an armored car, the skillfully executed jewel theft, the murder of an informant by a Cosa Nostra "enforcer" are so deliberate, so calculated, so rational, that understanding the motivations of those who commit such crimes does not show us how to prevent them. How to keep competent and intelligent men from taking up crime as a life work is as baffling a problem as how to predict and discourage sudden criminal outbursts.

To say this is not, of course, to belittle the efforts of psychiatrists and other behavioral scientists to identify and to treat the personality traits that are associated with crime. Such efforts are an indispensable part of understanding and controlling crime. Many criminals can be rehabilitated. The point is that looking at the personal characteristics of offenders is only one of many ways, and not always the most helpful way, of looking at crime.

It is possible to say, for example, that many crimes are "caused" by their victims. Often the victim of an assault is the person who started the fight, or the victim of an automobile theft is a person who left his keys in his car, or the victim of a loan shark is a person who lost his rent money at the race track, or the victim of a confidence man

is a person who thought he could get rich quick. The relationship of victims to crimes is a subject that so far has received little attention. Many crimes, no matter what kind of people their perpetrators were, would not have been committed if their victims had understood the risks they were running.

From another viewpoint, crime is "caused" by public tolerance of it, or reluctance or inability to take action against it. Corporate and business—"white-collar"—crime is closely associated with a widespread notion that, when making money is involved, anything goes. Shoplifting and employee theft may be made more safe by their victims' reluctance to report to the police—often due to a recognition that the likelihood of detection and successful prosecution are negligible. Very often slum residents feel they live in territory that it is useless for them even to try to defend. Many slum residents feel overwhelmed and helpless in the face of the flourishing vice and crime around them; many have received indifferent treatment from the criminal justice system when they have attempted to do their duty as complainants and witnesses; many fear reprisals, especially victims of rackets. When citizens do not get involved, criminals can act with relative impunity.

In a sense, social and economic conditions "cause" crime. Crime flourishes, and always has flourished, in city slums, those neighborhoods where overcrowding, economic deprivation, social disruption and racial discrimination are endemic. Crime flourishes in conditions of affluence, when there is much desire for material goods and many opportunities to acquire them illegally. Crime flourishes when there are many restless, relatively footloose young people in the population. Crime flourishes when standards of morality are changing rapidly.

Finally, to the extent that the agencies of law enforcement and justice, and such community institutions as schools, churches and social service agencies, do not do their jobs effectively, they fail to prevent crime. If the police are inefficient or starved for manpower, otherwise preventable crimes will occur; if they are overzealous, people better left alone will be drawn into criminal careers. If the courts fail to separate the innocent from the guilty, the guilty may be turned loose to continue their depredations and the innocent may be criminalized. If the system fails to convict the guilty with reasonable certainty and promptness, deterrence of crime may be

blunted. If correctional programs do not correct, a core of hardened and habitual criminals will continue to plague the community. If the community institutions that can shape the characters of young people do not take advantage of their opportunities, youth rebelliousness will turn into crime.

The causes of crime, then, are numerous and mysterious and interwined. The description of crime in a city precinct in Chapter 1 tries to convey a sense for the great variety of human acts and relationships involved in the crimes that police typically encounter in their daily patrols. It shows that crimes are sometimes simple and sometimes complex, sometimes easy and sometimes hard to understand. Even to begin to understand them, one must gather statistics about the amounts and trends of crime. Chapter 2 takes a close look at the data regularly reported and the results of special studies that might shed light on the amount, rate, and trend for different types of crime. It explores what is known and what can be surmised about changes in the social and economic conditions of the country and the characteristics and distribution of the population which might account for the volume and trends of crime. It considers as well some of the ways in which the reporting practices of criminal justice agencies and the willingness of citizens to report their victimization may affect our knowledge of crime in America.

A different picture of the crime problem emerges when we examine the costs of different types of crime. Even though this subject has been much neglected and it is difficult to secure accurate estimates of what crimes cost victims or what we pay to prevent or control crime and to process apprehended offenders, nevertheless the available data described in Chapter 3 present a disconcerting picture of the economic burden of crime for individuals, households, businesses, and organizations throughout the country.

The fact that crime rates are higher in some regions of the country than in others and that the rates for different types of offenses vary considerably among large and small cities suggests the importance of trying to relate these variations to differences in the characteristics of the population and the cultural and economic conditions of life. Such comparisons between regions and cities are explored in Chapter 2 to the extent that the available data and published research studies permit. However, more intensive work has been done on the distribution of the place of occurrence of different offenses and the residences of offenders among the various community areas *within* cities, and the results of such studies are considered in Chapter 4. The purpose is not just to show that the rates of offenses and offenders vary considerably between urban areas, but to assess the conditions of life which are most closely associated with these variations.

If we knew more about the characteristics of both offenders and victims, the nature of their relationships and the circumstances that create a high probability of criminal conduct, it seems likely that crime prevention and control programs could be made much more effective. Though the Task Force could not undertake new research studies of offenders, an effort was made to add further information about the characteristics of victims and their relationships with offenders, particularly in regard to aggressive crimes against persons. The results of these

victim studies are considered together with the findings of previous studies on the characteristics of victims and offenders in Chapter 5.

One of the major undertakings of the Task Force was the initiation of a national survey, and a more intensive survey of selected police districts in three cities, concerning the experience of citizens and households as victims of crime. Estimations derived from these surveys of the amount of reported and unreported crime and the reasons for non-reporting are discussed in Chapter 2 and the characteristics of victims in Chapter 5. However, the surveys also provided an excellent opportunity to explore in greater detail than ever before public attitudes toward crime and law enforcement, the crime problems that particularly concern people, and the measures they take to protect themselves from being victimized. These results are presented in Chapter 6 along with data on the public's views on the causes and cures of crime.

Chapters 7, 8 and 9 are devoted to a review of certain special crime problems that pose particularly difficult challenges for crime prevention and control and raise different types of issues for the system of law enforcement and criminal justice. The problem of the professional criminal, whose principal employment and source of income is derived from criminal activity, is considered in Chapter 7, while Chapter 8 reviews some of the difficulties and dilemmas in developing effective law enforcement against the broad range of offenses characterized as "white collar crime." Though not a great deal is actually known about many of the characteristics and operations of the various types of professional criminals, it seems likely that they contribute substantially to the burden of crime, if for no other reason than that they become skilled at committing crime and evading detection and also work full time at it. It also seems likely that the crimes of embezzlement, tax fraud, food and drug violations, securities fraud, anti-trust violation, price-fixing, and other forms of white collar crime impose a far heavier burden on the operation of our social and economic institutions than the small number of cases successfully prosecuted would imply. The increasing difficulty of preventing or regulating such activities, as the organizational complexity of our society increases, raises questions concerning the utility of criminal as compared to other regulatory procedures which bear closer study.

The destructive riots which have broken out in recent years in the slum neighborhoods of many large cities pose a totally different problem of crime prevention and control. The discussion of this problem in Chapter 9 is not intended as a definitive examination of the causes of riots or the means of their prevention. Instead riots are considered from the perspective of the types of criminal activity which find release in the riot situation and the problems of prevention and control that they represent.

The final chapter is devoted to an appraisal of the current national system of statistical accounting on crime and criminal justice matters. It tries to identify needs for information and analysis that we are not yet meeting well enough or at all. It offers a series of proposals which the Task Force believes will greatly enhance the capacity of local, State and Federal governments to keep informed about the many different types of crime problems in our society and to organize a more effective response to them.

# Crime in a City Precinct<sup>1</sup>

In the Town Hall (19th) Police District of Chicago during the week that began on Thursday, October 27, 1966, and ran through Wednesday, November 2, the police inquired into 365 crimes. The great majority were reported by citizens; a few were discovered by the police themselves. Some 50 of the citizen reports proved to be unfounded, including 18 of 86 reported burglaries, 10 of 33 reported car thefts, 4 of 43 reported assaults, 2 of 9 reported robberies, and 1 of 31 reported thefts of over \$50. There was a murder in the Town Hall District that week, and two attempted rapes. On seven occasions the police made vice arrests, five times for narcotics violations, once for gambling, and once for prostitution; in addition, an elderly woman was the victim of a confidence game. There were 48 instances of petty theft reported, including several shopliftings whose perpetrators were caught in the act. A gypsy woman was arrested for fortunetelling. There were a number of reports of indecent exposure and of lewd telephone calls. Numerous instances of juvenile misbehavior were informally dealt with by youth officers. There were 65 reports of vandalism, many of them windows broken by rocks, bricks, snowballs, or eggs; one of them involved toppled headstones in a cemetery. If the findings of a victimization survey made by the Commission in the Town Hall District a few months earlier are applied to the week of October 27, roughly twice as many crimes occurred as were reported to the police, and they were crimes of every kind except, probably, murder, serious assault, and armed robbery.<sup>2</sup>

The 365 reported crimes in Town Hall that week did not include what the Chicago police call "disorderly offenses," mostly cases of drunkenness, which are recorded but not reported separately in the crime statistics the department periodically publishes. In Town Hall that week there were 64 arrests for such offenses. There are 580 liquor licenses in the district, which come to about 100 per square mile.

Naturally no week is exactly like any other in the Town Hall District, and the Town Hall District is not exactly like any other district. However, except for an unusually large number of burglaries—ranging from several illegal entries that netted the intruders almost nothing to a thorough ransacking of a house that netted almost \$10,000 worth of jewelry and furs—the week of October 27 can be called a normal week for crime in Town Hall.

## ECOLOGY OF TOWN HALL DISTRICT

Moreover, Town Hall, at least insofar as variety is a normal urban condition, is a normal urban police district. Town Hall is on the north side of Chicago, about midway between the Loop and the city line. It covers an area of almost 6 square miles in which upward of 200,000 people live; it is the fourth most populous and 15th largest of the city's 21 police districts. Along its eastern boundary, the shore of Lake Michigan, as shown in Figure 1, is a park in which there are a pair of boat harbors. At the center of its western boundary, the North Branch of the Chicago River, is Riverview Park, an amusement park, that is open from Memorial Day to Labor Day. A few blocks south of Riverview Park is an industrial area occupied by a dozen or more light manufacturing plants, the largest of which, a Stewart-Warner factory, employs several thousand people. Just north of Riverview Park is Lane Technical High School, a boys' public high school of considerable academic repute that draws its students from the entire north side. Just north of Lane are the studios of the Chicago Tribune's television station, WGN, for World's Greatest Newspaper. Running south for seven blocks from the center of the district's northern boundary, Montrose Avenue, is Graceland Cemetery, the resting place of numerous Chicago notables, including Potter Palmer. Four blocks south of the cemetery is Wrigley Field, where the Cubs play baseball and the Bears, football. Just west of the cemetery is another high school, Lakeview, a neighborhood, coeducational school, whose name derives from the City of Lake View, which covered roughly the same area as Town Hall until its citizens, in 1889, voted to annex themselves to Chicago. Almost in the center of the district, at and around the intersection of Lincoln and Belmont Avenues, are a number of good-sized department stores, furniture stores, apparel shops, and supermarkets. Down Lincoln Avenue a dozen or so blocks, near Fullerton Avenue, the district's southern boundary, is the alley where John Dillinger was shot. (The garage where the St. Valentine's Day massacre took place is just out of the district, a couple of blocks south of Fullerton.) Another tourist attraction in the district is the Ivanhoe, a turreted, battlemented edifice that occupies an entire square block and contains a restaurant and a theater. Near the district's southeast corner,

<sup>1</sup> This chapter is based primarily on detailed information and reports made available through the courtesy of the Chicago Police Department.

<sup>2</sup> Albert J. Reiss, Jr., "Studies in Crime and Law Enforcement in Major Metropolitan Areas," (Field Surveys III, President's Commission on Law Enforcement and Administration of Justice, Washington: U.S. Government Printing Office, 1967), vol. 1, sec. 2, p. 191 (hereinafter referred to as Reiss studies).



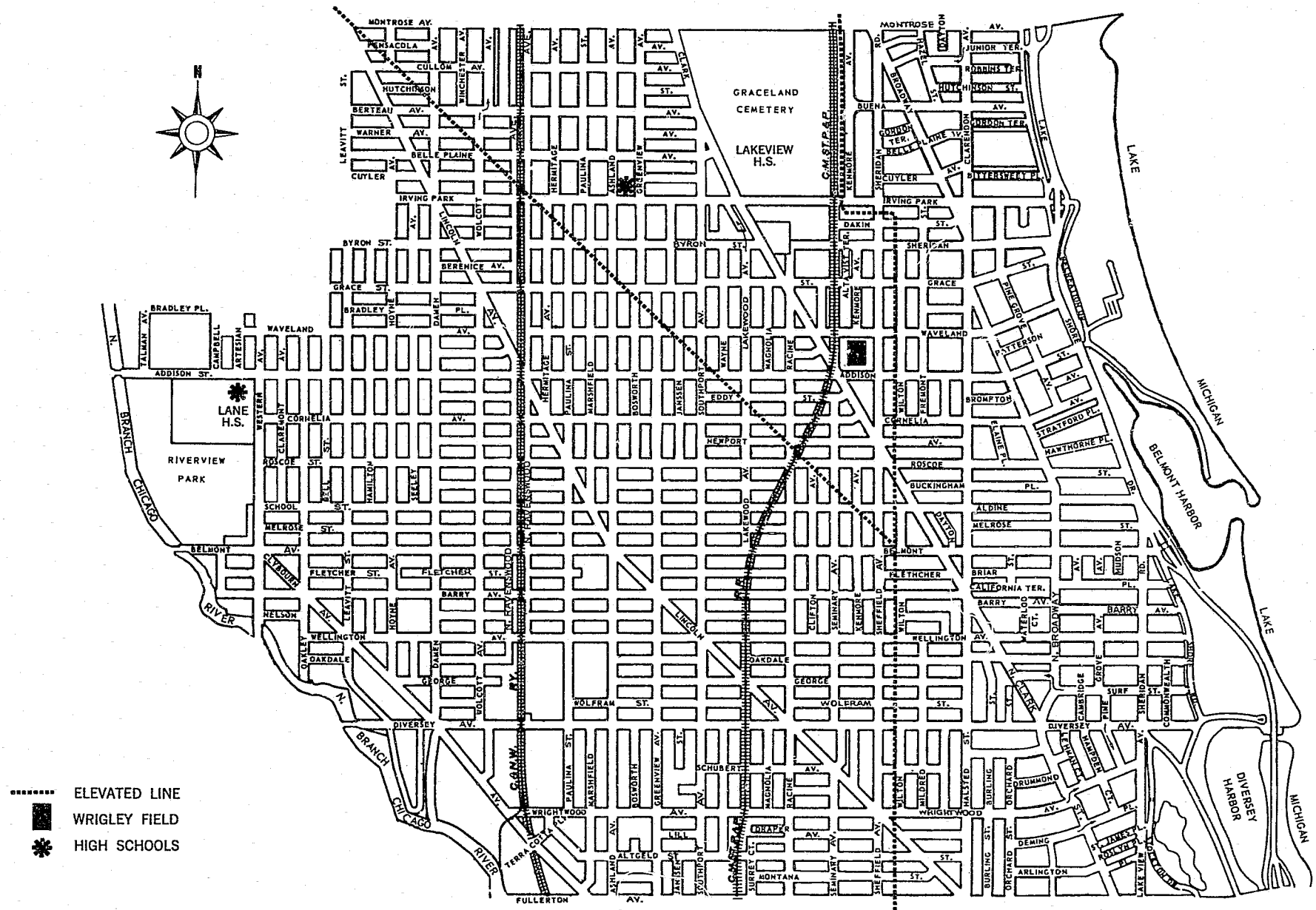


Figure 1.— 19TH POLICE DISTRICT, TOWN HALL, CHICAGO

centered on the intersection of Diversey Parkway and Clark Street, is a region of restaurants, bars, and hotels, none of which can be described as plush, that has become a nighttime haunt of homosexuals of both sexes.

The 1960 census figures, the latest available, show that statistically speaking, Town Hall is in a number of ways a representative part of Chicago.<sup>3</sup> In 1960 the median annual family income there, slightly less than \$7,000, was about the same as that in the city as a whole. Roughly 12 percent of the families earned less than \$3,000 and 22 percent more than \$10,000, percentages that approximated those for the entire city. The mobility of the population was about that of the city's; slightly more than half the people in Town Hall were living in different quarters in 1960 than they did in 1955.

Most of the well-to-do people in Town Hall live on or near Lake Shore Drive, a street of high-rise apartment houses. Some of these buildings are brand new 30- or 40-story giants; an extraordinary 80-story tower, which will be the tallest apartment house in the world when it is completed, is now going up there. Some of them are older and more modest in size, though not necessarily in elegance or comfort. All of them are inhabited by people who can afford rent of \$75 a room at the very least. Many of the apartments are occupied not by families but two, three, or four young working men or women. Many sports cars and miniature French poodles but few children are domiciled on Lake Shore Drive. The percentage of people under 18 in the district as a whole is quite a bit lower than the city.

For perhaps a block back of Lake Shore Drive at the north end of the district and three or four blocks at the south end, the housing continues to be substantial and relatively expensive. Three or four mansions, occupying much or all of a block, remain in use there, though doubtless they soon will be razed and replaced by high rises, as many such mansions already have been. A distinguishing feature of the Town Hall District is that a larger proportion of its population is over 65 than the city's as a whole: 13 percent as contrasted with 10 percent in 1960, and the difference may well have increased since then. In the streets back of Lake Shore Drive are several residential hotels that apparently cater chiefly to elderly people. In the less affluent sections of the district there are rooming-houses that are similarly occupied. A recently built high-rise housing project for "senior citizens" is in the district, and two more are under construction.

The district's poorest area abuts directly on its richest. It is a north-south strip that varies in width from a couple of blocks to seven or eight. It cannot properly be called a slum. It is one of those deteriorating sections of three-, four-, and five-story tenements that were solidly built from 40 to 75 years ago for working class and lower middle class families. Some of them have been kept in relatively good repair; others have been allowed to become dilapidated. Often there are buildings of both kinds on the same block. In the district as a whole the housing is considerably older than the average

for Chicago. The 1960 census showed that whereas some 10 percent of Chicago's housing units were built during or after 1950, only about 5 percent of Town Hall's were. Moreover, the Lake Shore Drive real estate boom evidently accounted for most of the new housing in Town Hall. In the western half of the district only a fraction of 1 percent of the housing units were 10 years old or less.

At the north end of this decaying strip, between Grace-land Cemetery and the Lake, a substantial proportion of the population is Appalachian whites from the mountains of Kentucky, Tennessee, and Alabama; one block on Kenmore Avenue is commonly called "Tobacco Road." Appalachian whites have poured into the neighborhood since the Second World War. Many have returned to the hills again in short order. Many have become integrated into the city's life and moved to more comfortable neighborhoods. Apparently few have remained in Town Hall for more than a few years; the neighborhood is more a port of entry than a permanent colony. A neighborhood inhabited by Appalachian whites, particularly ones newly arrived from Appalachia, tends to look more poverty stricken than it is because many of the residents, even if they have steady jobs and incomes, think it normal to live six or eight to a room, have not yet acquired city habits in respect to furniture and plumbing or city tastes in clothes, and are fond of ancient and ramshackle cars. Such a neighborhood also tends to be turbulent, particularly on weekends when much earnest drinking occurs and many scores get settled, sometimes with knives. Appalachians believe in settling private scores privately. They do not welcome, to put it mildly, police intervention. In this same part of the district there are also a considerable number of Indians, mostly Pottawatomies, Sac and Foxes and Sioux from Wisconsin, Minnesota, and the Dakotas. Like the Appalachians, many of them are highly mobile, moving back and forth between Chicago and their reservations. Many of them live in squalid conditions and drink a lot, but they tend to be noncombative drinkers. On the whole, the Indians and the Appalachians keep to themselves and are able to live side by side without much friction.

Just south of this section, up and down Broadway and Halsted Street and in the side streets that intersect them, is a neighborhood that is fast becoming more and more Puerto Rican, although the majority of the inhabitants undoubtedly are English speaking; the Puerto Rican influx began after 1960, so there are no figures. Quite a few natives of other Latin American countries, principally Mexico and Cuba, who get along poorly with the Puerto Ricans also live in this neighborhood, as do a number of Orientals, mostly Japanese who work hard at their jobs or businesses and stay inconspicuous. Many of the district's policemen have the impression that the Puerto Ricans are the major source of crime in the district, and particularly of juvenile misbehavior, gambling, narcotics use, petty theft, and burglary. Arrest figures do not bear this out, although arrest figures tend to be inconclusive.

<sup>3</sup> The facts about the 1960 census of the population characteristics from the area were found in Evelyn M. Kitagawa and Karl E. Taeuber, eds., "Local Community

Fact Book: Chicago Metropolitan Area, 1960" (Chicago: Chicago Community Inventory, University of Chicago, 1963).

In Town Hall, as practically everywhere else, most crimes against property, which are the great majority of crimes, are unsolved, so there is no telling who committed them, and as far as minor assaults, arising from domestic and barroom disputes, are concerned, Puerto Ricans appear to commit no more than Appalachians. However, there is some bad feeling between Puerto Ricans and the police, much of it apparently due to the language barrier. The Town Hall district commander spends much of his time on police-community relations, devoting special attention to inducing the men under him to learn the rudiments of Spanish and to preparing Puerto Ricans to enlist in the police.

The remainder of the district, west of, say, Wilton Avenue, where the El runs, is more homogeneous. The residences there are preponderantly three- and four-story brick buildings with a flat on each floor, or one- and two-family houses, many of them frame. It is a territory that was first settled by Germans and Swedes. Few people of Swedish extraction remain, but Germans still are the largest single group in the population. There are quite a few German restaurants, taverns, and delicatessens, and the signs on many other small business establishments bear German names. A couple of the churches conduct their services in German. Before the Second World War, the neighborhood was a center of German-American Bund activity. Appreciable numbers of people who were born, or whose parents were born, in other parts of Central Europe also live in this part of the district: Serbs, Croats, Hungarians, Bohemians. Just south of the industrial area, near the river, is a very small, very rundown Italian neighborhood. Just north of the industrial area, along the river, is Chicago's oldest public housing project, Lathrop Houses, about 30 percent of whose occupants are Negroes, almost the only Negroes who live in Town Hall. The percentage of Negroes in Chicago's population in 1960 was 23, and it has certainly increased sharply since then, so in a sense Town Hall, with less than 1 percent Negro population, is not representative of the city. However, it is in another sense. Housing patterns being what they are, a neighborhood that was 23 percent Negro would be more atypical than one that is almost all white or almost all black. In the police view, this western part of the district is the least troublesome one, not so much because fewer crimes are committed there, though doubtless fewer are, as because they are called upon less often to perform the order-keeping duties that so much of police work consists of. There is a smaller floating population there, the youths are less rowdy, the bars are quieter and husbands and wives seem less prone to pursue their differences to the point of bloodletting.

## CRIME IN TOWN HALL

In sum, Town Hall is a district where there is considerably less crime than in the city's most impoverished sections and considerably more than in its most affluent ones. There are 21 police districts in Chicago, and in 1966 Town Hall accounted for roughly one-twentieth of

Chicago's reported crimes, 12,725 out of 255,974; this was an increase over 1965 of 7.9 percent as compared with a citywide increase of 7.2 percent. By contrast, the Wabash Police District, an all-Negro low-income district with a population some 50,000 smaller than Town Hall, accounted for 18,947 crimes, an increase of 8.3 percent over 1965, and the Chicago Lawn Police District, an all-white relatively high-income district spread out over 23½ square miles with some 30,000 more people in it than Town Hall, accounted for only 9,201 crimes, an increase of only 1.3 percent over 1965.

These contrasts among districts are even more striking when specific kinds of crime are considered. Town Hall had a relatively small number of nonnegligent homicides in 1966, 10 out of 512; Wabash had 65 and Chicago Lawn had one. Town Hall was relatively low on forcible rapes, 32 out of 1,222; Wabash had 152 and Chicago Lawn 19. Town Hall was exceptionally low on robberies, 360 out of 16,720; Wabash had 2,866 and Chicago Lawn 219. And Town Hall was rather low on serious assaults, 314 out of 11,330; Wabash had 1,684 and Chicago Lawn 130. When crimes against property are considered, the picture changes drastically. Town Hall was extraordinarily high on burglaries, 1,880 out of 29,484; Wabash had 1,762 and Chicago Lawn 994. The percentage increase in burglaries in Town Hall for 1966 was 11.3 as contrasted with Wabash's 2.9, Chicago Lawn's 9 percent decrease and a decrease of 1.2 percent for the city as a whole. Town Hall's thefts of over \$50, 1,193 out of 17,455, increased even more sharply, 17.6 percent; there were 712 such thefts in Wabash, a 5.6 percent decrease, and 538 such thefts in Chicago Lawn, a 30.2 percent decrease, and a 1 percent increase in the city. Finally, with auto thefts, the picture changes again. Town Hall had 1,459 out of 30,946, a decrease of 3.3 percent; Wabash had 1,771, an increase of 10.2 percent; Chicago Lawn had 1,313, a decrease of 1.3 percent; auto thefts in Chicago as a whole increased by 7.6 percent. The most plausible inferences about crime in Town Hall to be drawn from these figures is that the cheek-by-jowl situation of its richest and poorest neighborhoods is what produces its relatively high rate of property crimes, and that its predominantly lower middle class character is what keeps its rate of crimes against the person somewhat lower than the city's as a whole, though not nearly so low as that in upper middle class neighborhoods.

The basic police technique for controlling crime in Town Hall, as in every district of Chicago under Superintendent O. W. Wilson, is aggressive and massive preventive patrol. The district is divided into 24 beats, with 19 one-man cars and 5 two-man cars patrolling these beats continuously during the high-crime hours; from midnight to 8 in the morning there are only half as many cars on the street. Four field sergeants, each one responsible for six beats, and a field lieutenant, responsible for the entire district, also cruise the streets; there are three "squadrols," wagons that can be used as ambulances or to transport prisoners; and there is an unmarked car out of which two plainclothes vice officers operate. The Town Hall District, along with the dis-

trict just north of it and the district just south of it, make up Police Area 6. Detectives and youth officers work out of the area rather than the district. The area also has a task force, which fields two-man troubleshooting cars, and supplies evidence technicians and dog units, principally to ferret out burglars or other intruders, when needed. Most of the beats in the district's western portion are considerably larger than those in the eastern portion, which reflects the lower density of population west of the El. Every 6 months beat lines are altered to conform to the crime patterns the department's analysts have discovered from studying the previous year's statistics; however, such alterations seldom involve more than a block or two. Town Hall is so heavily patrolled that anyone standing on any corner in the district for 5 minutes or so is almost bound to see at least one blue-and-white police car passing by.

According to an opinion survey that the Commission made during the summer of 1966 in four police precincts, two in Chicago and two in Boston, the residents of Town Hall are relatively content with the district.<sup>4</sup> For example, only 9 percent of them, compared with an average of 18 percent for all four districts, said that the prevalence of crime and criminals gave the neighborhood a bad name. Six percent said that the best thing about the neighborhood was that it was safe, which does not seem to be much of a figure until it is compared to the 2 percent average for the four districts. When asked to compare their neighborhood with others for safety, 21 percent described it as safer, 68 percent as about average, and 11 percent as less safe; the overall percentages were 20, 53, and 19. Eleven percent, as compared with 20, said there was so much trouble in the neighborhood that they would like to move away; 86 percent as compared with 77 said they would not. In respect to the precautionary measures they have taken to protect themselves against crime, and the ways in which they have changed their habits because of crime, Town Hall residents were much like the residents of the three other districts. In general, the survey shows that the people in Town Hall are well aware that there is a good deal of crime around them and are worried about it, but not quite as worried as the people in the other precincts surveyed.

#### A DAY IN TOWN HALL

However, the first call the police answered on Thursday, October 27, 1966, was a product of worry. It came at five past one in the morning from a woman who lived alone in an apartment house near Lake Shore Drive. She told a confusing story about burglary. Shortly before midnight, while having a snack at a downtown restaurant with a friend who lived in the same building, she had fainted. A fire department ambulance had taken her to a nearby hospital; her friend accompanied her. She had revived quickly and then discovered her purse was missing. She made immediate inquiries by telephone of the restaurant and the fire department, with no results. She returned home with her friend. Outside her apart-

ment door she encountered a tall Negro in a blue topcoat and blue hat whom the friend remembered seeing outside the restaurant. He said he had picked the purse up on the sidewalk and was returning it. The woman gave him a \$10 reward and he left. She did not ask his name. She then entered her apartment and it seemed to her that her belongings were disarranged. She called the police, and they immediately sent out an alarm for the man. The woman then canvassed the contents of the apartment and found that nothing was missing, although various valuables, including money, were lying about in plain view. The police canceled the alarm.

While this episode was occurring, another officer was in the seventh floor apartment, three or four blocks away, of a young woman who complained of having been slapped in the face on a street corner half an hour earlier by the husband of a friend of hers. The friend, it appeared, had left her husband and was staying with the complainant. The two women were together when the slapping occurred. The officer advised the complainant to obtain a warrant for the husband's arrest. The following day a detective telephoned the complainant to ascertain the status of the case. The complainant said she had changed her mind and no longer wanted to prosecute.

The third call that morning came at 1:30 from the proprietor of a restaurant on Diversey Parkway. He reported that a thoroughly intoxicated man, bleeding at the mouth and with a stab wound in the right side of his abdomen, had just come in off the street. The man refused to discuss with the police what had happened; he muttered that he would handle the matter himself. He refused to be treated at the Illinois Masonic Hospital, which is in the district, so the police took him to the Cook County Hospital, which is not. The following afternoon the detective assigned to the case looked for him at the hospital and found that he had not been admitted; inquiry at the man's home was equally fruitless. The detective finally found him on November 19, more than 3 weeks later. The man explained that when he had seen how many people were awaiting emergency treatment at Cook County Hospital, he had simply left and gone to another hospital, where he had remained until November 12. His account of the attack upon him was that he had been walking (or perhaps staggering) along Diversey Parkway that night when two young white men in dark tight pants and dark jackets had jumped him from behind. One of the assailants confronted him with a knife while the other attempted to lift the wallet from his hip pocket. He resisted and as a result was stabbed by one and punched in the mouth by the other. However, the assailants fled without the wallet. The victim said that in view of the condition he had been in, he would not be able to identify the assailants.

At 2:10 the morning of October 27th the burglar alarm in a fur store on Irving Park Boulevard, in one of the quietest sections of the district, went off. A policeman arrived at the scene 2 minutes later and discovered the store's show window had been smashed. He called for a dog team to search the premises; no one was found inside. An evidence technician ascertained that the win-

<sup>4</sup> Reiss studies, *supra* note 2, vol. 1, sec. 2, tables 13 and 14, pp. 29-31.

dow had been broken with a Seven-Up bottle, pieces of which he found inside the window. A salesman for the firm was called to the scene; he thought some furs might have been taken, but was not sure. A thorough check the next day disclosed that nothing was missing.

At 2:45 the police received an anonymous complaint that a tavern on Racine Street, just south of Diversey Parkway, was open after hours. The officer who checked the tavern found the doors locked, the lights out, and no sign of anyone inside.

At 3:15 the same officer who had first responded to the stabbing report was sent to an apartment in the northeast corner of the district where a marital dispute was in progress. The wife, who had sent for the police, told the officer that her husband had come home drunk a few minutes before. A fight started, he hit her and said he was going to get his shotgun and shoot her. The officer asked the husband about the shotgun. The husband went to a closet, produced a Winchester shotgun with a 28-inch barrel and threatened the officer with it. The officer disarmed him after a short struggle, and took him to the stationhouse. There is no record of any criminal disposition of the case, so presumably the man was sent back home after he cooled off.

At 3:30 a 35-year-old accountant who lived on Lake Shore Drive walked into district headquarters to report that he had received a threatening telegram the previous evening. In the police view there was no threat expressed in the telegram, and subsequent investigation disclosed that the accountant had made similar complaints in the past to the police and the FBI, and had besides a record of psychiatric commitment. The case was classified unfounded.

At 7:30 a man reported that his ½-ton 1966 General Motors pickup truck with Tennessee plates was missing from the parking lot of a supermarket where he had left it, with the door and ignition locked, on Monday evening. The truck was put on the "hot list." The next morning at about the same time, the man reported that he had located his truck on the street, around the corner from where he lived. He said some friends had moved it as a prank. The truck was undamaged. It was returned to the owner and taken off the hot list.

At 9 o'clock an elderly man called to tell the police that an 11-year-old neighborhood boy had been kicking the front door of a building the man owned on Lincoln Avenue. No damage was done to the door. A week later a detective telephoned the man to go over his story again. The man said that he had called the police because he feared that his property might be damaged in the future and wanted the police to be forewarned.

At 9:20 an 11-year-old girl reported that her mother had left home the previous evening to meet her husband, with whom she was having domestic difficulties, and had not yet returned. While the patrol officer was interviewing her, the mother telephoned and said she would be home right away. It appeared that she often spent the night with friends, leaving her daughter in the care of a full-time housekeeper.

At quarter of eleven a middle-aged man walked into district headquarters and told this story: 3 days before, on the corner of Clark Street and Deming Place, around the corner from where he lived, an unknown man approached him and offered him a 1964 Ford station wagon for \$300 and the victim's 1955 Chevrolet four-door sedan. The victim gave him \$150 in cash and the Chevrolet, and promised to pay the other \$150 later. The next day he was arrested for being in possession of the station wagon, which had been stolen. He gave the police the name and address to which he was supposed to deliver the other \$150. The police found that the man who answered to that name had moved away from that address on the day the theft occurred. The next day the victim received a note in the mail telling him that his Chevrolet was parked on a street in another part of town. He recovered the car undamaged. On November 7, detectives found the suspected swindler and arrested him. Final disposition of the case is not recorded in the files.

At 12:10 an officer answering a recovered-stolen-property call discovered that a burglary had taken place an hour or so earlier in a house on Diversey Parkway. Three 18-year-old neighborhood youths in an alley back of the burglarized premises saw three younger boys they did not know walking down the alley carrying boxes. The younger boys started running and the older boys chased them. The younger boys escaped but in the process of doing so one of them dropped a record player he was carrying. Inquiries in the neighborhood turned up a woman who noticed that the basement door of the house next to hers was wide open. She telephoned the occupant of the basement, an acquaintance of hers, but there was no answer. Ringing the doorbell produced the same result. The basement's occupant was summoned from work, and identified the record player as hers. She also discovered that various pieces of costume jewelry, a wristwatch, an electric shaver, a small camera, a tape recorder, and a transistor radio were missing. An evidence technician found no fingerprints in the house, and gave the opinion that the door had probably been forced open with a shoulder. When the occupant of the house's two top floors returned from work later in the day, he found that a wristwatch, an electric drill, and a cigar box containing a dollar's worth of pennies were missing. The older boys said that they had not been able to get a good enough look at the younger boys to identify them.

At 12:20 a man reported that his 1959 Mercedes was missing from where he had parked it, on Lakeview Avenue, 2 days before. The next day he was notified by the pound that his car had been towed there from a location a couple of miles from where he had left it as a traffic hazard. One side of the car was dented and scratched.

At 12:35 a woman reported that her nephew's 1959 Buick, which she was using while he was in the Navy, was missing from where she had parked it overnight. Six days later an officer spotted it parked on the side of an expressway, damaged on all sides, and had it towed to the pound.

Also at 12:35 the owner of a tavern on Broadway near Belmont Avenue reported that shortly after she had

opened the tavern at noon to accept a beer delivery, she discovered that the previous night's receipts, \$172, were missing from a cigar box where the night bartender had left them. She was at first inclined to blame the man who delivered the beer, but after being interrogated at some length by a detective 2 days later, she admitted that the bartender himself was the only likely suspect. She said that the bartender was a personal friend and that therefore she did not wish to pursue the matter further.

At 2:15 a woman living in a 15th floor apartment on Lake Shore Drive reported that she had received a lewd telephone call. She had no clue to the identity of the caller, who had first asked to speak to her daughter whose engagement had recently been announced in the papers. The officer told her how to avoid such incidents in the future.

At quarter of three the grandmother of a 19-year-old schoolgirl reported that as her granddaughter was walking to school early that morning in the western part of the district, a man had walked up to her, exposed himself and said, "Look what I've got." She had continued walking and the man had not bothered her further. The next day a detective showed the girl photographs of known sex offenders, and she identified one. This man was no longer living at his last known address, and the probation department reported that it had already issued a warrant for him for failing to report to his probation officer. The detective followed various leads to the man's whereabouts until December 1, when he had exhausted all of them. The man is still on the wanted list.

At 3:30 a construction and remodeling contractor reported that 10 days before, a man who had helped him move furniture to a new home had stolen 15 blank checks from his office. Apparently what prompted this belated report was that four of the checks had turned up at the contractor's bank, where his balance was insufficient to meet them. The contractor was able to give the police the name and description of the suspected thief, but not his address. The police were unable to find him.

At 6 o'clock a woman living alone in a ground-floor apartment reported that when she had returned home from work she discovered that someone had entered her apartment by breaking a pane of glass in the back door and had stolen a table radio and \$10 in cash. There were no clues.

At 6:30 a watchman at Graceland Cemetery reported that some headstones had been pushed over. The police toured the cemetery with no results. The headstones were not damaged.

At 7:20 the police were called to a discount store on Clark Street where a 16-year-old Indian girl had been caught in the act of stealing two sweaters. She was taken to district headquarters and turned over to a youth officer.

At 7:25 a woman in the western part of the district reported that her ex-husband had confronted her in the hallway of her apartment house, had grabbed her by the neck and had threatened to kill her if he saw her on the street. The officer advised her to procure a warrant.

She said she did not want to prosecute but simply wanted her ex-husband to stay away from her.

At 7:40 a student at Southern Illinois University reported that his 1956 Ford, on which there were no plates, was missing from the street near the lake where he had left it 10 days earlier when he had gone to school. The car never was found.

At 8:15 the manager of a discount store on Clark Street reported that he had been punched in the mouth by a tall man in his thirties whom the manager had caught shoplifting. The officer drove the victim around the area looking for the suspect, but he could not be found.

At 8:30 a citizen who refused to give his name stopped a patrol car toward the west end of Belmont Avenue and told the patrolman that teenagers were drinking in a nearby candy store. The officer found four 18- and 19-year-old boys drinking beer in the store, which at the time was being tended by a 15-year-old girl. He arrested the boys and confiscated five cans of beer. Apparently the case was adjusted informally at the district station by youth officers.

The last call of the day came at 11:15 from a woman living alone in an apartment near the lake. She reported that at some time between her departure for work at 9 in the morning and her return home at 11 in the evening, her apartment had been entered and property she valued at more than \$700 had been stolen. The property included a portable television set, an AM-FM radio, a slide projector, a camera, a sewing machine, an iron, an electric clock, two empty purses, and a quantity of costume jewelry. There were no signs of forcible entry; apparently the latch had been forced back with a piece of plastic. There were no clues. That same day a Negro driving a car in another part of town was arrested for a traffic violation, and when the arresting officers discovered a quantity of property in the car they held it so that they could investigate whether it had been stolen. The suspect appeared in traffic court the following day and was released on \$25 bond. The police kept the property for a week without learning where it came from, then returned it to the suspect. A week or so later they learned that it corresponded to the property stolen from the woman on October 27. On December 15 the same officers who had made the traffic arrest spotted the suspect walking along the street and arrested him. On February 2 he pleaded guilty to a reduced charge of theft and was sentenced to a year in prison. The property was not recovered.

#### A WEEKLY SURVEY OF POLICE INVOLVEMENT IN A CITY PRECINCT

It was a normal Thursday for the Town Hall police. They investigated 26 cases, 15 involving offenses against property, 5 involving offenses against the person, and 6 of them of some other nature—threatening telegrams, indecent exposure, teenage drinking, and so forth. Seven of the cases were listed as unfounded. Four of the five offenses against the person arose from romantic difficulties



of one kind or another. Two of the offenses against property involved a victim and an offender previously known to one another. Youths were involved in 5 of the 16 cases in which there was any clue at all to the identity of the offender. The only out-of-the-way circumstance was that drinking was involved in only two cases; on most days the proportion is considerably higher.

Five burglaries and five assaults were reported that Thursday. On Friday the count was eight and seven; on Saturday seven and seven; on Sunday eleven and six; on Monday nine and two; on Tuesday seven and five; on Wednesday three and three. The week's burglaries were evenly divided between day and night. Four-fifths of them were of residences. A disproportionate number of them, as might be expected, were in the well-to-do section on and just back of Lake Shore Drive. The most lucrative one occurred on the slowest day for burglaries, Wednesday, November 2, between 8:30 and 11 in the morning. It was a thoroughly professional job. As far as the police could determine, the burglar or burglars entered a two-story house on Pine Grove Avenue with a key. They ransacked the house systematically and thoroughly, taking \$300 in cash, a \$500 mink coat, and more than 100 pieces of jewelry valued at almost \$9,000. They also took, for reasons best known to themselves, three nonnegotiable shares of IBM stock. They left no clues.

The most pointless burglary occurred at quarter of two in the morning on Friday, October 28. Two boys, one 19, the other 20, broke a stained glass window in the chapel of Graceland Cemetery, entered it and ransacked its various rooms. The police caught them hiding in a cistern outside the chapel, in possession of a flashlight, a pair of gloves, an electric razor, and a pair of scissors belonging to the chapel's caretakers. Subsequent interrogation of the boys and investigation of their stories established that this was the fifth time they had broken into the chapel. They were held for prosecution. There is no record of the final disposition of the case.

The week's assaults followed Thursday's pattern. The majority of them involved alcohol or romantic difficulties or, as often as not, both. A characteristic one occurred when a man entered a tavern and saw his estranged wife sitting at the bar next to a man. He punched her. It subsequently developed that the woman had never seen the man she was next to before and hadn't exchanged a word with him. The most potentially explosive fight took place on Saturday afternoon at 2:30 in a bar on Belmont Avenue near Clark Street, one of the district's more rambunctious neighborhoods. A Negro who was a regular customer came in with a white woman. A white man, new to the place, who had been sitting at a table drinking for some time, solicited the woman. She turned him down. He made a remark about "Niggers and white girls." The Negro took umbrage, and a pushing match between the two men occurred. After a little of this, the Negro disengaged and made for the exit, breaking a beer glass on the bar on his way. As he waited at the door for the woman to join him, the white man charged him. The Negro cut him over the eye with the broken glass,

giving him a wound that ultimately required 28 stitches. The Negro disappeared. The bartender called the police and gave the wounded man first aid. The police spent several days obtaining eyewitness accounts of the incident. When they had satisfied themselves that the above facts were correct, they dropped their efforts to find the offender.

The most lurid assault of the week took place in Appalachian territory on Sunday afternoon in the apartment of a 24-year-old divorcee. She and her boyfriend were painting her apartment and apparently paused for an interval of sex. At this point the man went berserk. He beat her with his fists, made her perform several indecencies, beat her some more, stomped on her, threw paint and coffee and tomato juice all over her, locked her in the bathroom, took \$92 out of her purse and \$30 out of two piggy banks and left. It took her several hours to pull herself together, clean herself up and get out of the bathroom. She then went into the street and stopped a passing patrol car. She was taken to a hospital for first aid; she had injuries of the chest, neck, nose, legs, and a black eye. She went from the hospital to her mother's nearby. The following day detectives almost arrested the suspect, who had stopped by at a restaurant where he had worked as a short-order cook to pick up a wage check that was owed him; however, he fled before the police arrived. The victim couldn't decide for almost 2 weeks whether or not to obtain a warrant; she finally did on November 10. The next day she received a telephone call from the suspect in Dallas. He said he was going to a psychiatrist there. She decided to drop the case unless he returned to Chicago.

The other common kind of assault during the week was fights between youths. The most serious occurred on "Tobacco Road" at three in the afternoon Tuesday. A 13-year-old Indian boy called the Kentucky woman who managed the roominghouse in which he lived with his parents and brother an obscene name. The woman's 16-year-old daughter heard this and told her 15-year-old brother. He ran into the street, punched the Indian in the mouth, knocking him down, and began to choke him. The Indian got out a knife and tried to cut the Kentuckian. His sister stepped on the Indian's arm, kicked the knife away, kicked the Indian in the side a few times and then dropped the knife down a sewer. The Indian's 11-year-old brother then hit the Kentucky boy on the top of the head with a brick; the resulting wound ultimately required five stitches. The police were called and all four children were taken to the station, along with their parents, to whose care they were ultimately released with the understanding that the two Indian boys were to be supervised by the Indian Youth Council.

Of the nine robberies reported during the week, one was a purse snatching from a 74-year-old woman on the street at four in the morning; one involved threatening with an iron pipe and stealing the guitar of a young man waiting for a bus; one was a holdup with a gun on the street that netted \$100; one was an unsuccessful attempt to hold up a hot-dog stand; one was beating into unconsciousness and stealing \$44 from a woman walking home

at about 10:30 at night; one was a night entry into an apartment that netted \$10 at knife point from the woman in it; one was an unfounded report by a drunk who came home late at night injured, and didn't know what had happened to him; one was a deliberately false report by a man with a long police record for drunkenness and disorderly conduct who invented a street robbery by "three unknown white males" in order to explain to his landlord what had happened to his rent money. None of the six actual robberies was cleared by an arrest or in any other manner.

The ninth robbery was somewhat more complicated. At about 2:30 on Wednesday morning, outside a saloon on Southport Avenue near Fullerton where he had spent most of the night, a 40-year-old man was set upon by what he called at the time "five men," robbed of \$90 and manhandled, though not to the extent of needing medical treatment. He called the police from his home, after the saloon had closed for the night. He was too drunk to give a coherent account of what had happened. The following evening, when a detective called on him, he was able to describe the affair more clearly. He said he had been drinking with a young woman whom he had never met before, and had gotten into a fight with two men. When he left with the woman, the two men jumped him, stole his money and ran away with the woman. He said he was sure the owner of the tavern knew the men. The detective went to the tavern and after applying a good deal of pressure to the owner—cooperating with the police is a condition for keeping a liquor license in Chicago or almost anywhere else—was told that the men in question frequented another bar around the corner on Fullerton. The detective and the tavern owner went there, and the tavern owner pointed out a customer as one of the men involved. The detective went to the telephone booth to call for assistance. The suspect fled. The detective pursued him, calling out "Halt! Police officer!" several times, and finally firing five warning shots. The suspect escaped. The detective called for assistance. The suspect turned out to be a known police character and was arrested at his home, where he was pretending to be asleep. After a certain amount of interrogation he named the other male suspect and the woman; he said they had fought with the victim, but had not robbed him. The woman turned herself in voluntarily. A warrant was issued for the other man's arrest; he never was found. The victim identified the two arrestees. Apparently charges against the woman were dropped. The male defendant was held in \$1,000 bond. He appeared in court early in December, pleaded not guilty to robbery and received a continuance of 6 weeks. At that time the victim failed to appear in court, and the case was dropped.

Both attempted rapes during the week occurred early in the morning, before daylight. One victim was a 13-year-old schoolgirl who awoke to find a man in bed with her; before anything happened her father awoke, she heard him and screamed, and the man fled. The other victim was a 40-year-old Puerto Rican housewife who was pulled out of bed by a man who had climbed through

a window. He attempted to drag her outside, she screamed and he fled.

Of the crimes committed during the week that were ultimately solved, a surprisingly high number were solved subsequently by the arrest of some person who had committed a number of similar offenses. A man who was arrested in February for making lewd telephone calls admitted to 64 other offenses of the same nature, including a series he made on Monday, October 31, between 10:30 and 11 in the evening to a housewife on Cornelia Avenue. Seven car thefts in the district, including three during the week in question, were cleared on November 9 with the arrest of four brothers, aged 14, 12, 11, and 9. Sixteen other car thefts in and around the district, including one during the week in question, were cleared on November 6 with the arrest of two 14-year-old and two 16-year-old boys. Twelve apartment burglaries in the district, including one during that week, were cleared on December 28 with the arrest of a 20-year-old burglar and the 40-year-old fence who disposed of the stolen property. Thirty-two other apartment burglaries in the district, including three during that week, were solved early in January with the arrest of a 21-year-old Puerto Rican, who was wearing three pairs of trousers when he was picked up. Ten burglaries of stores, offices, and factories, including one that week, were cleared with the arrest of two young men early in December. Thirty-one thefts of property from parked automobiles, including two that week, were cleared by the arrest in the middle of the month of a 29-year-old drifter. And 27 thefts of auto accessories, mostly spare tires, including four that week, were cleared by the arrest in January of a 23-year-old heroin addict and his 30-year-old girlfriend, also an addict.

One of the week's most interesting cases began on Monday when a 25-year-old Puerto Rican woman complained to the police that a week earlier she had left her infant daughter in the care of a couple she was acquainted with, and that in the interval they had moved and she could not find her baby. Several policemen spent the better part of 3 days working on this problem, which was first listed as a kidnapping. The facts that finally emerged were that the woman had never wanted the baby and 2½ months earlier had given it to the couple, who could not have children of their own. Both the man and the woman, who had the reputation of being steady and respectable people, worked all day and employed a woman to stay with the baby. Apparently the baby was well cared for. At one point the mother asked for the baby back, and they gave it to her. She kept it for a week and then returned it, unkempt, dirty, and hungry. Soon after that the couple moved to a larger apartment so that they would have more room for the baby. Apparently they did not notify the mother of this, which was what started the trouble. An inquiry into the mother's circumstances and activities produced more confusion than anything else. She said she was divorced from her husband and her husband said she wasn't. He said he was the father of the baby and she said he wasn't. She said she was receiving a regular aid-to-dependent-

children check and the welfare people said she wasn't. She had two telephones in her apartment, and declined to explain why. She had a record of eight arrests, dating back to 1957, for vagrancy, prostitution, and aggravated assault. The baby was taken to a shelter and the mother was arrested for contributing to dependency and neglect of a child and held in \$300 bond. At her first court appearance she was granted a continuance. There is no further record of the case.

Among the dozen or more missing-persons cases—many of them unfounded reports—the police investigated that week, was that of a 15-year-old high school freshman who disappeared late Thursday night, left behind a note saying she was unhappy at home, and finally returned on November 18. The policewoman's report on this case is worth quoting.

"D . . . (the girl) is a full-blooded Canadian Indian, as is her mother . . . who gave birth to the girl out of wedlock in Canada. The whereabouts of the girl's father are unknown. Mrs. A . . . (the mother) married A . . ., a Southern white man, about 10 years ago. The couple have six children. A . . . never legally adopted D . . ., but she uses his name.

"D . . . stated that she left home because she was convinced that her parents' marital discord was due to her presence in the home because they quarreled frequently about her. A . . . has a tendency to be over-strict, and Mrs. A . . . did not agree with him all of the time. They both said that since D . . . left home they have given the matter a lot of thought, and have decided to discuss all problems instead of quarreling with each other. D . . . is very fond of her mother and step-father and verified that since she returned home there has been harmony in the household." (The family did not report the girl's return to the police until 2½ weeks after it occurred.)

"D . . . had been a model daughter until she left home. She obeys her parents, has good grades in school, and said she only left home because she wanted her parents to stop fighting. Mr. and Mrs. A . . . are satisfied with the girl's explanation, saying that they are glad that she is home and are now starting a new relationship. Since D . . . has never been engaged in delinquent behavior, has denied any sexual contact while away from home, and appears to be sorry for her behavior and promised never to repeat it, no police record was made out on this girl.

"Case closed and cleared."

Just before 3 o'clock on Wednesday morning the police were sent to investigate a broken front window in a drugstore on Ashland Avenue near Wellington. What had evidently happened was that a burglar or burglars had hidden in the store until after it closed. They then had loaded a shopping cart with items from the shelves and, to make their escape, had thrown a brick through the window, which was not wired to the burglar alarm. However, the vibration of the breaking window had set off the alarm anyway. The thieves were frightened by the noise and fled before someone could respond, leaving behind all the loot except two transistor radios and two

bottles of tuinal, a drug. At quarter of nine that morning, the police responded to a suspicious-persons call and found a 17-year-old shipping clerk sleeping in the basement of a house a few blocks away from the drugstore. A tuinal bottle, with the drugstore's label on it, was protruding from his coat pocket, and another one was inside the pocket. The boy denied having committed the burglary; he said he had found the pills in the washroom of a neighborhood restaurant. However, he was arrested and charged with the burglary, as well as with possessing dangerous drugs. His fingerprints were sent to the crime laboratory to be checked against some suspicious prints evidence technicians had found in the store, and his shoes were also sent to the laboratory in an effort to find glass that might match the glass from the store window. The laboratory's findings are not recorded, so apparently they were negative. On November 30, a grand jury failed to indict the boy for burglary, and the possession charge against him was dropped. Evidently he had been telling the truth.

The week's homicide, a peculiarly unpleasant one, occurred at 3 o'clock on Sunday morning. Shortly before the event, in a bar on Lincoln Avenue near Fullerton, a 25-year-old man who is described in the police files as an "unemployed artist," made a sexual proposal to another man in the bar. This man, a 20-year-old from Kentucky, who had just lost his job and needed money, consented. The two men went to the Kentuckian's nearby apartment, undressed and promptly got into a vehement argument about the precise nature of the acts that were to be performed. At the height of the argument the artist said tauntingly that, in any case, he had no money. This so infuriated the Kentuckian that he grabbed a baseball bat he kept handy against the possibility of intruders, and beat the artist to death with it. He then got dressed, went to a friend's apartment, confessed what he had done and asked the friend to call the police. He was indicted for murder, but in criminal court in January he was allowed to plead guilty to a reduced charge of voluntary manslaughter and was sentenced to a prison term of 1 to 5 years.

The next to last police call during the week came at 9:20 on Wednesday night. A 60-year-old man reported that as he was sitting in his livingroom someone broke the window and storm window there for no reason that he could imagine. The last call of the week came an hour later. A hospital reported having just given an assault victim emergency treatment. A week later a detective interviewed the victim by telephone. The detective reported:

"Complainant states that he saw an unknown auto blocking his driveway. He looked up to the next porch and saw his male white neighbor standing on same. He hollered at him, 'Hey, you queer fag, move your car.' With that the neighbor jumped from his porch onto the complainant and proceeded to beat him upon the face. The complainant went to St. Joseph's hospital to have five stitches taken in his upper lip.

"Reporting officer spoke to the complainant and he stated that he had had no intention of calling the police

over the matter, but they were apparently at the hospital emergency room when he went for treatment, hence he made out the report. Reporting officer asked the complainant to identify the offender but the complainant declined to do so because he wanted to go over the entire incident again in his mind before deciding what to do about the incident. He also stated that he gave his unnamed neighbor quite a beating about the head by pounding the neighbor's head on the sidewalk. Also after the fight he discovered that the auto did not belong to his neighbor and he had been mistaken in thinking so.

"Therefore, due to the fact that the complainant does not want to cooperate with reporting officer and name the offender although he knows his name and address, the case is being unfounded."

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What the crimes of that week in Town Hall strongly suggest is that, although there is always some danger in the city of being robbed and perhaps injured on the street and a considerable danger of being burglarized, what people have to fear most from crime is in themselves: their own carelessness or bravado; their attitudes toward their families and friends, toward the people they work for or who work for them; their appetites for drugs and liquor and sex; their own eccentricities; their own perversities; their own passions. Crime in Town Hall that week, like crime anywhere any week, consisted of the brutal, frightening, surreptitious, selfish, thoughtless, compulsive, sad, and funny ways people behave toward each other.

# The Amount and Trends of Crime

There are more than 2800 Federal crimes and a much larger number of State and local ones. Some involve serious bodily harm, some stealing, some public morals or public order, some governmental revenues, some the creation of hazardous conditions, some the regulation of the economy. Some are perpetrated ruthlessly and systematically; others are spontaneous derelictions. Gambling and prostitution are willingly undertaken by both buyer and seller; murder and rape are violently imposed upon their victims. Vandalism is predominantly a crime of the young; driving while intoxicated, a crime of the adult. Many crime rates vary significantly from place to place.

The crimes that concern Americans the most are those that affect their personal safety—at home, at work, or in the streets. The most frequent and serious of these crimes of violence against the person are willful homicide, forcible rape, aggravated assault, and robbery. National statistics regarding the number of these offenses known to the police either from citizen complaints or through independent police discovery are collected from local police officials by the Federal Bureau of Investigation and published annually as a part of its report, "Crime in the United States, Uniform Crime Reports."<sup>1</sup> The FBI also collects "offenses known" statistics for three property crimes: Burglary, larceny of \$50 and over and motor vehicle theft. These seven crimes are grouped together in the UCR to form an Index of serious crimes.<sup>2</sup> Figure 1 shows the totals for these offenses for 1965.

## THE RISK OF HARM

Including robbery, the crimes of violence make up approximately 13 percent of the Index. The Index reports the number of incidents known to the police, not

the number of criminals who committed them or the number of injuries they caused.

The risk of sudden attack by a stranger is perhaps best measured by the frequency of robberies since, according to UCR and other studies, about 70 percent of all willful killings,<sup>3</sup> nearly two-thirds of all aggravated assaults<sup>4</sup> and a high percentage of forcible rapes<sup>5</sup> are committed by family members, friends, or other persons previously known to their victims. Robbery usually does not involve this prior victim-offender relationship.<sup>6</sup>

Robbery, for UCR purposes, is the taking of property from a person by use or threat of force with or without a weapon. Nationally, about one-half of all robberies are street robberies,<sup>7</sup> and slightly more than one-half involve weapons.<sup>8</sup> Attempted robberies are an unknown percentage of the robberies reported to the UCR. The likelihood of injury is also unknown, but a survey by the District of Columbia Crime Commission of 297 robberies in Washington showed that some injury was inflicted in 25 percent of them. The likelihood of injury was found higher for "yokings" or "muggings" (unarmed robberies from the rear) than for armed robberies. Injuries occurred in 10 of 91 armed robberies as compared with 30 of 67 yokings.<sup>9</sup>

Aggravated assault is assault with intent to kill or for the purpose of inflicting severe bodily injury, whether or not a dangerous weapon is used. It includes all cases of attempted homicide, but cases in which bodily injury is inflicted in the course of a robbery or a rape are included with those crimes rather than with aggravated assault. There are no national figures showing the percentage of aggravated assaults that involve injury, but a survey of 131 cases by the District of Columbia Crime Commission found injury in 84 percent of the cases; 35 percent of the victims required hospitalization.<sup>10</sup> A 1960

<sup>1</sup> Cited hereinafter as "UCR."

<sup>2</sup> "UCR, 1965," p. 51.

<sup>3</sup> Id. at p. 6 (70 percent); "Report of the President's Commission on Crime in the District of Columbia" (Washington: U.S. Government Printing Office, 1966), p. 42 (79 percent). Hereinafter referred to as "D.C. Crime Commission Report." See also Marvin E. Wolfgang, "Patterns in Criminal Homicide" (Philadelphia: University of Pennsylvania Press, 1958), p. 207. (Of the victims, 85.6 percent were at least casually acquainted with their attackers.)

<sup>4</sup> A special survey made by the UCR in 1960 of 564 cities covering about 38 percent of the U.S. population showed that more than 65 percent of all aggravated assaults occurred either within the family (22 percent) or among neighbors or acquaintances (43.4 percent). ("UCR, 1960," p. 11). Of the 131 aggravated assaults studied by the D.C. Crime Commission, 81 percent involved offenders previously known to their victims; 20.7 percent of the offenders were relatives. Only 19 percent of the offenders were strangers. ("D.C. Crime Commission Report," p. 76).

<sup>5</sup> See "D.C. Crime Commission Report," p. 53, indicating that only 36 percent of all rapes surveyed were committed by complete strangers. A study in Philadelphia indicated that only 42.3 percent of the offenders were complete strangers. Of the others, 9.6 percent were strangers but the victim had general knowledge about them, 14.4 percent were acquaintances, 19.3 percent neighbors, 6.0 percent close friends, 5.3 percent family friends, and 2.5 percent relatives. See Menachem Amir, "Patterns in Forcible Rape" (Ph.D. dissertation, University of Pennsylvania, 1965), p. 496.

<sup>6</sup> In Great Britain, where robbery has been studied more intensively than in the

United States, approximately 20 percent of the robberies involved some prior relationship. See F. H. McClintock and Evelyn Gibson, "Robbery in London" (New York: St. Martin's Press, 1961), p. 16.

<sup>7</sup> "UCR, 1965," table 14, p. 105, based on 646 cities with a total population of 75,400,000, shows the following percentages for types of robberies:

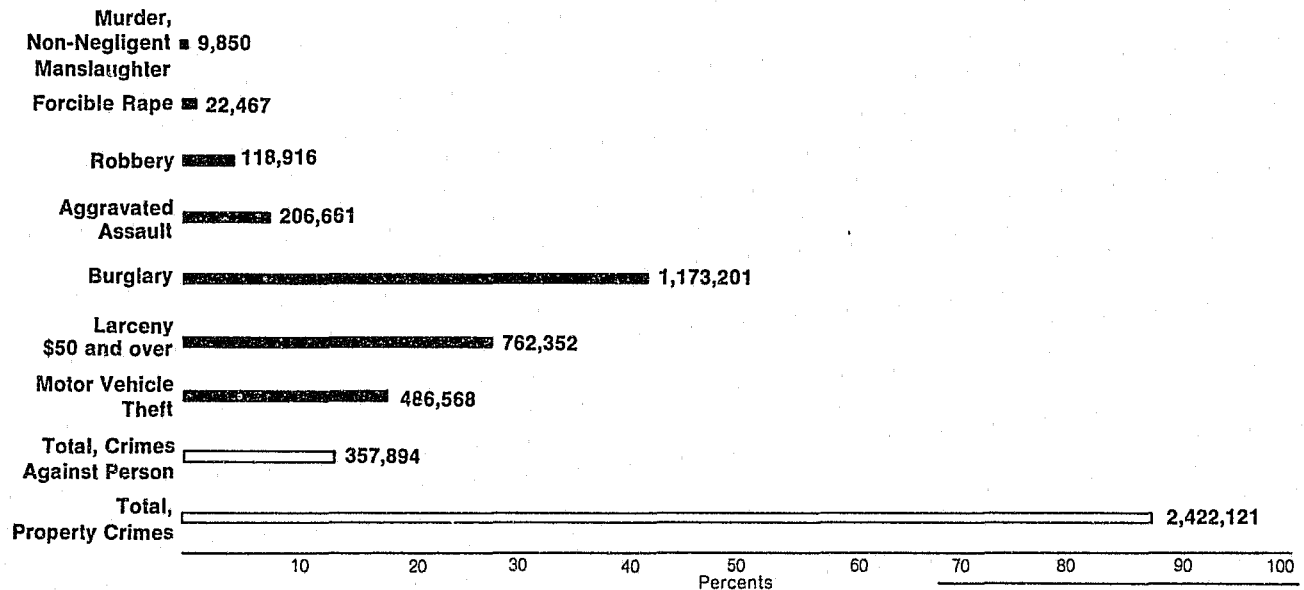
Highway (street).....	51.4
Commercial house.....	20.2
Gas or service station.....	5.9
Chain store.....	2.7
Residence.....	9.1
Bank.....	.9
Miscellaneous.....	9.9

<sup>8</sup> Armed robberies accounted for 57.6 percent of the total and strong-arm robberies for 42.4 percent ("UCR, 1965," p. 11).

<sup>9</sup> "D.C. Crime Commission Report," p. 64.

<sup>10</sup> Id. at p. 79. In a study of juvenile offenders in Philadelphia, Thorsten Sellin and Marvin E. Wolfgang, "The Measurement of Delinquency" (New York: John Wiley & Sons, 1964), pp. 190-208, found that nearly three-fourths of all aggravated assault victims required medical treatment of some sort and 23 percent required hospitalization. See also David J. Pittman and William Handy, "Patterns in Criminal Aggravated Assault," *Journal of Criminal Law, Criminology and Police Science*, 55: 462-470, December 1964. In a random sample of 241 aggravated assault cases occurring in St. Louis in 1961, 53.4 percent of the victims suffered injuries that required hospitalization. Lesser injuries were noted for the victims in the remaining cases studied (p. 465).

# Estimated Number and Percentage of Index Offenses, 1965 Figure 1



Source: *Uniform Crime Reports*, 1965, p. 51.

UCR study showed that juvenile gangs committed less than 4 percent of all aggravated assaults.<sup>11</sup>

Forcible rape includes only those rapes or attempted rapes in which force or threat of force is used. About one-third of the UCR total is attempted rape.<sup>12</sup> In a District of Columbia Crime Commission survey of 151 cases, about 25 percent of all rape victims were attacked with dangerous weapons;<sup>13</sup> the survey did not show what percentage received bodily harm in addition to the rape.

About 15 percent of all criminal homicides, both nationally and in the District of Columbia Crime Commission surveys, occurred in the course of committing other offenses.<sup>14</sup> These offenses appear in the homicide total rather than in the total for the other offense. In the District of Columbia Crime Commission surveys, less than one-half of 1 percent of the robberies and about 3 percent of the forcible rapes ended in homicide.<sup>15</sup>

Somewhat personal danger is also involved in the property crimes. Burglary is the unlawful entering of a building to commit a felony or a theft, whether force is used or not. About half of all burglaries involve residences, but the statistics do not distinguish inhabited parts of houses from garages and similar outlying parts. About half of all residential burglaries are committed in daylight and about half at night.<sup>16</sup> A UCR survey indicates that 32 percent of the entries into residences are made through unlocked doors or windows.<sup>17</sup> When an unlawful entry results in a violent confrontation with the occupant, the

offense is counted as a robbery rather than a burglary.<sup>18</sup> Of course, even when no confrontation takes place there is often a risk of confrontation. Nationally such confrontations occur in only one-fortieth of all residential burglaries. They account for nearly one-tenth of all robberies.<sup>19</sup>

In summary, these figures suggest that, on the average, the likelihood of a serious personal attack on any American in a given year is about 1 in 550;<sup>20</sup> together with the studies available they also suggest that the risk of serious attack from spouses, family members, friends, or acquaintances is almost twice as great as it is from strangers on the street.<sup>21</sup> Commission and other studies, moreover, indicate that the risks of personal harm are spread very unevenly. The actual risk for slum dwellers is considerably more; for most Americans it is considerably less.<sup>22</sup>

Except in the case of willful homicide, where the figures describe the extent of injury as well as the number of incidents, there is no national data on the likelihood of injury from attack. More limited studies indicate that while some injury may occur in two-thirds of all attacks, the risk in a given year of injury serious enough to require any degree of hospitalization of any individual is about 1 in 3000 on the average, and much less for most Americans.<sup>23</sup> These studies also suggest that the injury inflicted by family members or acquaintances is likely to be more severe than that from strangers. As shown by table 1, the risk of death from willful homicide is about 1 in 20,000.

<sup>11</sup> "UCR, 1960," p. 11.

<sup>12</sup> "UCR, 1965," p. 9.

<sup>13</sup> "D.C. Crime Commission Report," p. 54.

<sup>14</sup> "UCR, 1965," p. 7; "D.C. Crime Commission Report," p. 43.

<sup>15</sup> In the D.C. Crime Commission study of 172 murders, about 10 percent were incidental to a robbery, and about 4 percent incidental to rape ("D.C. Crime Commission Report," pp. 45-46, 56). The latter figure is considerably higher than that for the Nation as a whole.

<sup>16</sup> "UCR, 1965," table 14, p. 105, based on 646 cities with a total population of 75,400,000, gives the following picture of types of burglaries:

Residence:	Percent
Night	25.4
Day	24.1
Nonresidence:	
Night	45.9
Day	4.6

<sup>17</sup> "UCR, 1961," pp. 8, 10.

<sup>18</sup> Federal Bureau of Investigation, "Uniform Crime Reporting Handbook" (Washington: Federal Bureau of Investigation, February 1965), pp. 39-40. Hereinafter referred to as "UCR Handbook."

<sup>19</sup> "UCR, 1965," table 14, p. 105.

<sup>20</sup> "UCR, 1965," p. 51. These figures based on reported index crimes. The danger of serious personal attack for crimes against the person is 184.7 per 100,000 or 1 in 556. (By offense, the rates per 100,000 are 5.1 for murder; 11.6, forcible rape; 61.4, robbery; and 106.6, aggravated assault.)

<sup>21</sup> See notes 3-6 supra, for percentages of risk, particularly the D.C. Crime Commission surveys. See note 20 supra, and Table 4 below for rates of offense. Assuming that the distribution is the same, the picture is clearer when unreported crime is considered.

<sup>22</sup> See chapter 4, notes 4-22 and chapter 5, Table 11. See also "Opportunity for Urban Excellence: Report of the Atlanta Commission on Crime and Juvenile Delinquency, 1966, pp. 57-60.

<sup>23</sup> This figure includes all homicides and the Sellin and Wolfgang estimates for aggravated assault, supra note 10. It includes one-third of all forcible rapes (one-third are attempts; some others do not require hospitalization; see Amir, supra note 5). The only estimate available for robbery was that for injury, supra note 9. Based on percentages for other crimes, it was assumed that one-third of the total injuries might require hospitalization.



Table 1.—Deaths From Other Than Natural Causes in 1965

(Per 100,000 inhabitants)	
Motor vehicle accidents.....	25
Other accidents.....	12
Suicide.....	12
Falls.....	10
Willful homicide.....	5
Drowning.....	4
Fires.....	4

SOURCE: National Safety Council, "Accident Facts," 1965; Population Reference Bureau.

Criminal behavior accounts for a high percentage of motor vehicle deaths and injuries. In 1965 there were an estimated 49,000 motor vehicle deaths.<sup>24</sup> Negligent manslaughter, which is largely a motor vehicle offense, accounted for more than 7,000 of these.<sup>25</sup> Studies in several States indicate that an even higher percentage involve criminal behavior. They show that driving while intoxicated is probably involved in more than one-half of all motor vehicle deaths. These same studies show that driving while intoxicated is involved in more than 13 percent of the 1,800,000 nonfatal motor vehicle accidents each year.<sup>26</sup>

For various statistical and other reasons, a number of serious crimes against or involving risk to the person, such as arson, kidnapping, child molestation, and simple assault, are not included in the UCR Index.<sup>27</sup> In a study of 1,300 cases of delinquency in Philadelphia, offenses other than the seven Index crimes constituted 62 percent of all cases in which there was physical injury. Simple assault accounted for the largest percentage of these injuries. But its victims required medical attention in only one-fifth of the cases as opposed to three-fourths of the aggravated assaults, and hospitalization in 7 percent as opposed to 23 percent. Injury was more prevalent in conflicts between persons of the same age than in those in which the victim was older or younger than the attacker.<sup>28</sup>

#### PROPERTY CRIMES

The three property crimes of burglary, automobile theft, and larceny of \$50 and over make up 87 percent of Index crimes.<sup>29</sup> The Index is a reasonably reliable indicator of the total number of property crimes reported to the police, but not a particularly good indicator of the seriousness of monetary loss from all property crimes. Commission studies tend to indicate that such non-Index crimes as fraud and embezzlement are more significant in terms of dollar volume.<sup>30</sup> Fraud can be a particularly pernicious offense. It is not only expensive in total but all too often preys on the weak.

Many larcenies included in the Index total are misdemeanors rather than felonies under the laws of their own States. Auto thefts that involve only unauthorized use also are misdemeanors in many States. Many stolen automobiles are abandoned after a few hours, and more

than 85 percent are ultimately recovered according to UCR studies.<sup>31</sup> Studies in California indicate that about 20 percent of recovered cars are significantly damaged.<sup>32</sup>

#### OTHER CRIMINAL OFFENSES

The seven crimes for which all offenses known are reported were selected in 1927 and modified in 1958 by a special advisory committee of the International Association of Chiefs of Police on the basis of their serious nature, their frequency, and the reliability of reporting from citizens to police.<sup>33</sup> In 1965 reporting for these offenses included information supplied voluntarily by some 8,000 police agencies covering nearly 92 percent of the total population.<sup>34</sup> The FBI tries vigorously to increase the number of jurisdictions that report each year and to promote uniform reporting and classification of the reported offenses.

The UCR Index does not and is not intended to assist in assessing all serious national crime problems. For example, offense statistics are not sufficient to assess the incidence of crime connected with corporate activity, commonly known as white-collar crime, or the total criminal acts committed by organized crime groups. Likewise, offense and arrest figures alone do not aid very much in analyzing the scope of professional crime—that is, the number and types of offenses committed by those whose principal employment and source of income are based upon the commission of criminal acts.

Except for larceny under \$50 and negligent manslaughter, for which there are some national offenses-known-to-the-police data,<sup>35</sup> knowledge of the volume and trends of non-Index crimes depends upon arrest statistics. Since the police are not able to make arrests in many cases, these are necessarily less complete than the "offenses known" statistics. Moreover, the ratio between arrests and the number of offenses differs significantly from offense to offense—as is shown, for example, by the high percentage of reported cases in which arrests are made for murder (91 percent) and the relatively low percentage for larceny (20 percent).<sup>36</sup> Reporting to the FBI for arrests covers less than 70 percent of the population.<sup>37</sup> However, because arrest statistics are collected for a broader range of offenses—28 categories including the Index crimes—they show more of the diversity and magnitude of the many different crime problems.<sup>38</sup> Property crimes do not loom so large in this picture.

Nearly 45 percent of all arrests are for such crimes without victims or against the public order as drunkenness, gambling, liquor law violations, vagrancy, and prostitution. As table 2 shows, drunkenness alone accounts for almost one-third of all arrests. This is not necessarily a good indication of the number of persons arrested for drunkenness, however, as some individuals may be arrested many times during the year. Arrest statistics measure the number of arrests, not the number of criminals.

<sup>24</sup> National Safety Council, "Accident Facts" (Chicago: National Safety Council, 1966), p. 40.

<sup>25</sup> Reports to the UCR for 1965 covering 83 percent of the population indicated a total of 7,013 manslaughter cases (p. 94). According to earlier studies, 90 percent of all negligent manslaughter is due to automobile accidents ("UCR, 1958," Special Issue, p. 25). The remainder is attributable largely to hunting accidents.

<sup>26</sup> National Safety Council, supra note 24, at p. 52.

<sup>27</sup> International Association of Chiefs of Police, Committee on Uniform Crime Records, "Uniform Crime Reporting" (New York: J. J. Little and Ives, 1929), pp. 180-182.

<sup>28</sup> Marvin E. Wolfgang, "Uniform Crime Reports: A Critical Appraisal," University of Pennsylvania Law Review, 111: 709-738, April 1963.

<sup>29</sup> "UCR, 1965," p. 51.

<sup>30</sup> See chapter 3, notes 30-40, 73-92.

<sup>31</sup> "UCR, 1965," p. 17.

<sup>32</sup> California Highway Patrol, Auto Status Program, unpublished data, 1966.

<sup>33</sup> International Association of Chiefs of Police, supra note 27, pp. 24-26. See also "UCR, 1958," Special Issue, pp. 15-17, 20-25.

<sup>34</sup> "UCR, 1965," pp. 43-44.

<sup>35</sup> "UCR, 1965," tables 5-9, 12, and 14, pp. 92-105. This information is included each year in crime trends and offenses cleared data.

<sup>36</sup> "UCR, 1965," p. 97.

<sup>37</sup> "UCR, 1965," p. 107.

<sup>38</sup> The UCR arrest tables show 29 categories; one of these, "suspicion," is not tallied in total arrest figures, however. Two of the categories, "curfew and loitering laws" and "runaway," are limited to juveniles and were added in 1964. These categories often do not involve criminal offenses. See "UCR, 1965," pp. 47-49 for definition of the categories.

Table 2.—Number and Rate of Arrests for the 10 Most Frequent Offenses, 1965

[4,062 agencies reporting; total population 134,095,000]

Rank	Offense	Number	Rate (per 100,000 population)	Percent of total arrests
1	Drunkenness.....	1,535,040	1,144.7	31.0
2	Disorderly conduct.....	570,122	425.2	11.5
3	Larceny (over and under \$50).....	385,726	286.2	7.7
4	Driving under the influence.....	241,511	180.1	4.9
5	Simple assault.....	207,615	154.8	4.2
6	Burglary.....	197,627	147.4	4.0
7	Liquor laws.....	179,219	133.7	3.6
8	Vagrancy.....	120,416	89.8	2.4
9	Gambling.....	114,294	85.2	2.3
10	Motor vehicle theft.....	101,763	75.9	2.1
Total, 10 most frequent offenses.....		3,651,333	2,722.9	73.7
Arrests for all offenses <sup>1</sup> .....		4,955,047	3,695.2	100.0

<sup>1</sup> Does not include arrests for traffic offenses.

SOURCE: "Uniform Crime Reports," 1965, pp. 108-109.

#### FEDERAL CRIMES

More than 50 percent of all Federal criminal offenses relate to general law enforcement in territorial or maritime jurisdictions directly subject to Federal control, or are also State offenses (bank robberies, for example).<sup>39</sup> Police statistics for these offenses are normally reported in the UCR, particularly when local law enforcement is involved. Such other Federal crimes as antitrust violations, food and drug violations and tax evasion are not included in the UCR. Although Federal crimes constitute only a small percentage of all offenses, crimes such as those shown in table 3 are an important part of the national crime picture.

Table 3.—Selected Federal Crimes

[Cases filed in court—1966]

Antitrust.....	7
Food and drug.....	350
Income tax evasion.....	863
Liquor revenue violations.....	2,729
Narcotics.....	2,293
Immigration.....	3,188

SOURCE: Department of Justice.

#### THE EXTENT OF UNREPORTED CRIME

Although the police statistics indicate a lot of crime today, they do not begin to indicate the full amount. Crimes reported directly to prosecutors usually do not show up in the police statistics.<sup>40</sup> Citizens often do not report crimes to the police. Some crimes reported to the police never get into the statistical system. Since better crime prevention and control programs depend upon a full and accurate knowledge about the amount and kinds of crime, the Commission initiated the first national survey

ever made of crime victimization. The National Opinion Research Center of the University of Chicago surveyed 10,000 households, asking whether the person questioned, or any member of his or her household, had been a victim of crime during the past year, whether the crime had been reported, and, if not, the reasons for not reporting.<sup>41</sup>

More detailed surveys were undertaken in a number of high and medium crime rate precincts of Washington, Chicago, and Boston by the Bureau of Social Science Research of Washington, D.C.,<sup>42</sup> and the Survey Research Center of the University of Michigan.<sup>43</sup> All of the surveys dealt primarily with households or individuals, although some data were obtained for certain kinds of businesses and other organizations.

These surveys show that the actual amount of crime in the United States today is several times that reported in the UCR. As table 4 shows, the amount of personal injury crime reported to NORC is almost twice the UCR rate and the amount of property crime more than twice as much as the UCR rate for individuals. Forcible rapes were more than 3½ times the reported rate, burglaries three times, aggravated assaults and larcenies of \$50 and over more than double, and robbery 50 percent greater than the reported rate. Only vehicle theft was lower and then by a small amount. (The single homicide reported is too small a number to be statistically useful.)

Even these rates probably understate the actual amounts of crime. The national survey was a survey of the victim experience of every member of a household based on interviews of one member. If the results are tabulated only for the family member who was interviewed, the amount of unreported victimization for some offenses is considerably higher. Apparently, the person interviewed remembered more of his own victimization than that of other members of his family.<sup>44</sup>

The Washington, Boston, and Chicago surveys, based solely on victimization of the person interviewed, show even more clearly the disparity between reported and

Table 4.—Comparison of Survey and UCR Rates

[Per 100,000 population]

Index Crimes	NORC survey 1965-66	UCR rate for individuals 1965 <sup>1</sup>	UCR rate for individuals and organizations 1965 <sup>1</sup>
Willful homicide.....	3.0	5.1	5.1
Forcible rape.....	42.5	11.6	11.6
Robbery.....	94.0	61.4	61.4
Aggravated assault.....	218.3	106.6	106.6
Burglary.....	949.1	299.6	605.3
Larceny (\$50 and over).....	606.5	267.4	393.3
Motor vehicle theft.....	206.2	226.0	251.0
Total violence.....	357.8	184.7	184.7
Total property.....	1,761.8	793.0	1,249.6

<sup>1</sup> "Uniform Crime Reports," 1965, p. 51. The UCR national totals do not distinguish crimes committed against individuals or households from those committed against businesses or other organizations. The UCR rate for individuals is the published national rate adjusted to eliminate burglaries, larcenies, and vehicle thefts not committed against individuals or households. No adjustment was made for robbery.

<sup>39</sup> There is no report of "offenses known to the police" for Federal crimes. The most complete report of Federal crimes is found in the "Annual Report of the Attorney General of the United States," which lists the number of cases filed in court each year. More than 50 percent of the cases filed in both 1965 and 1966 related to general law enforcement in jurisdictions subject to Federal control, or were also State offenses. The "Annual Report of the Director of the Administrative Office of the United States Courts" also contains some information regarding Federal criminal offenses.

<sup>40</sup> Even when reported directly to a prosecutor, crimes are supposed to be included in the "offenses-known-to-the-police" reports. In practice, this often does not happen. Fraud, in particular, is often reported directly to the prosecuting officer and omitted from the police statistics.

<sup>41</sup> Philip H. Ennis, "Criminal Victimization in the United States: A Report of a National Survey" (Field Surveys II, President's Commission on Law Enforcement

and Administration of Justice, Washington: U.S. Government Printing Office, 1967). Hereinafter referred to as the NORC survey.

<sup>42</sup> Albert D. Biderman, Louise A. Johnson, Jennie McIntyre, and Adrienne W. Weir, "Report on a Pilot Study in the District of Columbia on Victimization and Attitudes Toward Law Enforcement" (Field Surveys I, President's Commission on Law Enforcement and Administration of Justice, Washington: U.S. Government Printing Office, 1967). Hereinafter referred to as the BSSR survey.

<sup>43</sup> Albert J. Reiss, Jr., "Studies in Crime and Law Enforcement in Major Metropolitan Areas" (Field Surveys III, vol. 1, sec. 1, President's Commission on Law Enforcement and Administration of Justice, Washington: U.S. Government Printing Office, 1967). Hereinafter referred to as the Reiss studies.

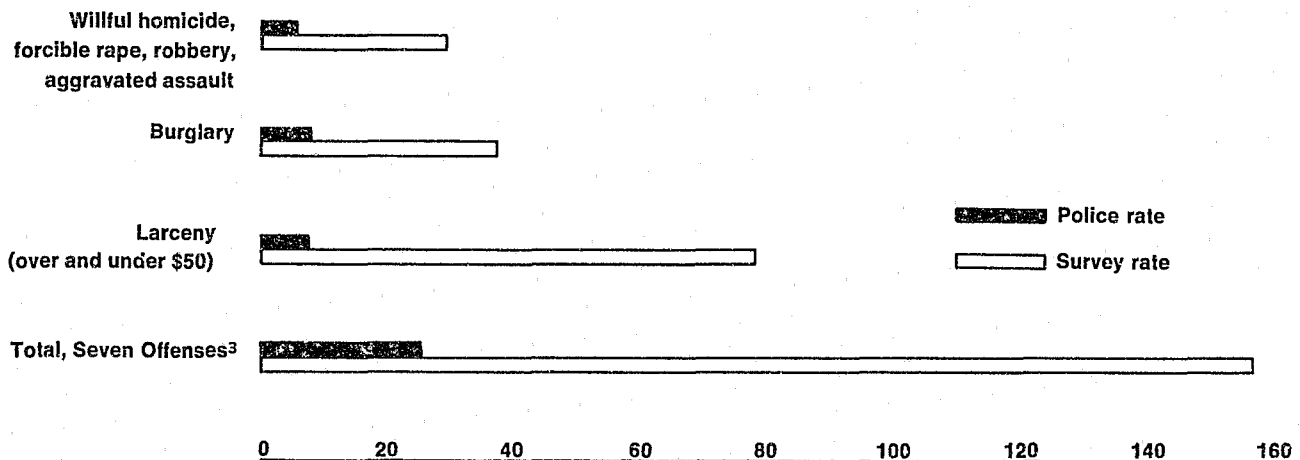
<sup>44</sup> For a discussion of this methodological problem, see BSSR survey, supra note 42 at pp. 31-32, 44-46. In addition to this problem, a number of other methodological issues have been given detailed consideration in the national survey report, see NORC survey, supra note 41, pp. 80-109.

## Estimated Rates of Offense<sup>1</sup>

### Comparison of Police<sup>2</sup> and BSSR Survey Data Figure 2

3 WASHINGTON, D.C. PRECINCTS

Rates per 1000 Residents 18 Years or Over



<sup>1</sup>Incidents involving more than one victim adjusted to count as only one offense. A victimization rate would count the incidence for each individual.

<sup>2</sup>Police statistics adjusted to eliminate nonresident and commercial victims and victims under 18 years of age.

<sup>3</sup>Willful homicide, forcible rape, robbery, aggravated assault, burglary, larceny (over and under \$50), and motor vehicle theft.

unreported amounts of crime. The clearest case is that of the survey in three Washington precincts, where, for the purpose of comparing survey results with crimes reported to the police, previous special studies made it possible to eliminate from police statistics crimes involving business and transient victims. As figure 2 indicates, for certain specific offenses against individuals the number of offenses reported to the survey per thousand residents 18 years or over ranged, depending on the offense, from 3 to 10 times more than the number contained in police statistics.

The survey in Boston and in one of the Chicago precincts indicated about three times as many Index crimes as the police statistics, in the other Chicago precinct about 1½ times as many. These survey rates are not fully comparable with the Washington results because adequate information did not exist for eliminating business and transient victims from the police statistics. If this computation could have been made, the Boston and Chicago figures would undoubtedly have shown a closer similarity to the Washington findings.<sup>45</sup>

In the national survey of households those victims saying that they had not notified the police of their victimization were asked why. The reason most frequently given for all offenses was that the police could not do anything. As table 5 shows, this reason was given by 68 percent of those not reporting malicious mischief, and by 60 or more percent of those not reporting burglaries, larcenies of \$50 and over, and auto thefts. It is not clear whether these responses are accurate assessments of the victims' inability to help the police or merely rationalizations of their failure to report. The next most frequent reason was that the offense was a private matter or that the victim did not

want to harm the offender. It was given by 50 percent or more of those who did not notify the police for aggravated and simple assaults, family crimes, and consumer frauds. Fear of reprisal, though least often cited, was strongest in the case of assaults and family crimes. The extent of failure to report to the police was highest for

Table 5.—Victims' Most Important Reason for Not Notifying Police<sup>1</sup>

(In percentages)

Crimes	Percent of cases in which police not notified	Reasons for not notifying police				
		Felt it was private matter or did not want to harm offender	Police could not be effective or would not want to be bothered	Did not want to take time	Too confused or did not know how to report	Fear of reprisal
Robbery.....	35	27	45	9	18	0
Aggravated assault.....	35	50	25	4	8	13
Simple assault.....	54	50	35	4	4	7
Burglary.....	42	30	63	4	2	2
Larceny (\$50 and over).....	40	23	62	7	7	0
Larceny (under \$50).....	63	31	58	7	3	0
Auto theft.....	11	20	60	20	20	20
Malicious mischief.....	62	23	68	5	2	2
Consumer fraud.....	90	50	40	0	10	0
Other fraud (bad checks, swindling, etc.).....	74	41	35	16	8	0
Sex offenses (other than forcible rape).....	49	40	50	0	5	5
Family crimes (desertion, non-support, etc.).....	50	65	17	10	0	7

\*Less than 0.5%.

<sup>1</sup> Willful homicide, forcible rape, and a few other crimes had too few cases to be statistically useful, and they are therefore excluded.

<sup>2</sup> There were only 5 instances in which auto theft was not reported.

SOURCE: NORC survey.

<sup>45</sup> The Washington figures were adjusted on the basis of an FBI mobility survey conducted in the Washington, D.C., Standard Metropolitan Statistical Area in the fall of 1964.

consumer fraud (90 percent) and lowest for auto theft (11 percent).

The survey technique, as applied to criminal victimization, is still new and beset with a number of methodological problems. However, the Commission has found the information provided by the surveys of considerable value, and believes that the survey technique has a great untapped potential as a method for providing additional information about the nature and extent of our crime problem and the relative effectiveness of different programs to control crime.

## TRENDS IN CRIME

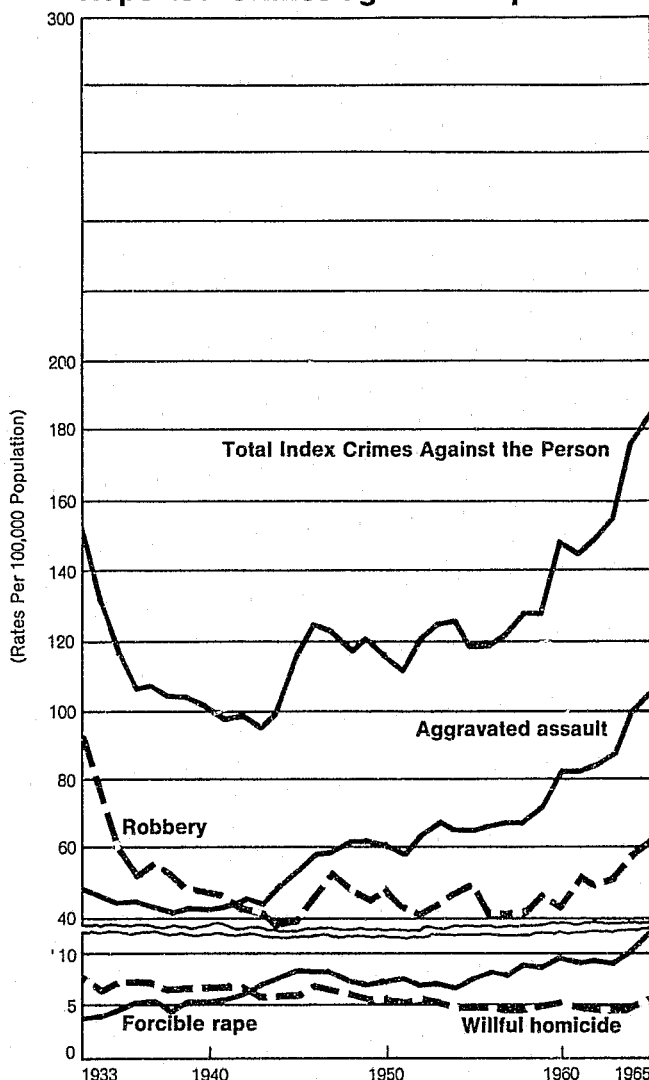
There has always been too much crime. Virtually every generation since the founding of the Nation and before has felt itself threatened by the spectre of rising crime and violence.

A hundred years ago contemporary accounts of San Francisco told of extensive areas where "no decent man was in safety to walk the street after dark; while at all hours, both night and day, his property was jeopardized by incendiarism and burglary."<sup>46</sup> Teenage gangs gave rise to the word "hoodlum";<sup>47</sup> while in one central New York City area, near Broadway, the police entered "only in pairs, and never unarmed."<sup>48</sup> A noted chronicler of the period declared that "municipal law is a failure \* \* \* we must soon fall back on the law of self preservation."<sup>49</sup> "Alarming" increases in robbery and violent crimes were reported throughout the country prior to the Revolution.<sup>50</sup> And in 1910 one author declared that "crime, especially its more violent forms, and among the young is increasing steadily and is threatening to bankrupt the Nation."<sup>51</sup>

Crime and violence in the past took many forms. During the great railway strike of 1877 hundreds were killed across the country and almost 2 miles of railroad cars and buildings were burned in Pittsburgh in clashes between strikers and company police and the militia.<sup>52</sup> It was nearly a half century later, after pitched battles in the steel industry in the late thirties, that the Nation's long history of labor violence subsided.<sup>53</sup> The looting and takeover of New York for 3 days by mobs in the 1963 draft riots rivaled the violence of Watts,<sup>54</sup> while racial disturbances in Atlanta in 1907, in Chicago, Washington, and East St. Louis in 1919, Detroit in 1943 and New York in 1900, 1935, and 1943 marred big city life in the first half of the 20th century.<sup>55</sup> Lynchings took the lives of more than 4,500 persons throughout the country between 1882 and 1930.<sup>56</sup> And the violence of Al Capone and Jesse James was so striking that they have left their marks permanently on our understanding of the eras in which they lived.

However, the fact that there has always been a lot of crime does not mean that the amount of crime never changes. It changes constantly, day and night, month to month, place to place. It is essential that society be able to tell when changes occur and what they are, that

**Index Crime Trends, 1933-1965** Figure 3  
**Reported Crimes against the person**



NOTE: Scale for willful homicide and forcible rape enlarged, to show trend.

Source: FBI, Uniform Crime Reports Section; unpublished data.

it be able to distinguish normal ups and downs from long-term trends. Whether the amount of crime is increasing or decreasing, and by how much, is an important question—for law enforcement, for the individual citizen who must run the risk of crime, and for the official who must plan and establish prevention and control programs. If it is true, as the Commission surveys tend to indicate, that society has not yet found fully reliable methods for measuring the volume of crime, it is even more true that it has failed to find such methods for measuring the trend of crime.

<sup>46</sup> Daniel Bell, "The End of Ideology" (2d rev. ed., New York: Collier Books, 1962), p. 172.

<sup>47</sup> Robert V. Bruce, "1877: Year of Violence" (New York: Bobbs-Merrill, 1959), p. 13.

<sup>48</sup> Daniel Bell, *supra* note 46, at p. 171.

<sup>49</sup> *Id.* at p. 172.

<sup>50</sup> Carl Bridenbaugh, "Cities in Revolt: Urban Life in America, 1743-1776" (New York: A. A. Knopf, 1955), p. 110.

<sup>51</sup> Al Wasserman, "NBC White Paper: Terror in the Streets," unpublished script for NBC television broadcast, April 6, 1965, p. 24.

<sup>52</sup> See Robert V. Bruce, *supra* note 47 at pp. 131-158.

<sup>53</sup> See Joseph G. Rayback, "A History of American Labor" (New York: Macmillan, 1959); and Philip Taft, "Violence in American Labor Disputes," *Annals of the American Academy of Political and Social Science*, 364: 127-140, March 1966.

<sup>54</sup> See Irving Wershtein, "July 1863" (New York: Julian Messner, 1957); and Herbert Ashbury, "Canga of New York" (New York: A. A. Knopf, 1928), pp. 118-173.

<sup>55</sup> Robert M. Fogelson, "The 1960's Riots: Interpretations and Recommendations," A report to the President's Commission on Law Enforcement and Administration of Justice, 1966 (mimeo).

<sup>56</sup> U.S. Commission on Civil Rights, "Justice" (Washington: U.S. Government Printing Office, 1961), pp. 267-268.

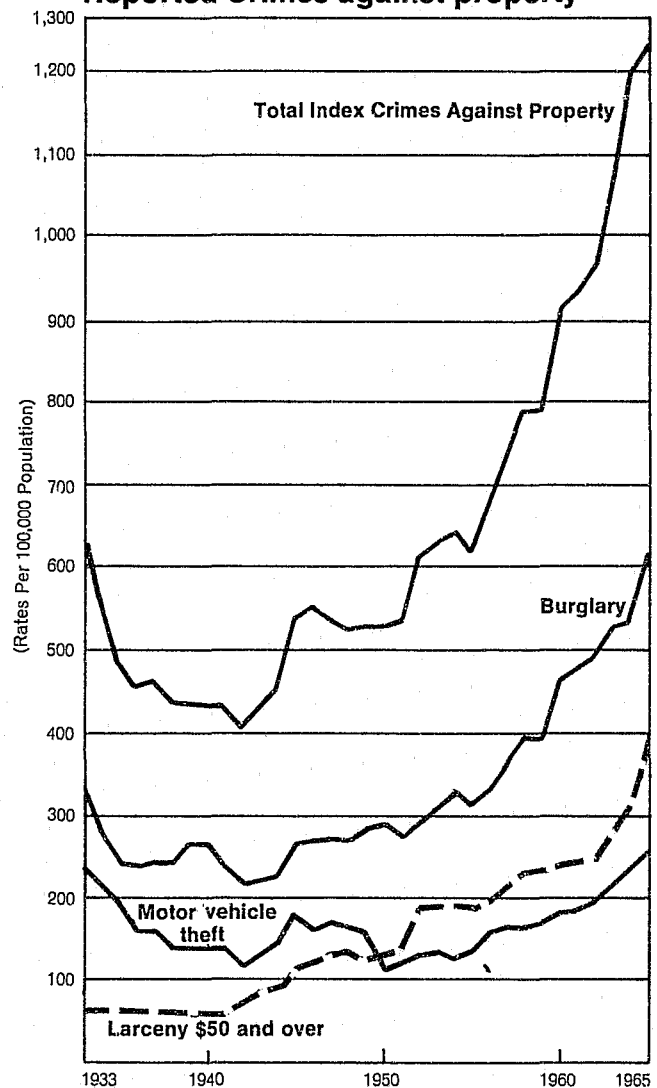
Unlike some European countries, which have maintained national statistics for more than a century and a quarter, the United States has maintained national crime statistics only since 1930.<sup>57</sup> Because the rural areas were slow in coming into the system and reported poorly when they did, it was not until 1958, when other major changes were made in the UCR, that reporting of rural crimes was sufficient to allow a total national estimate without special adjustments.<sup>58</sup> Changes in overall estimating procedures and two offense categories—rape and larceny—were also made in 1958.<sup>59</sup> Because of these problems figures prior to 1958, and particularly those prior to 1940, must be viewed as neither fully comparable with nor nearly so reliable as later figures.

For crimes of violence the 1933–65 period, based on newly adjusted unpublished figures from the UCR, has been, as figure 3 on the previous page shows, one of sharply divergent trends for the different offenses. Total numbers for all reported offenses have increased markedly; the Nation's population has increased also—by more than 47 percent since 1940.<sup>60</sup> The number of offenses per 100,000 population has tripled for forcible rape and has doubled for aggravated assault during the period, both increasing at a fairly constant pace. The willful homicide rate has decreased somewhat to about 70 percent of its high in 1933, while robbery has fluctuated from a high in 1933 and a low during World War II to a point where it is now about 20 percent above the beginning of the postwar era. The overall rate for violent crimes, primarily due to the increased rate for aggravated assault, now stands at its highest point, well above what it has been throughout most of the period.

Property crime rates, as shown in figure 4, are up much more sharply than the crimes of violence. The rate for larceny of \$50 and over has shown the greatest increase of all Index offenses. It is up more than 550 percent over 1933. The burglary rate has nearly doubled. The rate for auto theft has followed an uneven course to a point about the same as the rate of the early thirties.

The upward trend for 1960–65, as shown in table 6, has been faster than the long-term trend, up 25 percent for the violent crimes and 36 percent for the property crimes. The greatest increases in the period came in 1964, in forcible rape among crimes of violence and in vehicle theft

Index Crime Trends, 1933-1965 Figure 4  
Reported Crimes against property



NOTE: The scale for this figure is not comparable with that used in Figure 3.

Source: FBI, Uniform Crime Reports Section; unpublished data.

Table 6.—Offenses Known to the Police, 1960–65

[Rates per 100,000 population]

Offense	1960	1961	1962	1963	1964	1965
Willful homicide.....	5.0	4.7	4.5	4.5	4.8	5.1
Forcible rape.....	9.2	9.0	9.1	9.0	10.7	11.6
Robbery.....	51.6	50.0	51.1	53.0	58.4	61.4
Aggravated assault.....	82.5	82.2	84.9	88.6	101.8	106.6
Burglary.....	465.5	474.9	483.7	527.4	580.4	605.3
Larceny \$50 and over.....	271.4	277.9	295.6	330.9	368.2	393.3
Motor vehicle theft.....	179.2	179.9	193.4	212.1	242.0	251.0
Total crimes against person.....	148.3	145.9	149.6	155.1	175.7	184.7
Total property crimes.....	916.1	932.7	979.7	1,070.4	1,190.6	1,249.6

SOURCE: FBI, Uniform Crime Reports Section, unpublished data.

among property crimes. Preliminary reports indicate that all Index offenses rose in 1966.<sup>61</sup>

Arrest rates are in general much less complete and are available for many fewer years than are rates for offenses known to the police.<sup>62</sup> However, they do provide another measure of the trend of crime. For crimes of violence, arrest rates rose 16 percent during 1960–65, considerably less than the 25 percent increase indicated by offenses known to the police. For property crimes, arrest rates have increased about 25 percent, as opposed to a 36 percent increase in offenses known to the police

<sup>57</sup> France was the first country to collect crime statistics, beginning a series for judicial officers in 1827. Interest in criminal statistics began in continental Europe in 1829; a collection plan for statistics was presented in England in 1856 and has been a regular part of an annual report since 1857. See Leon Radzinowicz, "Ideology and Crime" (New York: Columbia University Press, 1966), p. 31; Thorsten Sellin and Marvin E. Wolfgang, supra note 10, pp. 7–44; National Commission on Law Observance and Enforcement, "Report on Criminal Statistics" (Washington: U.S. Government Printing Office, 1931), pp. 8, 53, hereinafter referred to as "Wickersham Statistics Report;" and "UCR, 1958," Special Issue, p. 9.

<sup>58</sup> "UCR, 1958," Special Issue, pp. 33–37.

<sup>59</sup> Id. at pp. 20–28.

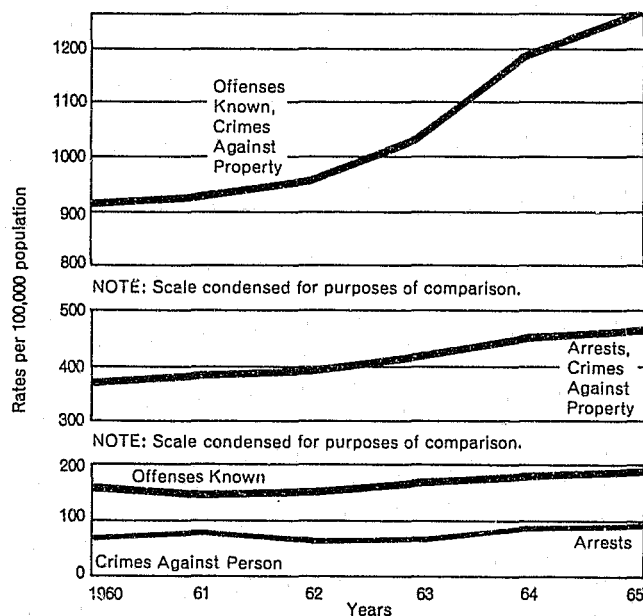
<sup>60</sup> The 1940 population was 131,669,275 and the 1965 estimated population was 193,818,000. The percentage increase, then, was 47.2 percent.

<sup>61</sup> "UCR," Preliminary Report for 1966, March 15, 1967.

<sup>62</sup> See "UCR, 1958," Special Issue, pp. 39–40. Prior to 1952 UCR arrest data were based on estimates from fingerprints submitted to the FBI rather than on actual figures. See "UCR, 1952," pp. 110–112.

## Reported Crimes Against Persons and Property, 1960-1965 Trends Arrests and Offenses Known to the Police

Figure 5



NOTE: Arrest rates include larceny over and under \$50 but rates for offenses known to the police include only larcenies of \$50 and over.  
All rates are based on estimates for the total population.

Source: FBI, Uniform Crime Reports Section; unpublished data.

during 1960-65. Figure 5 compares the 1960-65 trend for arrests and offenses known for both crimes of violence and property crimes.

Prior to the year 1933, shown in figures 3 and 4, there is no estimated national rate for any offenses. UCR figures for a sizable number of individual cities, however, indicate that the 1930-32 rates, at least for those cities, were higher than the 1933 rates.<sup>63</sup> Studies of such individual cities as Boston, Chicago, New York, and others indicate that in the twenties and the World War I years reported rates for many offenses were even higher.<sup>64</sup> A recent study of crime in Buffalo, N.Y., from 1854 to 1946 showed arrest rates in that city for willful homicide, rape, and assault reaching their highest peak in the early 1870's, declining, rising again until 1918, and declining into the forties.<sup>65</sup>

Trends for crimes against trust, vice crimes, and crimes against public order, based on arrest rates for 1960-65, follow a much more checkered pattern than do trends for Index offenses. For some offenses this is in part due to the fact that arrest patterns change significantly from time to time, as when New York recently decided not to make further arrests for public drunkenness.<sup>66</sup> Based on comparable places covering about half the total population,

arrest rates during 1960-65 rose 13 percent for simple assault, 13 percent for embezzlement and fraud, and 36 percent for narcotics violations, while for the same period, the rates declined 24 percent for gambling and 11 percent for drunkenness.<sup>67</sup>

The picture portrayed by the official statistics in recent years, both in the total number of crimes and in the number of crimes per 100,000 Americans, is one of increasing crime. Crime always seems to be increasing, never going down. Up 5 percent this year, 10 the next, and the Commission's surveys have shown there is a great deal more crime than the official statistics show. The public can fairly wonder whether there is ever to be an end.

This official picture is also alarming because it seems so pervasive. Crimes of violence are up in both the biggest and smallest cities, in the suburbs as well as in the rural areas. The same is true for property crimes. Young people are being arrested in ever increasing numbers. Offense rates for most crimes are rising every year and in every section of the country. That there are some bright spots does not change this dismal outlook. Rates for some offenses are still below those of the early thirties and perhaps of earlier periods. Willful homicide rates have been below the 1960 level through most of the last few years. Robbery rates continue to decline in the rural areas and small towns,<sup>68</sup> and arrest rates for many non-Index offenses have remained relatively stable.

Because the general picture is so disturbing and the questions it raises go to the very heart of concern about crime in the United States today, the Commission has made a special effort to evaluate as fully as possible the information available. It has tried to determine just how far this picture is accurate, to see whether our cities and our countryside are more dangerous than they were before, to find out whether our youth and our citizens are becoming more crime prone than those who were in their same circumstances in earlier years, to see what lies behind any increases that may have occurred, and to determine what if anything this information tells us can be done to bring the crime rate down.

What is known about the trend of crime—in the total number of offenses; in the ratio of offenses to population, which measures roughly the risk of victimization; and in the relationship of crime trends to changes in the composition of the population, which measures roughly the crime proneness of various kinds of people—is almost wholly a product of statistics. Therefore the Commission has taken a particularly hard look at the current sources of statistical knowledge.

### FACTORS AFFECTING THE REPORTING OF CRIME

From the time that police statistics first began to be maintained in France in the 1820's, it has been recognized that the validity of calculations of changes in crime rates was dependent upon a constant relationship between reported and unreported crime.<sup>69</sup> Until the Commission surveys of unreported crime, however, no systematic effort

<sup>63</sup> See also "Recent Social Trends in the United States" (New York: McGraw Hill, 1934), vol. II, pp. 1123-1135.

<sup>64</sup> See Sam B. Warner, "Crime and Criminal Statistics in Boston" (Cambridge: Harvard University Press, 1934); Arthur E. Wood, "A Study of Arrests in Detroit, 1913-19," *Journal of Criminal Law and Criminology*, 21: 168-200, August 1930; Edith Abbott, "Recent Statistics Relating to Crime in Chicago," *Journal of Criminal Law and Criminology*, 13: 329-358, November 1922; William D. Miller, "Memphis During the Progressive Era, 1900-17" (Memphis: Memphis State University Press, 1957); Harry Willbach, "Trend of Crime in New York City," *Journal of Criminal Law and Criminology*, 29: 62-75, May-June 1938; and Harry Willbach, "Trend of Crime in Chicago," *Journal of Criminal Law and Criminology*, 31: 720-727, March-April 1941; and Theodore N. Ferdinand, "The Criminal Patterns of Boston Since 1849" (paper presented at American Association for the Advancement of Science meetings, Washington, revised version, September 1966).

<sup>65</sup> Elwin H. Powell, "Crime as a Function of Anomie," *Journal of Criminal Law, Criminology and Police Science*, 57: 161-171, 164, June 1966.

<sup>66</sup> In the past, New York generally arrested drunks under a disorderly conduct statute. Currently, the Vera Institute of Justice has undertaken a project to experiment with summonses instead of arrests. See President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society" (Washington: U.S. Government Printing Office, 1967), p. 236, and the Commission's "Task Force Report: Drunkenness," appendix D.

<sup>67</sup> These trends may not be the same as those for the total population, however. No national estimates of rates for Part II offenses were available so no 1960-1965 comparison could be made using total national estimates. Using 1961 unpublished figures, however, the percentage changes were simple assault, 11; embezzlement and fraud, 14; narcotics, 35; gambling, -11; and drunkenness, -12.

<sup>68</sup> See figure 8.

<sup>69</sup> Supra note 57.

of wide scale had ever been made to determine what the relationship between reported and unreported crime was.<sup>70</sup> As shown earlier, these surveys have now indicated that the actual amount of crime is several times that reported to the police, even in some of the precincts with the highest reported crime rates. This margin of unreported crime raises the possibility that even small changes in the way that crime is reported by the public to the police, or classified and recorded by the police, could have significant effects on the trend of reported crime.<sup>71</sup> There is strong reason to believe that a number of such changes have taken place within recent years.

**Changing Expectations.** One change of importance in the amount of crime that is reported in our society is the change in the expectations of the poor and members of minority groups about civil rights and social protection.<sup>72</sup> Not long ago there was a tendency to dismiss reports of all but the most serious offenses in slum areas and segregated minority group districts.<sup>73</sup> The poor and the segregated minority groups were left to take care of their own problems. Commission studies indicate that whatever the past pattern was, these areas now have a strong feeling of need for adequate police protection.<sup>74</sup> Crimes that were once unknown to the police, or ignored when complaints were received, are now much more likely to be reported and recorded as part of the regular statistical procedure.

The situation seems similar to that found in England. The University of Cambridge's Institute of Criminology, which in 1963 conducted an exhaustive study of the sharp rise in crimes of violence, concluded in its report that:

"One of the main causes for an increase in the *recording* of violent crime appears to be a decrease in the toleration of aggressive and violent behaviour, even in those slum and poor tenement areas where violence has always been regarded as a normal and acceptable way of settling quarrels, jealousies or even quite trivial arguments."<sup>75</sup>

**Police Practice.** Perhaps the most important change for reporting purposes that has taken place in the last 25 years is the change in the police. Notable progress has been made during this period in the professionalization of police forces. With this change, Commission studies indicate, there is a strong trend toward more formal actions, more formal records and less informal disposition of individual cases.<sup>76</sup> This trend is particularly apparent in the way the police handle juveniles, where the greatest increases are reported, but seems to apply to other cases as well. It seems likely that professionalization also results in greater police efficiency in looking for crime. Increases in the number of clerks and statistical personnel,<sup>77</sup> better methods for recording information, and the

use of more intensive patrolling practices also tend to increase the amount of recorded crime.<sup>78</sup> Because this process of professionalization has taken place over a period of time and because it is most often a gradual rather than an abrupt change, it is difficult to estimate what its cumulative effect has been.

Wholly different kinds of changes have occurred in a number of cities. In 1953 Philadelphia reported 28,560 Index crimes plus negligent manslaughter and larceny under \$50, an increase of more than 70 percent over 1951. This sudden jump in crime, however, was not due to an invasion by criminals but to the discovery by a new administration that crime records had for years minimized the amount of crime in the city. One district had actually handled 5,000 complaints more than it had recorded.<sup>79</sup>

The Commission could not attempt an exhaustive study of such changes in reporting procedures. It has noted in table 7 a number of instances in which the UCR indicated changes in reporting procedures for major cities during 1959-65. All of these changes have resulted in an increase in the level of reporting for all subsequent years. It has also noted that changes of this sort are still taking place, being indicated in 1966 for Detroit, Chattanooga, Worcester, Mass., and New York City among others.<sup>80</sup>

Perhaps the clearest illustration of the impact that changes in reporting systems can have is that shown by the history of such changes in New York City and Chicago. These cities are two of the Nation's largest police jurisdictions, accounting in 1965 for 20 percent of all reported robberies and 7 percent of all reported burglaries.<sup>81</sup> Changes in their reporting systems have several times produced large paper increases in crime. Figure 6 illustrates the pattern dramatically.

Although Chicago, with about 3 million people, has remained a little less than half the size of New York City

Table 7.—Reporting System Changes—UCR Index  
Figures Not Comparable With Prior Years

Name of city	Years of increase	Amount of Increase (Index offenses):		
		From	To	Percent increase
Baltimore.....	1964-65	18,637	26,193	40.5
Buffalo.....	1961-63	4,779	9,305	94.7
Chicago.....	1959-60	56,570	97,253	71.9
Cleveland.....	1963-64	10,584	17,254	63.0
Indianapolis.....	1961-62	7,416	10,926	47.3
Kansas City, Mo.....	1959-61 <sup>1</sup>	4,344	13,121	202.0
Memphis.....	1963-64	8,781	11,533	31.3
Miami.....	1963-64	10,750	13,610	26.6
Nashville.....	1962-63	6,595	9,343	41.7
Shreveport.....	1962-63	1,898	2,784	46.7
Syracuse.....	1963-64	3,365	4,527	34.5

<sup>1</sup> No report was published for Kansas City, Mo., for 1960.

SOURCE: "UCR," 1959-1965.

<sup>70</sup> See chapter 5, notes 1-2.

<sup>71</sup> For example, if all other things remain equal, including the recording of crime by police, a 10 percent increase in the rate of reporting would produce a 10 percent increase in reported crime. See also BSSR survey, *supra* note 42 at pp. 110-111.

<sup>72</sup> While the pace of change in expectations may be somewhat faster today, the fact of change is not. See, e.g., Roscoe Pound, "Criminal Justice in America" (New York: Henry Holt and Co., 1930), pp. 13-14: "In our nineteenth-century polity... such things as one of the household halting another into court were tolerated only in extreme cases, and were repugnant to the settled polity of the law... Religious training was all but universal, and the pressure of the church group and its opinion of things which were done and things which were not done was exerted upon every one... [Today] we must rely on the law and the policeman for much which was once the province of neighborhood opinion."

<sup>73</sup> See, e.g., "The Negro and the Problem of Law Observation and Administration in the Light of Social Research," in C. S. Johnson, "The Negro in American Civilization" (New York: Henry Holt and Co., 1930), pp. 443-452. A number of studies indicating the lack of concern both in the community and the courts with intraracial crimes among minority groups are discussed in Leonard Savitz, "Crime and the American Negro" (unpublished manuscript, 1966), chapter 5, "The Differential Administration of Justice."

<sup>74</sup> See "Task Force Report: The Police," p. 148.

<sup>75</sup> F. H. McClintock, "Crimes of Violence" (New York: St. Martin's Press, 1963), p. 74.

<sup>76</sup> See James O. Wilson, "The Police and the Delinquent in Two Cities," in Stanton Wheeler, ed., "Controlling Delinquency" (New York: John Wiley & Sons, in press); and Ronald H. Beattie, "Criminal Statistics in the United States—1960," *Journal of Criminal Law, Criminology and Police Science*, 51: 49-65, 53, May-June 1960.

<sup>77</sup> Civilian employees of police departments have increased from 8.6 percent of all employees in 1958 to 10.7 percent in 1965. ("UCR, 1958," p. 99; and "UCR, 1965," p. 152).

<sup>78</sup> The use of intensive patrolling practices in New York, for example, in one precinct in 1957 resulted in a "sharp increase in certain types of crimes and offenses." See John I. Griffin, "Statistics Essential for Police Efficiency" (Springfield, Ill.: Charles C. Thomas, 1958), p. 64.

<sup>79</sup> "UCR, 1951," p. 97; "UCR, 1953," p. 100; and Daniel Bell, *supra* note 46, at p. 152.

<sup>80</sup> "UCR," Preliminary Report for 1966, March 15, 1967.

<sup>81</sup> "UCR, 1965," pp. 51, 176.



with 7½ million throughout the period covered in figure 6, it was reporting in 1935 about 8 times as many robberies. It continued to report several times as many robberies as New York City until 1949, when the FBI discontinued publication of New York reports because it no longer believed them. In 1950 New York discontinued its prior practice of allowing precincts to handle complaints directly and installed a central reporting system, through which citizens had to route all calls.<sup>82</sup>

In the first year, robberies rose 400 percent and burglaries 1,300 percent, passing Chicago in volume for both offenses. In 1960 Chicago installed a central complaint bureau of its own, reporting thereafter several times more robberies than New York.<sup>83</sup> In 1966 New York, which appeared to have had a sharp decline in robberies in the late fifties, again tightened its central controls and found a much higher number of offenses.<sup>84</sup> Based on preliminary reports for 1966, it is now reporting about 40 percent more robberies than Chicago.<sup>85</sup>

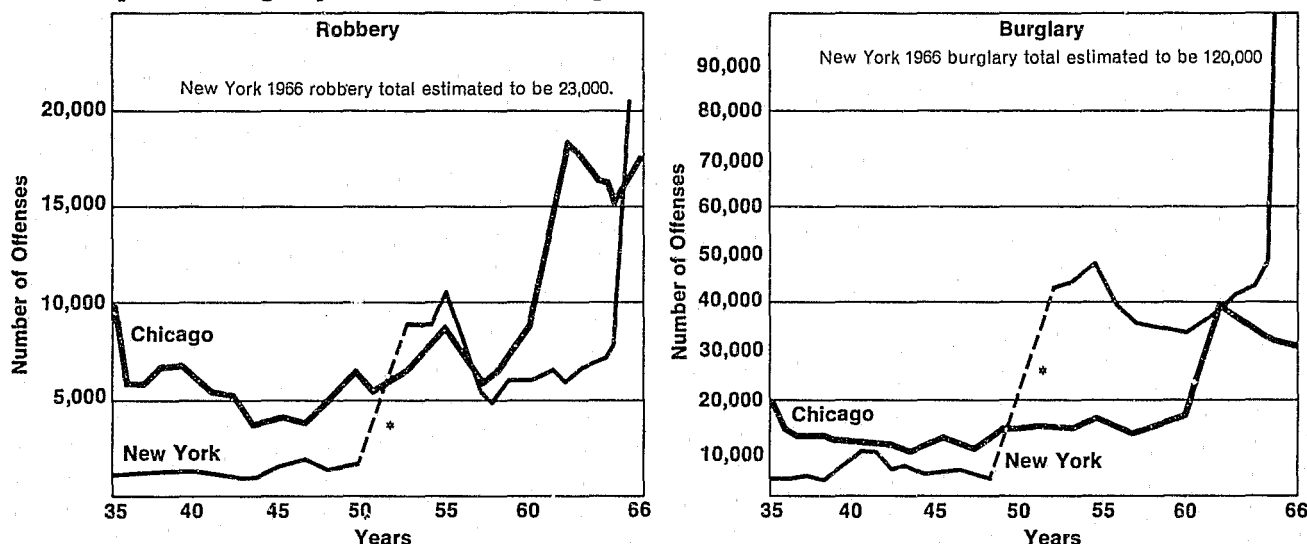
The existence of the UCR system has been one of the strongest forces pushing toward the adoption of better and more complete reporting. The FBI has been alert both to the need to encourage better reporting and to the problem that sizable changes in reporting present to the national statistical system. Through a careful system of checks the FBI is able to identify the units that are reporting on a different basis than the previous year. It then restricts its computations of trends from one year to the next to those police agencies that have had comparable records and reporting practices. In 1965, for example, computation of changes from 1964 were limited to agencies representing 82 percent of the U.S. population; 147 reporting agencies representing about 10 percent of the population were eliminated because of changes in reporting practices.

In order to make comparisons for periods greater than 1 year the UCR assumes that the city that underwent the change in reporting practices has had the same experience as other cities of its size and State throughout the period and reestimates the amount of crime for all prior years back to its base period of the 1937-40 average. In the 1960-65 period, use of this system reduces the 36 percent increase in Index crimes against the person based on published rates to a 25 percent increase, and the 39 percent increase in crimes against property to 36 percent. Cities are returned to the trend computation after they have had 2 years of comparable experience under the new system.<sup>86</sup>

This system is perhaps as good as can be devised. It is obviously very hard, however, to estimate how much crime would have been reported in a major city in the year prior to that in which the system of reporting was changed, and even harder to say what the crime rate was 5 years earlier. It seems unlikely that the level of robbery in New York today is 13 times what it was in 1940 or triple what it was in 1960, but how does one decide for the purpose of long-term comparison? The cities that have significantly changed their reporting systems since 1959 account for nearly 25 percent of all reported Index crimes against the person and about 16 percent of all reported Index property crimes.<sup>87</sup> The real question is not the method of estimation, but whether the yardstick at the present time is too changeable to allow significant trend comparisons to be made at the national level.

A further problem is raised by the fact that a number of other large cities have not yet adopted the central complaint bureaus and strong staff controls necessary for an effective reporting program. In one of these cities Commission staff members were informed of a precinct

**Robbery and Burglary Trends for Chicago and New York, 1935-1966** Figure 6



\*UCR did not report any data for New York, 1949-1951.

Source: Uniform Crime Reports, 1936-1966. 1966 figures estimated from 11 months' report.

<sup>82</sup> "UCR, 1949," p. 103; and Daniel Bell, *supra* note 46, pp. 152-153.

<sup>83</sup> Chicago Police Department.

<sup>84</sup> New York City Police Department.

<sup>85</sup> "UCR," Preliminary Report for 1966, March 15, 1967. New York reported 23,539 robberies and Chicago reported 16,773. The 40 percent figure given here is even larger than the 25 percent estimated in the Commission's general report which was based on preliminary data for the first 9 months of 1966; see President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society," *supra* note 66, p. 26.

<sup>86</sup> See appendix E, "Uniform Crime Reporting Trends—FBI Procedures." The method used prior to 1958 is discussed in "UCR, 1958," Special Issue, pp. 33-38. The "chain index" method of adjustment is based on the assumption that

changes in the rate of crime of the city undergoing a change in reporting methods is the same as that of other cities of the same size in the same State or in the case of very large cities of other cities of the same size regionally or nationally. One alternative assumption would be that the entire difference between the old level of reporting (the 3-year average for the years prior to the change, for example) and the new level of reporting (the amount of crime reported in the year after the change had been made) was due to the change in reporting methods. Under this assumption the percentage increase between 1960 and 1965 both for Index crimes against the person and Index crimes against property would have been less.

<sup>87</sup> The figure would be higher if cities, such as Philadelphia, whose change in reporting systems occurred earlier, were included.



file 13, where citizen complaints not forwarded to the central statistical office were filed for the purpose of answering insurance inquiries. The President's Commission on Crime in the District of Columbia recently criticized Washington's failure to record all offenses reported to the police.<sup>88</sup> It is not clear how large this group of cities is, but disparities between cities of the same size for each of the Index offenses are so great that they seem most unlikely in the absence of some variation in reporting practice.

The reporting problem arises at least in part from the tendency of some cities, noted in 1931 by the Wickersham Commission, to "use these reports in order to advertise their freedom from crime as compared with other municipalities."<sup>89</sup> This tendency has apparently not yet been fully overcome. It sometimes arises from political pressure outside the police department and sometimes from the desire of the police to appear to be doing a good job of keeping the crime rate down. Defective or inefficient recording practices may also prevent crimes reported by citizens from becoming a part of the record.

The Commission believes that each city administration and each agency of justice has a duty to insure that its citizens are being informed of the full rate of reported crime in the community. Not to do so means that the community is being misled and that it has no benchmark to measure the effectiveness of its prevention and control program. It may also mean that the community is unaware of an increasing problem. In the case of large cities, not to report crime accurately also penalizes those administration and police departments that are honest with the citizens by causing them to suffer unjust comparisons with other cities.

The Commission in its General Report recommended that those cities that have not already done so should adopt centralized procedures for handling the receipt of reports of crime from citizens and institute the staff controls necessary to make those procedures effective.<sup>90</sup>

**Insurance.** Another factor that probably increases the amount of reporting for some crimes is the sizable increase in insurance coverage against theft. It is difficult to evaluate this factor. However, because many persons believe that they must report a criminal event to the police in order to collect insurance, more reporting seems likely.<sup>91</sup> Although not the only factor involved, one indication that this may be the case is the high rate of reporting for auto theft noted by the NORC survey. Insurance is usually involved in auto theft.<sup>92</sup>

**Classification.** One problem in comparing crime from place to place and time to time is in insuring that a given criminal act is always counted by the same name. Some classification problems are simple errors. At common law burglary applied only to homes. In most States this has now been expanded to include business establishments. In some other States it also includes other enclosures such as ships, airplanes and in a few States locked cars. UCR reporting rules clearly exclude such things

as locked cars and phone booths as subjects for burglary.<sup>93</sup> One of the Nation's largest police jurisdictions with one of the most capable police statistical sections has nevertheless regularly reported phone booth thefts in all recent years as burglaries, including more than 900 in 1965. If these thefts involved less than \$50 they would otherwise have been reported as petty larceny and would not have been included in the overall Index rate of crimes against property for that city.

Other classification problems with burglary are more complicated. At common law a breaking into the structure was required. In many States, however, burglary has been extended to include unlawful entry of any kind. And in a few States any entry whether unlawful or not is legally classified as burglary if it is made with the intent to commit a crime. UCR reporting rules require that there be at least some form of illegal entry.<sup>94</sup> Shoplifting is consequently supposed to be excluded regardless of whether it constitutes burglary under local law or not. Obviously there is still some lack of comparability between States which require breaking and those which do not.

Aggravated assault is another offense which offers classification problems, primarily in distinguishing between serious and simple assault. Revision of the classification rules in the District of Columbia, for example, resulted in a drop from 4,550 aggravated assaults in 1955 to 2,824 in 1956, a decline of about 40 percent.<sup>95</sup> The California Bureau of Criminal Statistics in 1959 indicated similar problems, finding a "wide variation in classification practices" resulting in "specific types of activity being classified in one jurisdiction as a simple assault and in another jurisdiction as an aggravated or felonious assault."<sup>96</sup> Concerned with this problem, the UCR conducted a special survey in 1960 to ascertain the uniformity of reporting<sup>97</sup> and has since developed more clearcut reporting rules. In some jurisdictions it is apparently the practice to charge assailants with assault and battery or some similar minor charge, even though an icepick, knife or other weapon was used in the assault.<sup>98</sup> These jurisdictions are now required to report such offenses as aggravated assault regardless of whether the offender when arrested is charged with less serious crime or not. The new rules should result in more uniform reporting although it is obviously impossible to eliminate problems entirely for an offense where the classification often depends on the degree of injury. That all the problems with this offense have not yet been solved is indicated by the fact that in 1965 the UCR found it necessary to revise the estimate of aggravated assaults it had published in 1964 downward by 8,797 offenses, changing the rate per 100,000 persons by the difference between 101.8 and 96.6 and decreasing the percentage increase in rates reported from 1963 to 1964 from 10.3 to 4.7 percent.<sup>99</sup>

Similar classification problems present themselves with regard to almost every crime. Forcible rape, under the UCR reporting rules as revised in 1958, is limited to cases of forcible attack and no longer includes cases of carnal knowledge without force involving females under the age of consent. A survey by the District of Columbia Crime

<sup>88</sup> "D.C. Crime Commission Report," p. 21.

<sup>89</sup> "Wickersham Statistics Report," p. 13.

<sup>90</sup> St. Louis provides an example of a city with controls over the quality of its police reporting. "To assure, insofar as possible, that reports are being made of all crime, when and where it happens, the Board of Police Commissioners is utilizing the services of the St. Louis Governmental Research Institute to conduct periodic audits of reports submitted by the police. These audits, made by a sampling technique, are designed to determine not only whether police officers who have responded to calls from citizens for police service are reporting crimes against the citizens' person or property, but also whether the officers are properly reporting these crimes." ("Crime in a Changing City: St. Louis Metropolitan Police 1959 Annual Report," p. 13.)

<sup>91</sup> See, e.g., Bureau of Criminal Statistics, "Crime & Delinquency in California, 1965" (Sacramento: Bureau of Criminal Statistics), p. 15. Hereinafter referred to

as "Crime in California."

<sup>92</sup> Information supplied by industry sources.

<sup>93</sup> "UCR Handbook," pp. 26-29.

<sup>94</sup> Ibid. The original rules also appear to have required illegal entry, but the detailed scheduler for individual States, such as California, failed to make this clear. See International Association of Chiefs of Police, "Uniform Crime Reporting," supra note 27, pp. 203-206.

<sup>95</sup> "D.C. Crime Commission Report," p. 67.

<sup>96</sup> "Crime in California, 1959," p. 27.

<sup>97</sup> "UCR, 1960," pp. 5-12.

<sup>98</sup> "UCR Handbook," pp. 21-26.

<sup>99</sup> Compare "UCR, 1965," pp. 51, 53, with "UCR, 1964," p. 49. The method of revision is discussed in note 86, supra.

Commission, however, indicated that nearly one-half of the cases reported as carnal knowledge had in fact been cases of forcible attack.<sup>100</sup>

Rape is also a good illustration of another classification problem, that of determining whether an offense has occurred at all. When a crime is reported the first step in police investigation is to determine whether a crime was committed. In the case of crimes such as forcible rape where the offense often results from a prior association, it is sometimes difficult to tell whether there was an offense or not. In the case of forcible rape some police departments regularly conclude that as many as 50 percent of the complaints received were not offenses. "Unfounding" rates for other crimes are generally lower, about 10 percent for auto theft and less than 1 percent for other Index offenses. Even when the police investigation indicates that a crime has been committed, court disposition sometimes later indicates that there was no offense.

The overall effect of the classification problem is difficult to assess. For most offenses it is probably not great and to some extent merely involves increasing the incidence of one offense and decreasing that of another. Almost all charges involve offenses of different degrees of seriousness, however, and consequently to some degree cause the crime problem to look better or worse than it really is.

In the case of a few offenses, classification changes over the history of the UCR have probably tended to increase the rates of reported crime somewhat, although it is difficult to tell how much. Aggravated assault is probably one of these crimes.

#### FACTORS INDICATING AN INCREASE IN CRIME

Many factors affect crime trends but they are not always easy to isolate. Murder is a seasonal offense. Rates are generally higher in the summer, except for December, which is often the highest month and almost always 5 to 20 percent above the yearly average.<sup>101</sup> In December 1963, following the assassination of President Kennedy, murders were below the yearly average by 4 percent, one of the few years in the history of the UCR that this occurred.<sup>102</sup> Since 1950 the pace of auto thefts has increased faster than but in the same direction as car registrations.<sup>103</sup> During World War II, however, when there was rationing and a shortage of cars, rates for auto theft rose sharply. And in 1946 when cars came back in production and most other crimes were increasing, auto thefts fell off rapidly.<sup>104</sup>

The introduction to the UCR provides a checklist of some of the many factors that must be taken into account in interpreting changes in crime rates and in the amount and type of crime that occurs from place to place:

"Density and size of the community population and the metropolitan area of which it is a part.

Composition of the population with reference particularly to age, sex, and race.

Economic status and mores of the population.

Relative stability of population, including commuters, seasonal, and other transient types.

Climate, including seasonal weather conditions.

Educational, recreational, and religious characteristics.

Effective strength of the police force.

Standards governing appointments to the police force.

Policies of the prosecuting officials and the courts.

Attitude of the public toward law enforcement problems.

The administrative and investigative efficiency of the local law enforcement agency.<sup>105</sup>

A number of these factors have been changing in ways that would lead one to expect increases in the amounts of certain kinds of crime.

*Changing Age Composition.* One of the most significant factors affecting crime rates is the age composition of the population. In 1965 more than 44 percent of all persons arrested for forcible rape, more than 39 percent for robbery, and more than 26 percent for willful homicide and aggravated assault were in the 18- to 24-year-old age group. For property crimes the highest percentages are found in the under 18 group—nearly 50 percent of all those arrested for burglary and larceny and more than 60 percent for auto theft.<sup>106</sup>

For most of these offenses the rate of offense per individual in these age groups is many times that in older groups. Of course the differences are based on arrest figures, and the national figures on offenses cleared by arrest show that 75 to 80 percent of burglaries, larcenies, and auto thefts are unsolved.<sup>107</sup> It is possible that older persons committing offenses against property are more successful at evading arrest, so that the age figures for arrests give a somewhat biased picture.<sup>108</sup>

Because of the unusual birth rate in the postwar years, the youthful high-risk group—those in their teens and early twenties—has been increasing much faster than other groups in the population. Beginning in 1961 nearly 1 million more youths have reached the ages of maximum risk each year than did so in the prior year.<sup>109</sup> Thus the volume of crime and the overall crime rate could be expected to grow whether the rate for any given age increased or not.

Commission studies based on 1960 arrest rates indicate that between 1960 and 1965 about 40 to 50 percent of the total increase in the arrests reported by UCR could have been expected as the result of increases in population and changes in the age composition of the population.<sup>110</sup>

*Urbanization.* Rates for most crimes are highest in the big cities. Twenty-six core cities of more than 500,000 people, with less than 18 percent of the total population, account for more than half of all reported Index crimes against the person and more than 30 percent of all reported Index property crimes. One of every three robberies and nearly one of every five rapes occurs in cities of more than 1 million. The average rate for every Index crime except burglary, as table 8 shows, is at least twice as great—and often more—in these cities as in the suburbs or rural areas. With a few exceptions, average

<sup>100</sup> "D.C. Crime Commission Report," p. 49.

<sup>101</sup> The UCR regularly publishes charts indicating the national monthly percent deviations from the annual average by each of eight types of crime, e.g., "UCR, 1965," p. 12.

<sup>102</sup> "UCR, 1963," p. 6.

<sup>103</sup> Figures supplied by the American Automobile Association, January 1967. See also "UCR," for the relevant years.

<sup>104</sup> "UCR," January 1947, p. 83.

<sup>105</sup> "UCR, 1965," p. vii.

<sup>106</sup> Estimates for total national population, based on unpublished data, Federal Bureau of Investigation, Uniform Crime Reports Section.

<sup>107</sup> "UCR, 1965," p. 97.

<sup>108</sup> Based on clearances in 1964, for example, persons under 18 years of age were estimated to have committed 37 percent of the Index crimes; yet the same age group represented 48 percent of the arrests for the seven major crime categories ("UCR, 1964," pp. 22-23).

<sup>109</sup> For example, in 1961 there were 2,754,000 15-year-olds and in 1962 the number rose to 3,723,000. See U.S. Bureau of the Census, "Current Population Reports: Estimates of the Population of the United States, by Age, Color, and Sex: July 1, 1960-1965" (Series P. 25, No. 321, Washington: U.S. Bureau of the Census).

<sup>110</sup> See appendix D, "The Prediction of Crime from Demographic Variables: A Methodological Note." Other calculations were also made by the Task Force.

Table 8.—Offenses Known by City Size, 1965

(Rates per 100,000 population)							
Group	Willful homicide	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny \$50 and over	Motor vehicle theft
Cities over 1 million.....	10	26	221	246	930	734	586
500,000 to 1 million.....	10	20	165	182	1,009	555	640
250,000 to 500,000.....	7	15	122	142	1,045	550	468
100,000 to 250,000.....	6	11	73	151	871	556	353
50,000 to 100,000.....	4	8	49	85	675	492	297
25,000 to 50,000.....	3	6	33	71	562	443	212
10,000 to 25,000.....	2	5	19	67	462	309	141
Under 10,000.....	2	5	12	62	369	236	99
Rural.....	4	9	10	58	308	176	51
Suburban area.....	3	10	28	66	545	359	160
All places.....	5	12	61	107	605	420	251

SOURCE: "UCR," 1965, table 1, p. 51 and table 6, p. 94.

rates increase progressively as the size of the city becomes larger.

Suburban rates are closest to those of the smaller cities except for forcible rape where suburban rates are higher. Suburban rates appear to be going up as business and industry increase—shopping centers are most frequently blamed by local police officials for rises in suburban crime.

Although rural rates are lower generally than those for cities, the differences have always been much greater for property crimes than for crimes against the person. Until the last few years rural rates for murder were close to those of the big cities, and rural rates for murder and rape still exceed those for small towns.<sup>111</sup>

The country has for many years seen a steady increase in its urban population and a decline in the proportion of the population living in rural areas and smaller towns. Since 1930 the rural population has increased by less than 2 percent while the city population has increased by more than 50 percent.<sup>112</sup> The increase in the cities and their suburbs since 1960 alone has been about 10 percent.<sup>113</sup> Because of the higher crime rates in and around the larger cities, this trend toward urbanization has a considerable effect on the national rate for most Index crimes. Commission studies show that if metropolitan, small city, and rural crime rates for 1960 had remained constant through 1965, the increase that could have been expected due to urbanization would have been about 7 to 8 percent of the increase reported by the UCR.<sup>114</sup>

It would obviously tell us a great deal about the trend of crime if we could analyze all together the changes that have been taking place in urbanization, age composition

of the population, number of slum dwellers, and other factors such as sex, race, and level of income. The Commission has spent a considerable amount of time trying to make this kind of analysis. However, it was unable to analyze satisfactorily more than one or two factors in conjunction with each other on the basis of present information. As more factors were brought into the analysis the results differed in some instances substantially from those obtained when only one factor was analyzed. It also seemed clear that as the number of factors was increased, a more accurate picture of the effect of changing conditions on the rate of crime emerged.<sup>115</sup>

On the basis of its study, the Commission estimates that the total expected increase in crime from 1960 to 1965 from these kinds of changes would be at least half, and possibly a great deal more, of the total increase in crime rates actually observed. The Commission's study clearly indicates the need for fuller reporting of arrest information and for the development of more compatibility between police statistics and information collected by other statistical agencies. The FBI has already made substantial progress in this direction in recent years but further steps are still needed.<sup>116</sup>

*Some Unexplained Variations.* Some crimes are not so heavily concentrated in the urban areas as the Index offenses. Vandalism, liquor law violations, driving while intoxicated, forgery and counterfeiting, and embezzlement and fraud are much more evenly spread over cities of all sizes and rural areas. Narcotics violations, gambling, drunkenness, vagrancy, and disorderly conduct generally follow the same pattern as Index offenses.<sup>117</sup>

The explanations that have been offered for urban areas having higher rates of crime than rural areas have usually centered around the larger number of criminal opportunities available, a greater likelihood of association with those who are already criminals, a more impersonal life that offers greater freedom and, in many cases, the harsher conditions of slum life<sup>118</sup>—often in sharp and visible contrast to the affluence of nearby areas. That these factors operate differently with regard to crimes of violence and crimes against property, and with regard to more serious offenses, suggests that the relationship between the rate of crime and the degree of urbanization is a very complicated one.

This seems to be borne out by the disparities in rates between cities of the same size. While average rates

<sup>111</sup> See Andrew F. Henry and James F. Short, Jr., "Suicide and Homicide" (Glencoe, Ill.: The Free Press, 1954), pp. 90-91; Edwin H. Sutherland, "Principles of Criminology" (3d rev. ed., Chicago: J. P. Lippincott, 1939), p. 135; and Marshall B. Clinard, "Sociology of Deviant Behavior" (rev. ed., New York: Holt, Rinehart and Winston, 1963), pp. 78-80.

<sup>112</sup> U.S. Bureau of the Census, "U.S. Census of Population, 1960: Characteristics of the Population, Number of Inhabitants" (Washington: U.S. Government Printing Office), vol. 1, part A.

<sup>113</sup> *Ibid.*

<sup>114</sup> The following table illustrates the method used for estimating the percent of increase in reported rates for Index crimes due to urbanization between 1960 and 1965. (The place-specific rates and number of observed offenses are from "UCR, 1960," p. 33, and "UCR, 1965," p. 51.)

Place	1960 population in millions	1960 place specific rates per 100,000 persons	1965 population in millions	1965 expected offenses*	1965 observed offenses
SMSA's.....	113,861	1327.9	129,796	1,723,561	2,312,351
Other cities.....	23,629	728.8	24,338	177,375	242,345
Rural.....	41,832	423.2	39,684	167,943	225,319
Total.....	179,323		193,818	2,068,879	2,780,015
Overall rate.....		1037.9		1067.4	1434.3
Increase over 1960.....				29.5	396.4

Percent of Increase due to changing urbanization =  $29.5/396.4 = 7.4$ .

\* (Rates/100,000 persons) × 1965 population = expected offenses.

<sup>115</sup> See appendix D, "The Prediction of Crime from Demographic Variables: A Methodological Note."

<sup>116</sup> See "UCR, 1958," Special Issue, pp. 29-40.

<sup>117</sup> "UCR, 1965," table 18, pp. 108-109.

<sup>118</sup> See appendix A, Judith A. Wilks, "Ecological Correlates of Crime and Delinquency."

clearly vary by categories of population, the rates of individual cities seem much more helter-skelter. Of the 56 cities in the country with more than 250,000 in population, only one, Los Angeles, of the 10 cities with the highest rates for all Index offenses is a city of over 1 million. Newark, the city with the highest rate for all Index offenses, is in the 250,000-500,000 category, as are 4 others. Philadelphia ranks 51st and New York, before its change in reporting, ranked 28th.<sup>119</sup>

The patterns vary markedly from offense to offense even within the broad categories of crimes against the person and crimes against property. Los Angeles is 1st for rape and 4th for aggravated assault but 20th for murder, with a murder rate less than half that of St. Louis. Chicago has the highest rate for robbery but a relatively low rate for burglary. New York is 5th in larcenies \$50 and over, but 54th for larcenies under \$50. The risk of auto theft is about 50 percent greater in Boston than anywhere else in the country, but in Boston the likelihood of other kinds of theft is about the average for cities over 250,000. Table 9 shows the robbery rates for the country's 14 largest cities.

Table 9.—Robbery Rates in 1965—14 Largest Cities in Order of Size

[Per 100,000 population]			
New York.....	114	Cleveland.....	213
Chicago.....	421	Washington.....	359
Los Angeles.....	293	St. Louis.....	327
Philadelphia.....	140	Milwaukee.....	28
Detroit.....	335	San Francisco.....	278
Baltimore.....	229	Boston.....	168
Houston.....	135	Dallas.....	79

SOURCE: FBI, Uniform Crime Reports Section, unpublished data.

Not very much study has been devoted to this kind of difference and the Commission was able to do little more than survey the literature already in existence. Some of the difference, perhaps a great deal, seems clearly attributable to differences in reporting. Disparities as great as 17 to 1 between Newark and Jersey City, or 10 to 1 between St. Louis and Milwaukee, for certain offenses seem most unlikely in the absence of some reporting variation.<sup>120</sup> There are significant differences, however, among cities in such factors as age, sex, race, and other population characteristics, economic status, character of industry, climate, and the like, and it seems clear that there are real and substantial differences in the true amounts of crime.<sup>121</sup>

The few studies that have been done in this area have failed altogether to account for the differences in offense rates in terms of characteristics such as these. These studies suggest that whatever factors are operating affect personal and property crimes differently, and substantially refute the idea that crime rate variations can be accounted for by any single factor such as urbanization, industrialization, or standard of living. These studies take us very little farther, however, than the differences in the rates themselves. Even when they offer some explanation of the differences between cities, the explanations

they offer are not able to account for the variations within the cities themselves.<sup>122</sup>

Given the large, often gigantic, differences in rates between cities, the Commission has been struck that so little has been done to learn the causes of these variations. If only a little were known as to why the robbery rate was 12 times as high in Chicago as in San Jose, it would be much easier to figure out what to do about robbery in Chicago. While no simple answers can be expected, the Commission strongly believes that further exploration of these differences could make an important contribution to the prevention and control of crime.

**Increased Affluence.** Another change that may result in more crime is increasing affluence. There are more goods around to be stolen. National wealth and all categories of merchandise have increased in terms of constant dollars more than fourfold since 1940<sup>123</sup>—significantly more than the population or the rate of reported theft.

Increased affluence may also have meant that property is now protected less well than formerly. More than 40 percent of all auto thefts involve cars with the keys inside or the switch left open.<sup>124</sup> A substantial percentage of residential burglaries occur in unlocked houses.<sup>125</sup> Bicycles, whose theft constitutes 15 percent of all reported larcenies, are frequently left lying around. Larceny of goods and accessories from cars accounts for another 40 percent of all reported larceny.<sup>126</sup>

Some increased business theft seems directly due to less protection. The recent rise in bank robbery seems due in large part to the development of small, poorly protected branch banks in the suburbs.

In retail establishments, managers choose to tolerate a high percentage of shoplifting rather than pay for additional clerks.<sup>127</sup> Discount stores, for example, experience an inventory loss rate almost double that of the conventional department store. Studies indicate that there is in general more public tolerance for theft of property and goods from large organizations than from small ones, from big corporations or utilities than from small neighborhood establishments. Restraints on conduct that were effective in a more personal rural society do not seem as effective in an impersonal society of large organizations.

Inflation has also had an impact on some property crimes. Larceny, for example, is any stealing that does not involve force or fraud. The test of the seriousness of larceny is the value of the property stolen. The dividing line between "grand" and "petty" larceny for national reporting purposes is \$50. Larceny of \$50 and over is the Index offense that has increased the most over the history of the UCR, more than 550 percent since 1933. Because the purchasing power of the dollar today is only 40 percent of what it was in 1933,<sup>128</sup> many thefts that would have been under \$50 then are over \$50 now. UCR figures on the value of property stolen, for example, indicate that the average value of a larceny has risen from \$26 in 1940 to \$84 in 1965.<sup>129</sup>

<sup>119</sup> The 1965 rates for Index crimes for cities over 250,000 in population are in appendix F.

<sup>120</sup> For a discussion of some of these kinds of disparities, see Ronald H. Beattie, *supra* note 76 at pp. 49-54.

<sup>121</sup> See Karl Schuessler, "Components of Variation in City Crime Rates," *Social Problems*, 9: 314-323, spring 1962; and Karl Schuessler and Gerald Slatin, "Sources of Variation in United States City Crime, 1950 and 1960," *Journal of Research in Crime and Delinquency*, 1: 127-148, July 1964. Also see "How One City Keeps Its Streets Safe," *U.S. News and World Report*, September 28, 1964, pp. 68-71, for an example of the various factors cited for the low incidence of crime in Milwaukee; among these are efficient police, "alert newspapers, good schools, hard-working social services, an absence of tenement-type slums, a comprehensive system of parks

and playgrounds," and a tradition of citizen cooperation with law enforcement agencies.

<sup>122</sup> See appendix A, Judith A. Wilks, *supra* note 118.

<sup>123</sup> U.S. Bureau of the Census, "Statistical Abstract of the United States: 1966" (87th ed., Washington: U.S. Government Printing Office, 1966), table 490, p. 346.

<sup>124</sup> "UCR, 1963," p. 23.

<sup>125</sup> "UCR, 1963," p. 17.

<sup>126</sup> "UCR, 1965," table 14, p. 105.

<sup>127</sup> See generally chapter 3, "The Economic Impact of Crime," particularly at notes 64-67.

<sup>128</sup> U.S. Bureau of Labor Statistics, *Consumer Price Index*.

<sup>129</sup> "UCR," January 1941, p. 197; and "UCR, 1965," table 14, p. 105.

# CHANGES IN THE DISTRIBUTION OF CRIME—A 30-YEAR HISTORY

Because of the problems of reporting discussed earlier, any discussion of change in the distribution of crime is hazardous, particularly over long periods of time. While the impact of reporting changes on national trends can be corrected to some extent,<sup>130</sup> there is no way to correct their distorting effect on the crime pattern of the Nation because they occur in different places at different times. The Task Force has nevertheless attempted to discover the main outlines of change, for it is only through identification of such changes that the causes of change can be understood and used in the development of sound prevention and control programs for the future.

While there have been many changes in the pattern of crime throughout the country over the past 30 years, the most important changes are those involving (1) the decline of the South as a region of very high crime relative to the rest of the Nation, (2) the evolution of the West as the region of highest crime for both persons and property, and (3) the increase in reported crime in the larger cities.

## Changes by Region and State

Sharp regional differences in crime have been reported in many countries of the world since man first began to study crime.<sup>131</sup> They have been apparent in the United States throughout its history. The frontier was from its earliest days noted for its lawlessness and Appalachia for the feuds of the Hatfields and the McCoys. Organized crime, while a national problem, is heavily concentrated in the cities of the East and Northeast.<sup>132</sup> What regional patterns of crime there are, why they exist, and how they are changing are important parts of the national picture of crime.

Table 10 shows the regional pattern for Index crimes for 1965. Reported rates are lowest in New England for crimes against the person and in the East South Central States of Alabama, Mississippi, Tennessee, and Kentucky for Index property crimes. Overall rates for Index crimes against both persons and property are highest on

Table 10.—Index Crime Rates by Region and by Offense, 1965

[Rates per 100,000 population]

	Crimes against the person				Total against person
	Murder	Forcible rape	Robbery	Aggravated assault	
United States.....	5.1	11.6	61.4	106.6	184.7
New England.....	2.1	5.0	26.6	43.6	77.3
Middle Atlantic.....	4.0	9.6	57.1	97.4	168.1
East North Central.....	4.0	12.9	90.4	93.7	201.0
West North Central.....	3.1	9.3	43.7	61.0	117.1
South Atlantic.....	8.4	11.5	56.3	165.8	242.0
East South Central.....	8.4	9.1	28.1	108.0	153.6
West South Central.....	7.0	10.9	41.3	123.9	183.1
Mountain.....	3.9	13.2	42.6	84.0	143.7
Pacific.....	4.3	18.5	94.4	122.9	240.1

	Crimes against property			Total against property
	Burglary	Larceny \$50 and over	Motor vehicle theft	
United States.....	605.3	393.3	251.0	1,249.6
New England.....	520.2	303.8	354.0	1,178.0
Middle Atlantic.....	514.6	419.9	264.8	1,199.3
East North Central.....	529.3	336.3	272.8	1,138.4
West North Central.....	509.5	299.1	176.4	985.0
South Atlantic.....	588.1	365.1	194.0	1,147.2
East South Central.....	445.0	270.9	130.6	846.5
West South Central.....	571.4	324.2	178.5	1,074.1
Mountain.....	642.5	507.5	235.9	1,385.9
Pacific.....	1,078.9	658.6	388.3	2,125.8

SOURCE: "UCR, 1965," pp. 52-55.

the Pacific coast. Rates for robbery, forcible rape and for each individual Index property offense are also highest in the Pacific region. Robbery is also high in the North Central States centered around Illinois and murder and aggravated assault is highest in the South Atlantic States.

Analysis by region of the NORC survey of victimization, which includes both reported and unreported crime, confirms the existence of sharp regional differences for rates of crime.

For crimes such as forcible rape, burglary, and larceny over \$50, the regional patterns found by the survey, as indicated by table 11, are about the same as those reported in the police statistics even though the survey

Table 11.—UCR and NORC Survey Index Crime Rates Compared, by Region, 1965

[Rates per 100,000 population]

Crimes	Northeast		North Central		South		West	
	NORC	UCR	NORC	UCR	NORC	UCR	NORC	UCR
Willful homicide.....	0	3.6	0	3.7	10	8.0	0	4.2
Forcible rape.....	25	8.5	42	11.8	48	10.8	57	17.2
Robbery <sup>1</sup> .....	139	49.9	85	76.6	48	45.6	133	81.9
Aggravated assault.....	164	84.7	233	84.1	173	140.6	361	113.5
Burglary <sup>1</sup> .....	746	515.9	987	523.5	866	552.4	1,348	1,078.5
Larceny (\$50 and over) <sup>1</sup> .....	480	392.6	594	325.4	596	332.4	855	622.2
Motor vehicle theft <sup>1</sup> .....	278	285.8	170	244.5	96	175.7	380	351.5
Against the person.....	328	146.7	360	176.2	279	205.0	551	216.8
Against property.....	1,504	1,194.3	1,751	1,093.4	1,558	1,060.5	2,533	2,052.2

<sup>1</sup> NORC figures are for individuals only; UCR figures are not adjusted and reflect all offenses known to the police, not just those for individuals.

Source: "UCR, 1965," pp. 52-53; NORC survey, p. 21.

<sup>130</sup> Supra note 86.

<sup>131</sup> See, for example, Walter C. Reckless, "The Crime Problem" (New York: Appleton-Century Crofts, Inc., 1961), pp. 49-72; Terrence Morris, "The Criminal Area" (London: Routledge & Kegan Paul, 1957), pp. 37-64.

<sup>132</sup> President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society" (Washington: U.S. Government Printing Office, 1967) p. 192. See also the Commission's "Task Force Report: Organized Crime," p. 7.

rates are higher. For robbery and aggravated assault, however, the patterns are quite different. In the police statistics robbery is highest in the Western States, followed by the North Central region. The NORC survey, however, found the Northeast region to have the highest rates for robbery. The more accurate methods of reporting now in use in New York City should narrow this sharp discrepancy between the survey results and the police statistics but will probably not be enough to eliminate it.<sup>133</sup>

Whether this means that there is still more under-reporting in the Northeast region than elsewhere or whether it indicates some defect in the survey method is not clear.

The differences in the rates for aggravated assault are more striking and harder to explain. In the police statistics, the rate for the South is substantially higher than that for the West or the North Central region. In the NORC victimization survey, however, the rate for the South is less than that for either of these regions. NORC rates for the regions outside the South show rates of aggravated assault from 2 to 3 times those in the police statistics. The South shows much less difference—only about 20 percent.

The high Southern rates in the police statistics have a long history. The South also has a long record of high rates for homicide. The statistics for homicide are much better and correlate strongly with those for aggravated assault.<sup>134</sup> When the NORC regional figures are broken down by metropolitan center city, metropolitan suburban and nonmetropolitan, in every region except the South the rates are much higher in the metropolitan center city areas. In the South, however, the metropolitan center city rates are less than one-third of the rate for the suburbs.<sup>135</sup> This may mean that the problems which the survey noted in getting accurate responses from Negroes were concentrated in the South.<sup>136</sup> It seems highly unlikely that the rates for the other regions are overstated. The individual city surveys in selected precincts of Washington, Boston, and Chicago all found unreported amounts of aggravated assault well in excess of those indicated by the NORC survey.<sup>137</sup>

There are no regional statistics on offenses known to the police for non-Index offenses. The NORC results, shown in table 12, indicate generally higher rates in the West for every offense.

Both the NORC victimization survey and the current police statistics indicate regional distributions of crime somewhat different from those shown by police statistics in earlier years. Prior to 1958, State and regional rates did not include rural areas. Comparisons can consequently be made only for city areas through 1957. Rates for city areas since 1958 are on a slightly different basis but are roughly comparable to the earlier rates.<sup>138</sup>

In the thirties and early forties, cities in the South had the highest rates for Index crimes against the person and were second only to cities in the Pacific and Mountain

Table 12.—Regional Differences in Non-Index Crimes

[Rates per 100,000 population]

Crimes	Northeast	North Central	South	West
Simple assault.....	265	425	375	570
Larceny (under \$50).....	1,289	1,380	1,356	2,051
Malicious mischief.....	1,176	1,189	731	1,310
Counterfeiting or forgery.....	38	32	38	76
Consumer fraud.....	114	85	96	247
Other fraud (bad checks, swindling, etc.).....	139	202	298	418
Sex offenses (other than forcible rape).....	126	127	125	228
Family crimes (desertion, nonsupport, etc.).....	177	308	231	342

SOURCE: NORC survey.

States for Index crimes against property.<sup>139</sup> New England cities had the lowest rates for crimes against the person and together with cities in the New York, New Jersey, Pennsylvania (Middle Atlantic) area had the lowest rates for crime against property.<sup>140</sup> Cities in the Pacific and Mountain States had the highest rates for crimes against property while those of the East North Central States had the second highest rates for crimes against persons.<sup>141</sup>

Today both the cities in the West and the Western States as a whole have taken over the highest position for crimes against persons as well as maintaining their position for crimes against property. While rates have gone up slightly in the South, the region no longer has the highest rate for crimes against persons, and rates in the cities for crimes against property have increased less than in most other regions. Including both urban and rural areas, the greatest percentage increases in crimes against the person in the last decade have come in New England, but the region has nevertheless continued to occupy the lowest position for crimes against the person.<sup>142</sup> Both New England and the Middle Atlantic States have moved up in property crimes, and the Northeast States as a whole are now second only to the West.<sup>143</sup>

Since 1935 willful homicide has declined generally throughout the Nation except in New England which increased slightly.<sup>144</sup> Robbery rates have increased in the Pacific and Middle Atlantic States and declined in most other places.<sup>145</sup> Prior to 1958, rates for aggravated assault advanced more rapidly in the West than elsewhere but for the last few years have gone up at about the same pace as the rest of the Nation. Data for forcible rape are available only for the most recent years. Although rates are relatively high, they have risen much more slowly in the West than elsewhere.<sup>146</sup>

Burglary has increased nearly 4 times in the Middle Atlantic States since 1935 but by a greater absolute amount in the Pacific States. During the same period auto theft has declined in the South, the Mountain States and the West North Central States. It has increased most in the Northeast. The greatest increase since 1958

<sup>133</sup> Supra note 84.

<sup>134</sup> See, for example, David J. Pittman and William Handy, supra note 10.

<sup>135</sup> NORC survey, supra note 41, pp. 24-30.

<sup>136</sup> Id. at p. 102.

<sup>137</sup> See Reiss studies, supra note 43, and BSSR survey, supra note 42.

<sup>138</sup> The UCR has published neither rates for cities nor the volume of offenses by State since 1957. The volume of offenses has been published, however, for Standard Metropolitan Statistical Areas and for "other cities." Taken together these categories are the same as the previous category for cities except for the inclusion in the Standard Metropolitan Statistical Areas of urban counties. The Task Force calculated rates for these two categories together by State in order to make comparisons with years prior to 1958. In doing so it was not possible to take into account the various changes in reporting systems which are corrected in the overall national statistics.

<sup>139</sup> One study of patterns of crime in 86 cities in 1940 and 1946 by Southern and non-Southern pairs found the Southern cities higher both for personal and property crimes in the South. See Austin L. Porterfield and Robert H. Talbert, "Crime, Suicide and Social Well-Being in Your State and City" (Fort Worth: Stafford-Lowdon Co., 1948), pp. 39-76.

<sup>140</sup> Rates for burglary and larceny increased considerably between 1935 and 1940 for the Middle Atlantic States but the overall rate for Index property crimes remained low relative to the rest of the Nation.

<sup>141</sup> Stuart Lottier, "Distribution of Criminal Offenses in Sectional Regions," *Journal of Criminal Law and Criminology*, 29: 329-344, September-October 1938, found a series of regular gradients for certain Index crimes. Except for willful homicide and aggravated assault, these seem to have been statistical artifacts rather than matters of substance. See also appendix A, Judith A. Wilks, supra note 118, particularly the section "Regional Differentiations."

<sup>142</sup> The increase in rates from 1958 to 1965 has been 102.3 percent as compared with 43.6 percent nationally.

<sup>143</sup> This is partly due to changes in reporting.

<sup>144</sup> From 1.2 per 100,000 population in 1935 to 2.1 in 1965.

<sup>145</sup> Between 1935 and 1965 all regions decreased except the Pacific, New England and Middle Atlantic.

<sup>146</sup> The 1958-1965 change in rates was from 11.1 to 13.2 per 100,000 population in the Mountain States and 16.8 to 18.5 in the Pacific States.



in auto theft was in the East North Central area (110 percent) and in New England (105 percent). The Boston area was chiefly responsible for the New England increase. Auto theft increased less than 10 percent in the West South Central States during this same time. Larceny rates prior to 1958 are not comparable with those since. Increases since 1958 have been fairly uniform throughout the country.

### The South

The high rates of crime against the person which prevailed in the South in the thirties and forties and which are today still higher than those in much of the country are largely due to particularly high rates for willful homicide and aggravated assault. Figure 7 illustrates the rates for willful homicide by States for 1965.

In the earlier days, robbery rates for cities in some parts of the South were high also, but the pattern was not nearly as uniform as that for willful homicide and aggravated assault.<sup>147</sup> Table 13 indicates the 1940 city rates for Index crimes against the person for a number of Southern and

Table 13.—Rates for Crimes Against the Person, 1940

(Per 100,000 population)

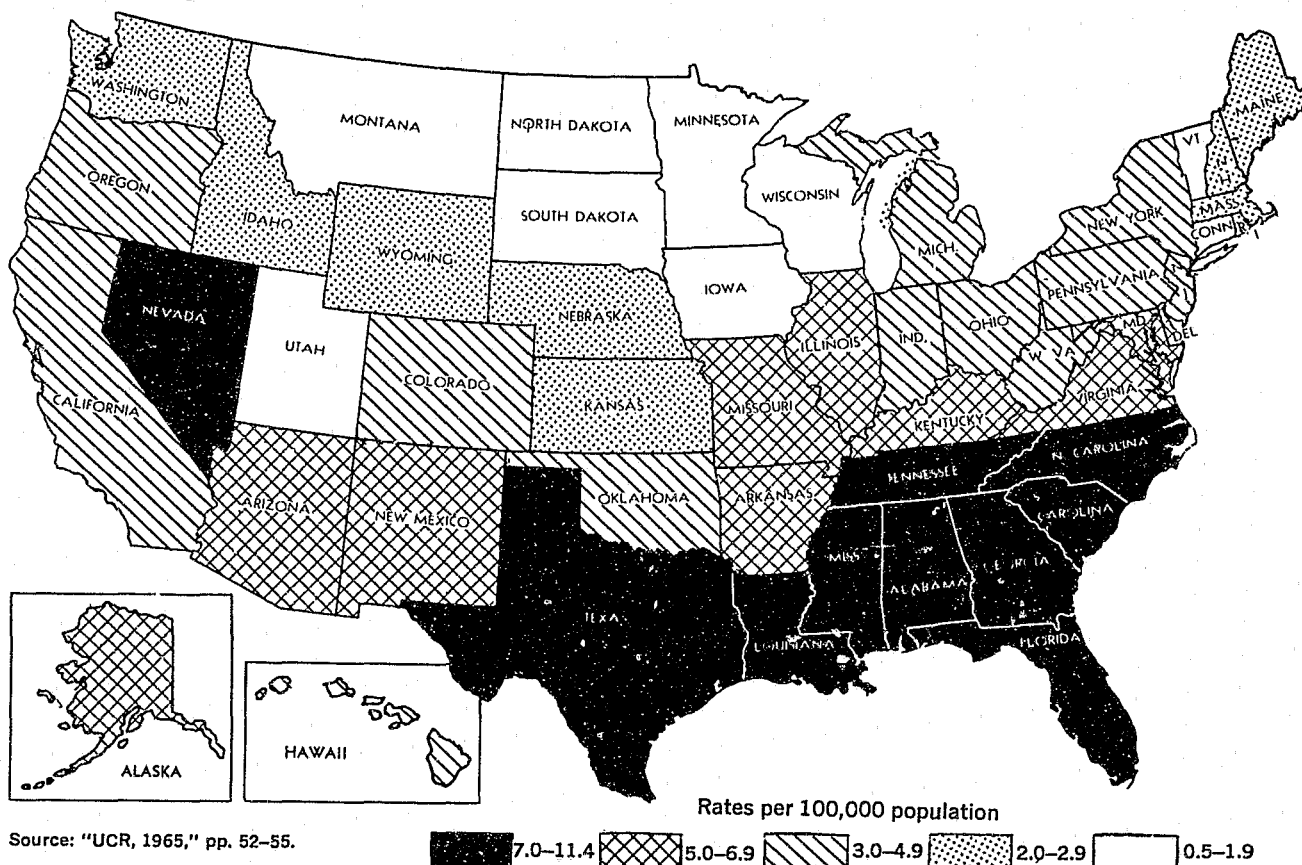
	Willful homicide	Robbery	Aggravated assault
Georgia.....	28.8	82.8	108.9
North Carolina.....	21.5	51.4	318.2
Tennessee.....	25.8	120.8	300.4
New Jersey.....	2.6	37.3	45.3
Illinois.....	5.0	123.1	36.6
Vermont.....		6.9	

SOURCE: "UCR, Fourth Quarterly Bulletin, 1940," p. 175.

non-Southern States. As the table shows, rates for willful homicide and aggravated assault for almost every Southern State were higher than those for the non-Southern States.<sup>148</sup>

In years prior to 1930 when the UCR began, the rates of homicide appear to have been even higher in the South. The disparity among regions seems, however, to have been about the same because rates were higher elsewhere also.<sup>149</sup> Rates for some individual cities were extremely

Figure 7 VARIATION IN WILLFUL HOMICIDE RATES BY STATE, 1965



Source: "UCR, 1965," pp. 52-55.

<sup>147</sup> The South as used in this section is the same as that used in the UCR. It includes three subregions: (1) South Atlantic (Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida), (2) East South Central (Kentucky, Tennessee, Alabama, Mississippi), and (3) West South Central (Arkansas, Louisiana, Oklahoma, Texas). The District of Columbia is also included within the South Atlantic region. While Delaware is not historically part of the South, its figures do not significantly affect the pattern for the region. In 1940 the robbery rates by region were South Atlantic, 72.0 per 100,000 population; East South Central, 85.6; West South Central, 50.9; as compared with 81.6 in the East North Central region, 78.1 in the Pacific, and 15.5 in New England. The rates for some individual Southern States such as Louisiana (28.9), West Virginia (44.4), and Maryland (46.0) were relatively low.

<sup>148</sup> Omitting Delaware, the lowest Southern rate for willful homicide was 8.2

offenses per 100,000 population in Oklahoma. The Oklahoma rate of 56.5 was also lowest for aggravated assault. The highest non-Southern rates were Missouri, a border State, for willful homicide with a rate of 6.5 and New Jersey for aggravated assault with a rate of 45.3.

<sup>149</sup> Harrington C. Brearly, "Homicide in the United States" (Chapel Hill: University of North Carolina Press, 1932), chapters 1 and 2, discusses the earlier rates and some of the data problems. Chapter 10 contains tables by cities. The average rates for 1919-1927 varied from 1.43 in Vermont to 29.55 in Florida (p. 18). Figures 2 and 3 (pp. 21, 23) compare rates by State showing distributions very similar to those of today. Regional differences are discussed statistically at pp. 18-25.

high. Memphis in 1916, for example, reported a homicide rate of 90 per 100,000 population.<sup>150</sup>

The past 30 years, however, have seen significant change in the South. While rates for many places have increased, the disparity between the region as a whole and the rest of the country is no longer nearly as great as it was. Rates for willful homicide have declined throughout the Nation but most of all in the South. Reported rates for aggravated assault have increased somewhat in the South but are now closer to those of the rest of the country than in 1940.<sup>151</sup> It is difficult to tell precisely what the trend for aggravated assault is. Reporting practices have been changing, both inside the South and out, largely due to increased expectations on the part of minority communities for police protection.<sup>152</sup> Because aggravated assault was in earlier times probably even more under-reported in the South than elsewhere despite the high Southern rates, the disparity may have been narrowing faster than the reported statistics suggest.

Task Force examination of aggravated assault rates for 20 representative Southern cities indicates great volatility but fails to show any real pattern as to trend. While half of the cities examined have lower rates today than in 1940 for aggravated assault, more than half have had increases since 1960. Table 14 shows the reported rates for some of the cities studied.<sup>153</sup>

All but two of these same cities showed drops in the murder rate. Seven showed a drop in the robbery rate and eight a decrease in total Index crimes against the person. Rates for forcible rape are not available for the entire period but since 1958 have increased throughout the region.<sup>154</sup> There is some evidence that this too is at least in part due to greater expectations on the part of minority groups for police protection.

Race has frequently been offered as a simple explanation of the high Southern rates of personal violence. Numerous studies, however, have shown this to be far too

Table 14.—Aggravated Assault Rates, 1940–1965, Southern Cities

[Per 100,000 population]

	1940	1950	1960	1965
Atlanta.....	111	195	95	171
Memphis.....	580	50	85	80
Charleston, S.C.....	439	107	135	99
Birmingham.....	248	129	332	227
Houston.....	46	39	173	218
Galveston.....	NA	412	779	881
Charlotte.....	315	419	321	317
San Antonio.....	7	83	125	201

SOURCE: "UCR." Some 1965 city rates are based on 1960 population.

<sup>150</sup> This was almost three times as high a rate as the next highest large city, Atlanta, with 31, and was the highest rate among 31 cities surveyed by Frederick L. Hoffman, consulting statistician of the Prudential Insurance Company of America. See "More Murders than Ever," in *Literary Digest*, 56:18, January 19, 1918, based on his work. The thriving nature of crime in the era of 1900–1917 in Memphis is discussed in William D. Miller, "Memphis During the Progressive Era, 1900–1917" (Memphis: Memphis State University Press, 1957), pp. 87–103. Brearly, supra note 149, p. 212, indicates that in 1920–1925 Vicksburg had a rate of about 96.8 homicides per 100,000 population.

<sup>151</sup> Counting only urban areas, rates in the South for willful homicide declined by one-third to one-half from 1935 to 1965. While the decline was about the same in the Mountain States, it was only 15 percent in the East North Central States and less elsewhere. (Rates increased in New England and the Pacific States.) Reported rates for aggravated assault increased three times or more in every region outside the South but only 60 percent in the West South Central States, 20 percent in the South Atlantic and declined in the East South Central States.

<sup>152</sup> Supra notes 71–72. Austin L. Porterfield and Robert H. Talbert "Mid-Century Crime in our Culture" (Fort Worth: Manney Printing Co., 1954), pp. 46–50, mention some of the ways in which Negro crime in the South has been treated differently from that of the white.

<sup>153</sup> The cities studied but not included in table 14 were Jacksonville, Louisville, Asheville, Macon, Chattanooga, Dallas, Augusta, Jackson, Montgomery, New Orleans, Knoxville, Miami, and Richmond.

<sup>154</sup> The rate for the region as a whole has risen from 8.4 in 1958 ("UCR, 1959," pp. 34–36) to 10.8 in 1965 ("UCR, 1965," pp. 52–54). The increase from earlier times is even more striking, however. In 1935 the rates for the 3 regions,

simple an explanation. Study after study over a number of years has failed to correlate race with the rate of crime against the person for the area.<sup>155</sup> In 1940, for example, Dallas with a 13 percent Negro population had a 45 percent higher rate for willful homicide than did Houston with a 20 percent Negro population. While a great deal of the violence in the South was committed by Negroes, largely against other Negroes, rates of offenses for Southern whites have also been high compared with those in other parts of the country. Table 15 indicates the rate, by State, of deaths due to homicide for 1940 and 1960 for both races. Because homicide is so largely a crime in which both victim and offender belong to the same race, this table is a good indicator as to how the rate of offense by race varies by region. White rates in Southern States such as Alabama and Georgia are 3 to 4 times higher than those in Northern States such as Massachusetts and New York.

These high Southern rates were at least in part due to a tradition of resort to violence as a means of settling family arguments and personal disputes that had been carried over from frontier days and maintained, especially in the lower classes, because of the particular social and economic history of the region.<sup>156</sup> Such traditions have been found among the poor and the depressed in many countries, often in particular regions that are isolated.<sup>157</sup> They are found not only in the South but also in the slums of the larger cities.<sup>158</sup> Such traditions of high violence have often been accompanied by very low rates of suicide.<sup>159</sup> Georgia, for example, where the rate of homicide was 20 per 100,000 persons in 1940 had a suicide rate of only 9.1 per 100,000 persons, while Ver-

Table 15.—Deaths by Homicide, by Race, 1940 and 1960

[Rates per 100,000 of the relevant racial population]

	1940		1960	
	White	Nonwhite	White	Nonwhite
Alabama.....	6.9	34.4	4.2	25.3
Georgia.....	5.6	47.1	4.4	27.3
Mississippi.....	5.7	28.5	2.5	15.5
South Carolina.....	5.0	24.1	2.9	15.5
Indiana.....	2.2	33.6	1.8	22.6
Michigan.....	1.9	23.8	1.8	20.3
Massachusetts.....	1.4	12.6	1.1	10.4
New York.....	2.0	21.0	1.8	18.7
California.....	3.9	39.4	3.3	18.3
Total, United States.....	3.1	34.3	2.5	21.9

SOURCE: 1940 data from U.S. Bureau of the Census, *Vital Statistics—Special Reports*, "Vital Statistics Rates in the U.S., 1900–1940," vol. 16, No. 40, p. 162; 1960 data from U.S. Office of Vital Statistics, "Vital Statistics of the U.S., 1960." While above figures were only available for whites and nonwhites, 95 percent of the nonwhites are Negroes.

including statutory rape (which in many jurisdictions amounted to about half the cases), were South Atlantic, 6.6; East South Central, 4.5; and West South Central 5.0. These compare with rates of 11.5, 9.1, and 10.9 in 1965 excluding statutory rape.

<sup>155</sup> See, e.g., Austin L. Porterfield and Robert H. Talbert, supra note 139, pp. 64–66, which found a slight correlation between crime and the Negro population in 1940 but a much stronger negative correlation in 1946. A number of studies are summarized in Leonard Savitz, "Crime and the American Negro" (unpublished manuscript, 1966), chapter 3. See also Paul Bohannon, "African Homicide and Suicide" (Princeton, N.J.: Princeton University Press, 1960).

<sup>156</sup> See, e.g., W. J. Cash, "The Mind of the South" (New York: Alfred A. Knopf, 1941), pp. 424–427. Brearly, supra note 149, pp. 47–56; John Dollard, "Caste and Class in a Southern Town" (2d ed., New York: Harper & Bros., 1949), pp. 358–362; Walter C. Reckless, supra note 131 at p. 70.

<sup>157</sup> See, e.g., Seymour Lipset, "Political Man" (Garden City, N.Y.: Doubleday, 1960), chapter 4; Arthur L. Wood, "A Socio-Structural Analysis of Murder, Suicide and Economic Crime in Ceylon," *American Sociological Review*, 26: 744–753, October, 1961. See also Marvin E. Wolfgang and Franco Ferracuti, "Subculture of Violence: Towards an Integrated Theory in Criminology" (London: Tavistock Publications, in press).

<sup>158</sup> See Marvin E. Wolfgang and Franco Ferracuti, supra note 157.  
<sup>159</sup> The classic study is that of Emile D. Durkheim, "Suicide" (Glencoe, Ill.: The Free Press, 1951). In the United States there have been a number of such studies including: Andrew F. Henry and James F. Short, Jr., "Suicide and Homicide" (Glencoe, Ill.: The Free Press, 1954); and Austin L. Porterfield and Robert H. Talbert, supra note 139.



mont with a homicide rate of 0.8 had a suicide rate of 16.7. Increasing suicide rates in the South have reduced this difference somewhat.<sup>160</sup>

To an extent the lessening of the disparity between Southern rates for homicide and perhaps for other crimes as well probably reflects the lessening of other disparities between the South and the rest of the country.<sup>161</sup> Differences are no longer as great in education, income, health services, housing, and other important economic and social characteristics in which the South was formerly depressed to some degree. To some extent too the South may have exported its problem. The lessening of the disparity in rates for willful homicide is not only due to decreases in the Southern rates but to some extent to increases in non-Southern rates in some places.<sup>162</sup> There is some evidence that migrants from the South, both white and Negro, may have contributed to this result.<sup>163</sup>

In earlier years the rates of robbery and Index property crimes in Southern cities were also high in relation to other parts of the country except the West. This is no longer true. While rising in recent years, robbery rates have declined since the thirties and early forties. Except for Florida and Maryland, where rates have been inflated to some extent by recent changes in reporting systems, and the District of Columbia, increases in recent years have been less in the South than elsewhere in the country.<sup>164</sup> Rates for property crimes have also increased more slowly in the South. Even in Florida, where rates for property crimes are fifth highest in the Nation and highest in the region, the rate of increase has not been exceptional.<sup>165</sup> Neither reasons for the relatively high rates in the South in the first instance nor reasons for its decline relative to the remainder of the country are clear, although it seems likely that the general lessening of differences between the region and the country has also been important here.

### *The West*

Almost from the beginning of national crime statistics, the West established itself as the region with the highest rates for crimes against property. In 1935, cities in both the Pacific States (California, Oregon, Washington) and the Mountain States (the belt from Montana and Idaho to Arizona and New Mexico) had higher reported rates for each of the property crimes than any other region except the South where rates in some places were higher for burglary and larceny.<sup>166</sup> Rates for the West as a whole were higher than those for the South as a whole.

Except for a few States such as Arizona, and for rape which then included statutory rape where rates were generally higher, rates for Index crimes against persons were about the same as or lower than the national average.<sup>167</sup>

California (then the seventh largest State with about 6 million people) was already the largest State in the West and the largest single factor in the rate of crime reported for the cities of the region considered as a whole. For most crimes, rates in California cities were among the lowest in the West. Nationally they ranked about midway among all the States: 30th for murder, 27th for robbery, 25th for aggravated assault, 18th for burglary, and 20th for larceny (including larceny under \$50). Rates for rape were 5th and 4th for auto theft. Rates for California cities for crimes of violence were about 20 percent below the national average for all cities, and those for crimes against property were about 45 percent above the national average for all cities.<sup>168</sup>

By 1965, cities in the West had become the region with the country's highest rates, for both crimes against persons and crimes against property. The Pacific region had the highest rates for forcible rape, burglary, larceny, \$50 and over, and auto theft. The Mountain region occupied second place for burglary, larceny \$50 and over, Index crimes against property and for forcible rape but had relatively low rates for other Index crimes against persons and all Index crimes against persons as a group.<sup>169</sup>

The high rates in the Pacific region cities were largely attributable to California which with more than 18 million people had become the Nation's largest State (making up more than 75 percent of the population of Pacific region and more than 57 percent of the Pacific and Mountain regions taken together).<sup>170</sup> For every crime except murder it had higher rates than any other State within both regions except Nevada or Alaska.<sup>171</sup>

Counting both urban and rural areas, California had the Nation's highest crime rate for forcible rape, burglary, and total Index crimes against property, the second highest rate in the Nation for robbery and auto theft, the fourth highest for Index crimes against persons, and the fifth highest rate for aggravated assault. The murder rate was 21st. The rate for Index crimes against the person was about 50 percent above the national average while the rate for Index crimes against property was almost twice as great.<sup>172</sup>

Comparing the 1935 rates for California cities with those of 1965 for urbanized areas, including urbanized

<sup>160</sup> The 1965 suicide rate for most Southern States is 1 to 2 suicides higher per 100,000 population than in 1940. Suicide rates in many Northern States have declined during this period. A few Southern States, such as Florida, have had high suicide rates throughout.

<sup>161</sup> See appendix A, Judith A. Wilks, *supra* note 118, particularly the section, "Synthesis."

<sup>162</sup> In addition to the New England region as a whole, rates for willful homicide have also increased in a number of cities.

<sup>163</sup> See, e.g., Thomas F. Pettigrew and Rosalind B. Spier, "The Ecological Structure of Negro Homicide," *American Journal of Sociology*, 67: 621-629, May 1962. See also "Crime in a Changing City: St. Louis Police Department, 1959 Annual Report," pp. 3-7; National Parole Institutes, "The Violent Offender," publication VII, September 1965, pp. 22-25.

<sup>164</sup> Reported rates increased from 1958-1965 by 19.9 offenses per 100,000 population in Florida and 46.8 in Maryland. In Arkansas, however, offenses per 100,000 population decreased by 9.3 and the largest other increase of 8.6 offenses per 100,000 population in Virginia was not large by national standards.

<sup>165</sup> Burglary rates, for example, increased in the cities from 702.5 in 1935 to 1045.8 in 1965. Auto theft rates during the same period decreased.

<sup>166</sup> The rate for property crimes for the Pacific region in 1935 was 2004.9 per 100,000 population, for the Mountain region, 2027.1. This compared with 1496.4 in the East South Central but 2004.5 in the West South Central and 1850.8 in the South Atlantic. This pattern was still about the same in 1940.

<sup>167</sup> Rates were about the same as in the North Central region but higher than in the Northeast States.

<sup>168</sup> In 1935 the ratio for Index crimes against persons between California cities and all cities was .79 to 1; in 1940 the ratio was 1.17 to 1. For Index property crimes the ratios are 1.45 to 1 in 1935 and 1.64 to 1 in 1940.

<sup>169</sup> The overall regional rates in 1965 for Index crimes against persons for cities was 157.3 per 100,000 population as opposed to 256.1 for the Pacific region. For property crimes the Mountain region was 1625.3 as opposed to 2245.4 in the Pacific region.

<sup>170</sup> The total population for the West in 1965 was estimated as 32.2 million; for the Pacific region 24.5 million.

<sup>171</sup> Nevada had higher rates for homicide, larceny \$50 and over, and auto theft; Alaska for homicide, rape, aggravated assault, larceny \$50 and over, and auto theft.

<sup>172</sup> The comparisons of rates per 100,000 population were:

	Against persons	Against property
California.....	282.1	2,361.2
United States.....	184.7	1,249.6

counties, gives some indication, if not too precisely, of the changes in reported rates:<sup>173</sup>

	Willful homicide	Robbery	Aggravated assault	Burglary	Auto theft
1935.....	4.3	54	30	440	411
1965.....	4.7	119	147	1235	461

The changes over this period, particularly those for robbery and aggravated assault, are largely the product of sharp increases during World War II and the early postwar years, and considerable fluctuation at other times rather than any slow, steady increase.

Since the early fifties when California began to publish its own statistics, statistics have been available statewide and have become much more accurate.<sup>174</sup> These show the same high rates of reported crime as the national statistics, and a generally rising trend of crime in relation to population. Table 16 shows the trend. Since 1955, property crimes per 100,000 population have more than doubled while crimes against persons per 100,000 have increased by over 55 percent. This is about the same as the Nation in percentage terms but because of the higher initial rates is a larger increase in terms of the actual number of crimes per 100,000 population.

Crime in California is not simply a phenomenon of one part of the State. While rates are generally higher in the Los Angeles area than elsewhere, in 1965 eight of the 12 California standard metropolitan areas rank among the 15 U.S. metropolitan areas with the highest rates of Index property crimes. Los Angeles ranks at or near the top of every Index offense except willful homicide.<sup>175</sup>

This high rate of crime has been a matter of serious concern throughout the State and has been analyzed intensively by the California Bureau of Criminal Statistics. Its report for 1965 stated:

"California police agencies without doubt provide the most complete recording and reporting of offenses to be found anywhere in the United States. Only in California is there a requirement of reporting of all data on crimes and arrests to a central State Bureau of Criminal Statistics. The completeness of reporting in this State is one of numerous reasons Uniform Crime Reports annually show California with one of the highest crime rates in the United States . . . . Another reason that California data show high rates as compared with other States is to be found in the methods of recording burglary and larceny. Burglary in California is defined as entering certain structures with intent to commit larceny or any felony. The usual definition in most other States limits burglary to acts of breaking and entering. Thus, there are many nonbreaking offenses such as shoplifting that are classified in burglary in California which in most other States are classified as petty larceny and usually do not appear in the seven offense total."<sup>176</sup>

There is no question but that California does have the best State criminal statistics system in the country. Police professionalization has also proceeded further in California than elsewhere, and as discussed earlier this tends to produce higher rates of reported crime. Because the California statutes are different from those of most States, it is also true that recording procedures in California for some crimes, particularly burglary which is the most frequent Index offense, are noticeably broader than those in most other States.<sup>177</sup>

It is hard to tell, however, what the impact of these factors is. If only those burglaries in which there is a forcible entry are considered, the margin by which California rates exceed those of other States is reduced by more than 200 offenses per 100,000 population,<sup>178</sup> but Cal-

Table 16.—Reported Crimes Against Persons and Property, Trends in California, 1955–1965

[Rates per 100,000 population]

	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
Willful Homicide.....	3.2	3.5	3.5	3.7	3.4	3.9	3.7	3.9	3.7	4.2	4.8
Forcible rape.....	14.3	16.8	18.4	15.4	18.4	17.7	18.1	17.1	17.3	18.4	19.4
Robbery.....	70.3	74.9	81.8	85.5	75.6	96.3	90.3	91.2	93.2	102.8	112.3
Aggravated assault.....	87.7	100.2	108.4	109.7	110.0	119.8	120.9	120.9	125.4	136.9	139.1
Burglary.....	555.6	623.3	713.7	755.0	706.8	881.4	872.9	904.2	970.6	1,048.3	1,162.7
Grand larceny.....	96.0	113.0	125.5	125.2	127.1	143.9	141.6	145.6	155.7	172.7	188.8
Auto theft.....	225.0	283.3	319.1	313.4	286.9	322.8	316.1	335.6	360.5	415.7	434.8
Against persons.....	175.5	195.4	212.1	218.3	207.4	237.7	233.0	233.1	239.6	262.3	275.6
Against property.....	880.6	1,019.6	1,158.3	1,193.6	1,120.8	1,348.1	1,330.6	1,385.4	1,486.8	1,636.7	1,786.3

<sup>1</sup> California limits the larceny category to crimes \$200 and over; the UCR larceny category since 1958 is for \$50 and over.

SOURCE: California Bureau of Criminal Statistics, "Crime in California."

<sup>173</sup> See note 138 supra.

<sup>174</sup> The California Bureau of Criminal Statistics was established in 1929, and California began to publish annual statistics in 1952. In 1953 and 1954 it published complete statewide figures but its studies indicated that these were not fully standardized. Corrections were made in the 1955 figures. Since then the figures have for the most part been comparable from year to year although the Bureau has noted specific problems from time to time.

<sup>175</sup> The rates and rankings for the Los Angeles Standard Metropolitan Statistical Area for 1965 are as follows:

Offense	Rate (per 100,000 population)	Ranking
Willful homicide.....	6.1	51
Forcible rape.....	32.9	1
Robbery.....	189.1	2
Aggravated assault.....	229.7	15
Burglary.....	1,564.4	1
Larceny \$50 and over.....	917.0	3
Auto theft.....	627.4	2

<sup>176</sup> "Crime in California," supra note 91, pp. 14–15.

<sup>177</sup> Compare California Penal Code § 459 with Virginia Code §§ 18.1–86 through 18.1–89.

<sup>178</sup> The California rate for forcible burglary in 1965 is 786 per 100,000 population. For Florida the rate is 752. These compare with reported rates of 1209.6 and 957.0.

ifornia rates are still higher than those of any other State. And the NORC victimization survey indicated uniformly higher rates of crime, both personal and property, with the exception of robbery, for the West by margins that are not much different from those indicated by the police statistics.<sup>179</sup> California makes up more than 57 percent of the population in the Western region.<sup>180</sup>

One important factor in the high rate of crime reported for California is that it is one of the three most heavily urban States in the Nation—86.4 percent in 1960 as compared with 69.9 percent nationally.<sup>181</sup> Counting only urban areas, California, in 1965, ranked fifth in Index crimes against the person, about 40 percent above the national urban average, and third in Index crimes against property, with a rate 67 percent above the national average.<sup>182</sup> In the NORC survey, Western rates for central metropolitan areas were above the national average by 66 percent for crimes against persons, and 41 percent for crimes against property.<sup>183</sup> Demographic factors such as age and sex, while different from some other States are very close to those for the rest of the Nation as a whole. The percentage of population by age compares with that of the country as follows:<sup>184</sup>

	Under 5	5-17	18-44	45-64	65 and over
United States.....	10.5	25.8	34.2	20.1	9.4
California.....	10.5	25.2	36.3	19.4	8.6

This high a rate of crime in the State that has so often been in the forefront of development of effective, progressive systems of law enforcement and criminal justice is, in many ways, disturbing. California is today the recognized leader in the field of police professionalization. It has a corrections system that is one of the three or four best in the country. Its youth authority has been a pioneer in the effective treatment of juveniles. It is the only State with a really effective bureau of criminal statistics. It has a high standing among the States in terms of general economic and educational levels and the provision of health and other social services.<sup>185</sup>

On the other hand, California has been, throughout the last 30 years, the recipient of one of the great migrations in history. And whether migration is itself as important a cause of crime as is sometimes asserted or not, in large quantities it is clearly unsettling and disruptive of the social order.<sup>186</sup> Population within the State has tripled within the last 30 years and has been

increasing at a rate of more than 4 percent a year, creating tremendous economic and social problems.<sup>187</sup>

Looked at in this light, it may be thought surprising that the State has been so successful in holding the rate of increase down. When the effect of urbanization is considered, the percentage by which the rate of reported Index property crimes exceeds that of the rest of the Nation is no greater than it was 30 years ago. And the extent to which Index crimes against persons exceed those for the rest of the Nation is essentially the same as it was after the close of the turbulent World War II and post-war periods. Since 1960, the rate of increase for every Index crime except willful homicide and burglary has been less than that reported for the Nation as a whole.<sup>188</sup>

There is even some question as to whether the rate of increase during the 1960's may not have been lower still. The California Bureau of Criminal Statistics in its 1964 report reviews the felony crime picture in the State from 1955 through 1964 on the basis of offenses reported to the police, felony arrests, felony complaints, and felony filings in superior court. This review indicates that through 1960 all these indicators had moved in the same direction, showing a general increase in crime but that beginning in 1960 the indicators had begun to diverge. The report stated that: "The index based upon crimes reported to the police generally tends to show maximum rate increase, and indices based upon persons arrested and prosecuted tends to show decreases or minimum increases."<sup>189</sup>

In 1965, further analysis of these trends led the Bureau to conclude that: "there appears to be a high probability that most of the increase thus noted is not in the serious levels of these offenses but is rather the result of the growing practice to include more and more lesser offenses in the total count."<sup>190</sup>

It is difficult to tell to what extent the high rate of crime in California is part of a regional pattern for the West and to what extent it is largely due to forces that are peculiar to the State alone. States such as Oregon and Washington, which in earlier days reported higher rates of crime in their cities than California, have had increases below those of California and now report lower rates.<sup>191</sup> Some Western States, such as Wyoming and Idaho, now have relatively low rates.<sup>192</sup> A considerable number of Western States do, however, have high rates for both personal and property crimes, but particularly property crimes. For the most part, these are States such as Arizona, Nevada, and Alaska, which, like California, have had population growth well in excess of

<sup>179</sup> See table 11, *supra*.

<sup>180</sup> The region is the same as that used by the UCR.

<sup>181</sup> Bureau of the Census, "U.S. Census of Population: 1960," vol. I (Washington: U.S. Government Printing Office). This may actually understate the degree of urbanization in California, since so many of its people live not only in urban areas as defined in the census definition but in very large cities.

<sup>182</sup> Illinois, North Carolina, Maryland, and Florida had higher rates for Index crimes against the person in that order. Alaska and Nevada had higher rates for Index crimes against property.

<sup>183</sup> NORC survey, *supra* note 41, pp. 24, 28-29.

<sup>184</sup> More detailed age breaks which are available in the 1960 figures indicate that the pattern does not vary within these age breaks either. The ratio of males to females in California is slightly higher than that in the Nation as a whole: 99.2 to 97.2. The State has a lower percentage of Negroes than the Nation as a whole (5.6 percent as compared with 10.5) but a higher percentage of other nonwhite population (2.4 percent as compared with .9 percent). Nationally more than 50 percent of all arrests for burglary and auto theft are of juveniles under 18. In Los Angeles, however, where rates for these offenses are near the highest in the Nation the percentage of arrests attributable to the under 18 age group is only 35 percent and the percentage attributable to the 18-to-24 age bracket is much higher than that nationally despite the fact that the age distribution in the city is about the same.

<sup>185</sup> For example, California ties for second place in median school years completed. Bureau of the Census, "Statistical Abstract of the United States: 1965" (86th ed., Washington: U.S. Government Printing Office, 1965), p. 113.

<sup>186</sup> Thomas F. Pettigrew and Rosalind B. Spier, *supra* note 163; Thorsten Sellin, "Culture Conflict and Crime" (New York: Social Science Research Council, 1938); and Leonard Savitz, "Crime, Delinquency and Migration." A report to the President's Commission on Law Enforcement and Administration of Justice, 1966 (mimeo).

<sup>187</sup> Bureau of the Census, "Statistical Abstract of the United States: 1966" (87th ed., Washington: U.S. Government Printing Office, 1966), tables 9-10, pp. 11-13. The California population increased from 5,677,000 in 1930 to 18,605,000 in 1965.

<sup>188</sup> The national and State percentages of increase are as follows:

	United States	California
Willful homicide.....	-----	20.1
Forcible rape.....	33.3	15.1
Robbery.....	23.7	15.1
Aggravated assault.....	46.8	18.1
Burglary.....	32.1	32.1
Larceny \$50 and over.....	48.5	43.1
Auto theft.....	40.0	33.1

In absolute terms the increases have been greater in California in some cases because of higher initial rates.

<sup>189</sup> "Crime in California, 1964," *supra* note 91, at p. 21.

<sup>190</sup> "Crime in California, 1965," *supra* note 91, at p. 19.

<sup>191</sup> For cities only in 1965 the Oregon rate for Index crimes against property per 100,000 population is 1575.4 and the Washington rate is 1384.0. This compares with 2424.8 for California.

<sup>192</sup> For example, Idaho ranks 37th nationally for property crimes and Wyoming 32nd.

that of the rest of the Nation.<sup>193</sup> Florida, the only non-Western State with a population growth substantially higher than the rest of the Nation in recent years, has also been plagued historically with high crime rates.<sup>194</sup>

### *Crime in the Cities*

Reported rates have increased to some extent in almost all cities, at least for some crimes. By far the greatest proportion of whatever increase there has been in Index-type crimes in America within the last 30 years, however, has taken place in the larger cities. Figure 3, on the following page, shows the reported rates of crime for six different sizes of cities, ranging from over 250,000 in population to under 10,000 in population. Except for burglary, for which reported rates have been rising generally, the reported level of crime for the smaller cities—despite increases in recent years—is not greatly different today from what it was 30 years ago. Robbery has even declined in the smallest cities and towns.

In the larger cities, however, the picture is very different. In cities over 250,000 the rate for burglary has increased by about 150 percent since 1940, aggravated assault by almost 300 percent. Robbery, while increasing only 15 percent over 1933, has increased 140 percent since 1940. To a substantial extent these huge increases come from the highly unrealistic rates of crime that these cities were reporting earlier. In 1935, for example, the cities over 250,000 were reporting rates of burglary that were less than those in towns of 25,000 to 50,000 and only three-fourths the rate reported by cities between 100,000 and 250,000 population. Figure 8 exaggerates these changes to some degree because there is no way to eliminate even the known changes in reporting systems discussed earlier<sup>195</sup> from the data upon which the figure is based. The rate for aggravated assault for 1964 is particularly affected because of changes in classification, and is substantially less for all size cities than that shown in the figure for that year.<sup>196</sup>

Changes in rates for some individual cities in the over-250,000-population group over the last 30 years are staggering. Homicide, which has generally been reported reliably throughout the period and which declined nationally, increased about four times in Newark and Boston, three times in St. Louis and twice in Cleveland, Detroit and New York.<sup>197</sup> Reported changes for other crimes for individual cities are less certain because of changes in reporting systems but are equally large.

Reported rates for robbery have increased by four to six times for at least nine cities while rates for aggravated assault have gone up as much as 25 to 30 times for a few cities. Only two cities with populations today totaling more than 250,000 reported decreases in the overall rate for Index crimes against the person and not a single city reported a decline in either burglary, larceny, auto theft or the overall rate of Index crimes against property.

The major cities with declining overall rates for Index crimes against the person were Memphis and Louisville.

The decline was greatest in the case of Memphis where the rates in 1940 were by far the highest among the country's larger cities; showing 25 murders, 580 aggravated assaults and 209 robberies and an overall rate of 814 crimes against the person per 100,000 population. This compares with 7 murders, 80 aggravated assaults and 57 robberies for a total of 144 Index crimes against the person per 100,000 population in 1965, a decline of enormous proportions.<sup>198</sup>

Except for homicide, virtually all of the decline took place between 1940 and 1950. The rate has been increasing slowly since then. The overall rate for violence decreased much more modestly in Louisville, dropping from 308 offenses per 100,000 population in 1940 to 297 in 1965.

Rates for homicide, in line with the national trend, dropped in a great number of places, particularly among the Southern cities where the 1940 rates were highest but also in such other places as Cincinnati, Phoenix, Tulsa, Pittsburgh, San Jose, and El Paso. Reported robbery rates dropped over two-thirds in Memphis, halved in Tulsa, and declined considerably in Nashville and Atlanta. The sharpest drop in aggravated assault was in Memphis. Declines were also registered in Birmingham, Louisville, Akron and in one city, Omaha, where the rate was already very low.<sup>199</sup>

The greatest increases in burglary were in Minneapolis, where the rate increased nearly 350 percent and Newark, where it increased more than 225 percent. The rate for larceny of \$50 and over at least doubled in virtually every large city—the largest increase being in Phoenix which increased its rate 13 times, and Baltimore whose rate increased nearly 10 times. Cincinnati had the least increase for both burglary (3 percent) and larceny \$50 and over (105 percent). Rates in Boston and Newark went up the most for auto theft, about 4 times, while the changes in Albuquerque, Norfolk, Seattle, and San Diego were so small that they were essentially the same in 1965 as in 1940.<sup>200</sup>

Rates for a number of cities have shown increases in percentage terms but because their rates were low initially have not had any great increase in the actual number of reported crimes per 100,000 population. Cities in this category include Honolulu, Milwaukee, and San Jose for Index crimes against the person and San Diego, Milwaukee, and Cincinnati for Index crimes against property.

The dramatic and turbulent changes which America's cities have been undergoing throughout this period are well known. They were bound to have an impact on the amount of crime in the city. One of the most significant facts has been the simple one of growth. The metropolitan areas of the cities have been getting larger—growing more than 70 percent between 1940 and 1965.<sup>201</sup> More than two-thirds of this increase, however, has not come within the political boundaries of the city, but in the surrounding suburbs. In most metropolitan areas this has meant that the center city high crime rate areas described in chapter 4, "The Inner City," now occupy a

<sup>193</sup> The 5 States which the census indicates as having had population growth rates substantially in excess of the rest of the country in recent years are California, Florida, Nevada, Arizona and Alaska.

<sup>194</sup> In 1965 Florida ranked fifth among all States for Index crimes against property. In 1935 its cities had the highest rates for burglary, 9th highest for larceny and 15th for auto theft.

<sup>195</sup> See note 86, *supra*.

<sup>196</sup> See note 99, *supra*.

<sup>197</sup> The rates increased from 4.9 per 100,000 population in 1940 to 17.3 in 1965 in Newark; 1.7 to 8.6 in Boston; 6.7 to 19.7 in St. Louis; 6.6 to 12.6 in Cleveland; 4.9 to 11.5 in Detroit; and 3.7 to 8.0 in New York.

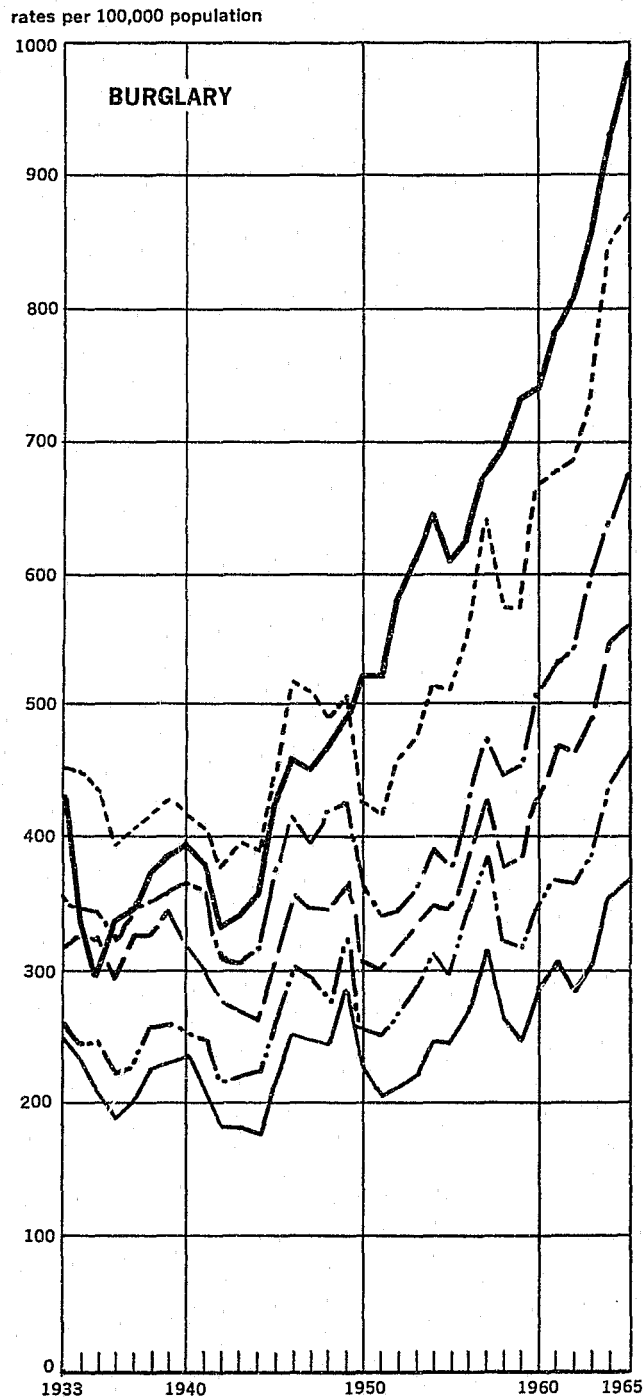
<sup>198</sup> See note 150, *supra*. See also Andrew A. Bruce and Thomas S. Fitzgerald, "A Study of Crime in the City of Memphis, Tennessee," *Journal of Criminal Law and Criminology*, vol. 19, No. 2, part II, August 1923, p. 14.

<sup>199</sup> The rate in Omaha in 1940 was 27.3. It decreased to 8.7 in 1965, the lowest of all the cities over 250,000 in population.

<sup>200</sup> The Boston rates, which at 420.9 offenses per 100,000 population in 1940 were already third highest among the Nation's larger cities, increased to 1956.7 offenses per 100,000 population in 1965. The Newark rates increased from 304.1 to 1127.5 per 100,000 population. The rates for Albuquerque, Norfolk, Seattle, and San Diego were 372.4, 367.2, 322.3, 287.2 per 100,000 population in 1940 and 377.5, 380.6, 337.0, and 277.3 in 1965.

<sup>201</sup> The population in Standard Metropolitan Statistical Areas in 1940 was 72,576,000; in 1965 it had risen to 123,813,000. The population in central cities rose from 45,473,000 to 59,612,000; in the suburbs from 27,103,000 to 64,201,000.

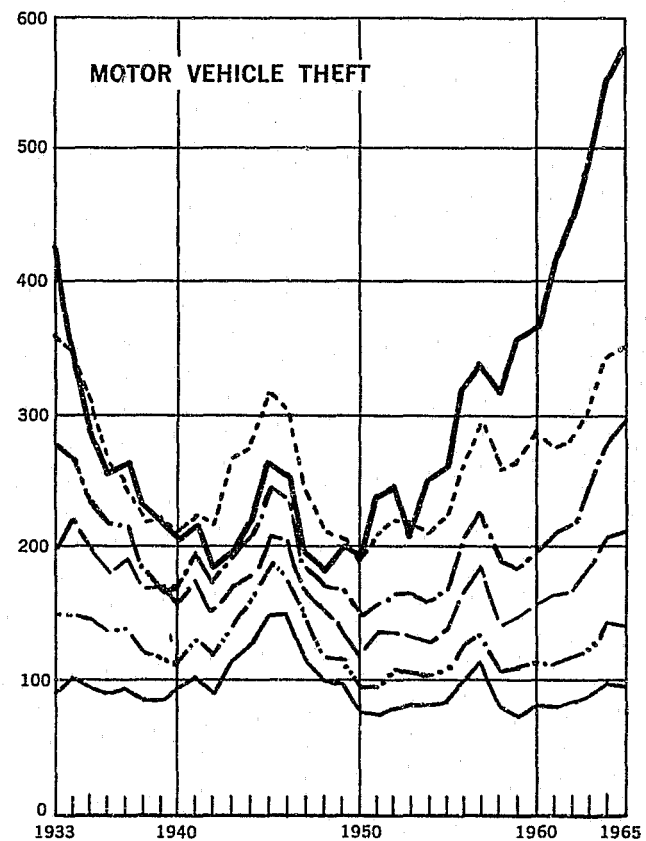
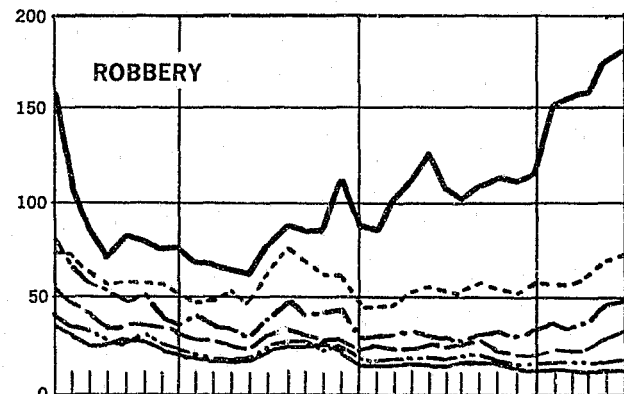
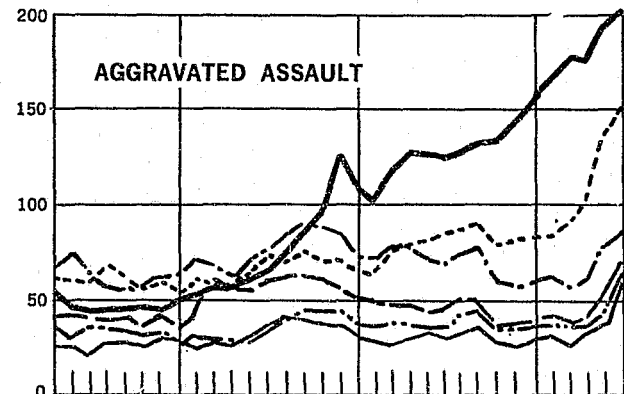
**Figure 8. REPORTED TRENDS FOR 4 INDEX CRIMES BY SIZE OF CITY, 1933-1965**



Source: Uniform Crime Reports.

- Cities over 250,000
- - - Cities 100,000-250,000
- · - Cities 50,000-100,000
- Cities 25,000-50,000
- · - Cities 10,000-25,000
- Cities under 10,000

rates per 100,000 population



larger percentage of the city itself while a larger percentage of the outlying low crime rate areas are in the suburbs.

The impact of this kind of growth in one city is well stated in the 1959 report of the St. Louis Police Department:<sup>202</sup>

"People are moving *into* St. Louis from the rural areas and small towns of Missouri and Illinois, and from the Deep South. Individuals are moving *out* of St. Louis to suburban areas. People displaced by redevelopment projects, razed buildings, and new construction are added to the normal movement *within* the city. Neighborhoods in the city which had been rather stable for decades are being razed, are changing in their income, educational, and color compositions, and have, as a consequence, lost their cohesiveness and internal social controls which tend to inhibit crime. . . .

"The net result of population movements out of, into and within St. Louis is to create a St. Louis in 1960 which is different in many respects from St. Louis in 1950. . . .

"The impact of community dislocations in the last decade on life in St. Louis is most graphically represented in the changing crime picture in the 12th Police District. This district . . . was once completely an area of fashionable single residences and apartment houses, a number located on private streets. Although certain sections remain excellent residential areas in 1960, the 12th District has undergone a drastic change in the educational and income characteristics of its residents. Many former single residential units have been converted by spot zoning and other devices into rooming houses and multiple-dwellings, with the usual deterioration of physical facilities. Neighborhood social organization has frequently collapsed, leaving a state of disorganization and unrest. . . .

"Crime in the Twelfth District: 1950-51 and 1958-59

	Crimes, 1950-51 average	Crimes, 1958-59 average
Murder.....	1	10
Rape (forcible).....	3	39
Robbery.....	52	267
Aggravated assault.....	37	236
Burglary.....	264	1,514
Larceny (all types).....	537	2,861
Auto theft.....	262	443
Total.....	1,156	5,370"

Because of changes like this, comparing city crime rates of today with those of earlier years is to some extent like comparing the rates for a high crime district with those for the whole city. Changes in rate depend in part on the extent to which the city has absorbed its suburbs. Finding comparable units is difficult, however. Greater metropolitan areas of today are not necessarily urbanized

Table 17.—Robbery Rates

[Per 100,000 population]

	1940 city	1965 metropolitan	1965 city
Chicago.....	170.8	244.3	420.8
New York.....	77.0	109.4	379.8
Washington.....	137.7	153.2	358.8
Miami.....	131.3	164.2	241.2
Los Angeles.....	144.2	189.1	293.4
Cleveland.....	102.2	101.1	213.3
Houston.....	81.4	95.5	135.3
Dayton.....	37.0	55.2	129.6

to the same extent as the city of 30 years ago, but they do provide a crude approximation. Table 17 compares the 1965 rate of robbery per 100,000 population for the greater metropolitan areas of several cities with the rates for the city proper in 1940 and 1965. Given some bias toward higher reporting today, the rates are quite comparable.

For other offenses, the 1965 rates for metropolitan areas are not as close to those of the 1940 city. Metropolitan auto theft rates for 1965 tend to fall midway between the 1940 and 1965 city rates while the 1965 metropolitan burglary rates are in many instances only slightly lower than those of the 1965 city.

#### TRENDS IN THE SOLUTION OF CRIME AND THE PROSECUTION AND CONVICTION OF OFFENDERS

No subject is more fraught with controversy than that of the extent to which the persons who commit crimes are apprehended, prosecuted, and convicted. This controversy is as old as the criminal justice system itself. It received considerable attention in the city, State and national crime commission studies of the 1920's and 30's.<sup>203</sup> Nevertheless, it still remains that there are many difficulties in discussing these subjects on the basis of available statistics, primarily because there is no reliable way of connecting up the number of offenses committed with the number of offenders processed at each stage. These proportions vary considerably, and for most of the Index crimes at least they are quite low.

What data there are suggest that some individual was ultimately convicted or sent to juvenile court in about 40 percent of the cases of homicide known to the police, but that the likelihood that an individual will be apprehended and convicted or referred to juvenile court in thefts known to the police is less than 15 percent.<sup>204</sup> What data there are available cover only 1,657 cities in 1965 with an estimated population of 57 million.<sup>205</sup> If account is taken of the number of crimes that are never reported to the police, percentages become even smaller.

The greatest difficulty lies in catching the offender in the first instance. For offenses such as murder, forcible rape, or aggravated assault where the victim is likely either to have been acquainted with the offender or to be able to identify him, the police are able to solve or "clear" a high percentage of the cases, from 90 percent in 1965 in

<sup>202</sup> "Crime in a Changing City: St. Louis Metropolitan Police Department, 1959 Annual Report," pp. 4-7.

<sup>203</sup> For a useful summary description and analysis of the meaning of criminal justice "mortality table" statistics, the term coined during the Cleveland Survey to describe the dropping off of cases through the progressive stages of the criminal justice process, see National Commission on Law Observance and Enforcement, "Report on Prosecution" (Washington: U.S. Government Printing Office, 1931), pp. 52-72. For the initial use of such tables see Roscoe Pound and Felix Frankfurter, eds., "Criminal Justice in Cleveland" (Cleveland: The Cleveland Foundation, 1922), pp. 91-96.

<sup>204</sup> These percentages are based on "UCR, 1965," table 12, p. 103. They

are subject to at least two sources of error. Several persons may be charged for the same offense, or one person may have been responsible for a number of offenses. With the available data it is not possible to correct for these types of errors in arriving at a reliable figure, and it is not known to what extent the errors may cancel each other out. In addition, it should be noted that the offenses known to the police are reported for the calendar year in which they occurred while many of those convicted undoubtedly committed their offenses in earlier years. The clearance tables reported by the UCR reflect agency actions within the calendar year and are not based on the follow-up of a cohort of offenses or offenders through the system.

<sup>205</sup> "UCR, 1965," table 12, p. 103.

the case of homicide to 64 percent in the case of forcible rape.<sup>206</sup> Where the offense is one of theft in which the police can identify the offender only through investigation or apprehension during the act, they are able to solve a much smaller percentage of the cases, ranging from 25 percent in the case of burglary and auto theft to 20 percent in the case of larceny. The clearance rate for robbery (38 percent) is somewhere in the middle of those for property crimes and the other crimes against the person. Its victims are less often acquainted with the offender than in the case of other personal crimes.

Not all of the persons arrested for crime are charged and prosecuted, however. In 1965, the percentage charged varied from about 60 percent for homicide to over 80 percent for burglary. Of the adults who are charged, about 70 percent are usually convicted of the crime charged or some lesser offense.<sup>207</sup>

The reasons why a suspect who has been arrested may not ultimately be convicted are many. The case may involve a juvenile who is handled through some process less formal than that of the juvenile court. The police who "cleared" the case may not have been able to secure enough evidence to prove the charge. The complaining witness may, as often happens in cases of aggravated assault, refuse to press charges or cooperate with the prosecution. The offense may be a borderline one that the prosecuting officer uses his discretion to dismiss. The court may decide that no offense was committed in the first instance, or that the suspected offender was not guilty.

Measuring the trend over time of the solution of crime and the prosecution and conviction of offenders is even more difficult than that of measuring the trend of crime. Computation of clearance rates, for example, involves not only the number of offenses known to the police, but also the number of arrests, the number of persons charged, and the number of exceptional cases where an offense is considered solved even though some sets of circumstances, such as suicide of the offender, prevent an arrest from being made.<sup>208</sup> While the concepts involved seem clear cut, studies have shown that in practice they are not. Sometimes it is a problem of determining the correct classification of the offense that has occurred and at other times deciding whether a particular individual was actually the offender. The District Commission found considerable room for error:

"The procedures followed by the Metropolitan Police Department in clearing crimes are subject to many of these [clearance] deficiencies. The system allows individual officers to clear offenses without any assurance that the identity of the offender is reliably known. Officers are able to use the modus operandi method of clearance even where charges based on the cleared offenses are not filed, where the offender denies his involvement, and where no other evidence exists to connect him with the crimes. In one instance three thefts were cleared by a police officer because he 'felt sure' a suspect arrested for a different theft was responsible, even though the suspect had not confessed to the thefts, there was no

other evidence linking him to the thefts, and the modus operandi was different from the crime for which he was arrested."<sup>209</sup>

Because the clearance rate is itself a measure of police effectiveness, there are also pressures at some times to manipulate the clearance rate.<sup>210</sup> It is quite clear, moreover, that concepts as to how offenses should be cleared have changed from time to time.<sup>211</sup>

Caution must also be exercised in evaluating clearance rates because of the way that they are developed, particularly for the property crimes. When a burglar is caught for a single offense, it is common to question him concerning other offenses. One arrest will in some instances clear up as many as 30 or 40 offenses. In many cases such "clearances" will reflect what actually occurred. In other cases, however, they will merely reflect the desire of the suspect to cooperate with the police in hopes of getting a lighter sentence. Since he is often not charged with the additional offenses, he may have little to lose in confessing to them.

This procedure was observed during the course of the American Bar Foundation's survey of criminal justice in Detroit:

"The usual procedure is for the interrogating officer to read through a list of uncleared offenses similar to the one for which the suspect was arrested, asking him about them one by one. Such interrogations often prove successful. This is particularly true in Detroit, where the interrogating detectives stress the fact that any additional offenses admitted are 'free offenses' in that there will be no prosecution for them. This is because consecutive sentences cannot be imposed under Michigan law and thus there is little advantage, from a prosecution point of view, in charging more than a single offense."<sup>212</sup>

These limitations on the data are compounded by the fact that in past years the number of jurisdictions reporting clearances to the UCR has been low and that the jurisdictions reporting have changed frequently.<sup>213</sup> In view of all these limitations, it is quite surprising to find a remarkable degree of stability in the clearance rates reported over the years. As table 18 shows, the clearance rate for willful homicide is today slightly higher than it was in 1935 but the rates for it, forcible rape, robbery, aggravated assault, and motor vehicle theft have varied only a few percentage points over most of the reporting period. Rates for burglary and larceny have declined somewhat during the past decade.

Trends regarding the percentage of persons arrested who are charged by the police can be evaluated only in conjunction with trends in the rate of arrest and clearance by the police. Otherwise, changes in arrest procedures could affect what happens subsequently. If the police, for example, were to limit arrests to cases in which there was conclusive evidence of guilt, the percentage of persons charged would rise as would the percentage of persons found guilty. The net result, however, might be that

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Federal Bureau of Investigation, "UCR Handbook," p. 48.

<sup>209</sup> "D.C. Crime Commission Report," p. 191.

<sup>210</sup> Id. at pp. 188-191.

<sup>211</sup> Id. at p. 189. See also Courtland C. Van Vechten, "Differential Criminal Case Mortality in Selected Jurisdictions," *American Sociological Review*, 7: 833-39,

Dec. 1942. California shows a relatively steady drop in clearance rates from 1960 to 1965, for example. See "Crime in California," table I-3, p. 18.

<sup>212</sup> Wayne R. LaFave, "Arrest" (Boston: Little, Brown and Co., 1965), p. 374.

<sup>213</sup> The number has varied from 51 to 2,351 cities. "UCR, 1938," p. 21; "UCR, 1960," p. 83.



Table 18.—Percentages of Offenses Known to Police Cleared by Arrest for Selected Years, 1935–1966

	Willful homicide	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny	Motor vehicle theft
1935.....	85.6	-----	41.5	70.7	31.6	26.2	16.7
1940.....	88.7	-----	41.8	73.7	33.1	23.4	23.8
1945.....	86.9	-----	36.2	76.2	31.3	22.8	26.4
1950.....	93.8	-----	43.5	76.6	29.0	22.1	25.6
1955.....	92.7	-----	42.8	77.4	32.1	21.0	29.2
1959.....	92.7	73.6	42.5	78.9	30.7	20.9	26.2
1960.....	92.3	72.5	38.5	75.8	29.5	20.1	25.7
1961.....	93.1	72.6	41.6	78.7	30.0	20.8	27.8
1962.....	93.1	66.3	38.4	75.5	27.7	20.3	25.3
1963.....	91.2	69.4	38.6	76.1	26.9	19.9	26.2
1964.....	90.2	66.9	37.0	74.3	25.1	19.4	26.3
1965.....	90.5	64.0	37.6	72.9	24.7	19.6	25.2
1966.....	89.0	65.0	35.0	72.0	23.0	-----	25.0

SOURCE: "UCR," 1966 figures from "UCR, Preliminary Report, 1966." Percentages for rape not comparable prior to 1958 and are omitted.

fewer guilty persons were convicted than when the arrest rate was higher, and the percentage of persons charged and convicted was lower.

Table 19 indicates the trend from 1962 through 1965. As in the case of the solution of crime, the picture does not appear to have changed significantly. Figures for earlier years are not comparable. The percentage of referrals to juvenile court has been increasing during the 1960's, probably indicating the growing percentage of juvenile crime that could be expected from the population figures.

The rates of clearance, charging, and conviction vary not only from time to time but from place to place. Undoubtedly this is in part due to different conceptions but the subject is one that has received little attention. Because of its importance, it should be studied much more thoroughly than it has been to date. Why Chicago, for example, should have a clearance rate for burglary that is twice that of Los Angeles and a clearance rate for willful homicide that is 10 percent greater is a question that could have important implications for law enforcement.<sup>214</sup>

Table 19.—Trend in Prosecutions and Convictions, by Offense, 1962–1965

[In percents]

	Willful homicide	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny	Motor vehicle theft
1962							
Clearances.....	92.8	71.5	40.4	76.8	28.0	20.2	27.1
Charged (percent of arrests).....	79.1	79.2	80.4	83.3	85.2	84.7	86.9
Guilty (percent of charged).....	67.0	47.4	54.3	51.7	41.9	46.7	30.6
Referred to juvenile court (percent of charged).....	3.9	17.8	28.1	13.8	48.8	41.7	57.3
1965							
Clearances.....	89.9	65.6	38.4	72.8	25.6	18.8	25.3
Charged (percent of arrests).....	62.5	71.8	70.6	74.8	84.1	81.7	81.0
Guilty (percent of charged).....	62.9	44.1	46.7	50.3	32.3	41.9	27.7
Referred to juvenile court (percent of charged).....	7.0	23.4	34.2	14.8	51.4	45.1	60.6

SOURCE: "UCR, 1962," p. 87; "UCR, 1965," p. 103.

Note: Table 19 is derived from data involving two different groups of jurisdictions for each year.

<sup>214</sup> Chicago Police Department, "Annual Report, 1965," p. 10; Los Angeles Police Department, "Statistical Digest, 1965," pp. 11, 13.

<sup>215</sup> "Crime Is a Worldwide Problem," FBI Law Enforcement Bulletin, December 1966, p. 9.

## OTHER COUNTRIES

Crime is a worldwide problem. For most offenses it is difficult to compare directly the rates between countries because of great differences in the definitions of crime and in reporting practices. It is clear, however, that there are great differences in the rates of crime among the various countries, and in the crime problems that they face. These differences are illustrated to some extent by the homicide rates for a number of countries shown in table 20. The comparisons show only the general range of difference, as definitions and reporting even of homicide vary to some extent. In the years covered by the table, Colombia had the highest rate for all countries and Ireland the lowest.

A comparison between crime rates in 1964 in West Germany and the North Central United States, prepared by the FBI, indicates that the Federal Republic, including West Berlin, had a crime rate of 0.8 murders per 100,000 inhabitants, 10.8 rapes, 12.4 robberies, 1,628.2 larcenies, and 78.2 auto thefts, as opposed to 3.5 murders per 100,000 inhabitants for North Central United States, 10.5 rapes, 76.2 robberies, 1,337.3 larcenies, and 234.7 auto thefts.<sup>215</sup>

Commission and other studies of crime trends indicate that in most other countries officially reported rates for property offenses are rising rapidly, as they are in the United States, but that there is no definite pattern in the trend of crimes of violence in other countries.<sup>216</sup> Since 1955 property crime rates have increased more than 200 percent in West Germany, the Netherlands, Sweden, and Finland, and over 100 percent in France, England and Wales, Italy, and Norway. Of the countries studied, property crime rates in Denmark, Belgium, and Switzerland remained relatively stable.

Crimes of violence could be studied in only a few countries. Rates declined in Belgium, Denmark, Norway, and Switzerland, but rose more than 150 percent in England and Wales between 1955 and 1964. Sexual offenses, which are usually kept as a separate statistic in Europe, also showed a mixed trend.

Table 20.—Homicide Rates for Selected Countries

[Per 100,000 population]

Country	Rate	Year reported
Colombia.....	36.5	1962
Mexico.....	31.9	1960
South Africa.....	21.8	1960
United States.....	4.8	1962
Japan.....	1.5	1962
France.....	1.5	1962
Canada.....	1.4	1962
Federal Republic of Germany.....	1.2	1961
England/Wales.....	.7	1962
Ireland.....	.4	1962

SOURCE: "Demographic Yearbook," 15th Issue, United Nations Publication, 1963, pp. 594–611.

<sup>216</sup> Id. at pp. 7–10. See also Karl O. Christiansen, "Report on the Post-War Trends of Crime in Selected European Countries," A report to the President's Commission, 1966 (mimeo).



## ASSESSING THE AMOUNT AND TREND OF CRIME

Because of the grave public concern about the crime problem in America today, the Commission has made a special effort to understand the amount and trend of crime and has reached the following conclusions:

1. The number of offenses—crimes of violence, crimes against property, and most others as well—has been increasing. Naturally, population growth is one of the significant contributing factors in the total amount of crime.

2. Most forms of crime—especially crimes against property—are increasing faster than population growth. This means that the risk of victimization to the individual citizen for these crimes is increasing, although it is not possible to ascertain precisely the extent of the increase. All the economic and social factors discussed above support, and indeed lead to, this conclusion.

The Commission found it very difficult to make accurate measurements of crime trends by relying solely on official figures, since it is likely that each year police agencies are to some degree dipping deeper into the vast reservoir of unreported crime. People are probably reporting more to the police as a reflection of higher expectations and greater confidence, and the police in turn are reflecting this in their statistics. In this sense more efficient policing may be leading to higher rates of reported crime. The diligence of the FBI in promoting more complete and accurate reporting through the development of professional police reporting procedures has clearly had an important effect on the completeness of reporting, but while this task of upgrading local reporting is under way, the FBI is faced with the problem, in computing national trends, of omitting for a time the places undergoing changes in reporting methods and estimating the amount of crime that occurred in those places in prior years.

3. Although the Commission concluded that there has been an increase in the volume and rate of crime in America, it has been unable to decide whether individual Americans today are more criminal than their counterparts 5, 10, or 25 years ago. To answer this question it would be necessary to make comparisons between persons of the same age, sex, race, place of residence, economic status, and other factors at the different times; in other words, to decide whether the 15-year-old slum dweller or the 50-year-old businessman is inherently more criminal now than the 15-year-old slum dweller or the 50-year-old businessman in the past. Because of the many rapid and turbulent changes over these years in society as a whole and in the myriad conditions of life which affect crime, it was not possible for the Commission to make such a comparison. Nor do the data exist to make even simple comparisons of the incidence of crime among persons of the same age, sex, race, and place of residence at these different years.

4. There is a great deal of crime in America, some of it very serious, that is not reported to the police, or in some instances by the police. The national survey revealed

that people are generally more likely to report serious crimes to the police, but the percent who indicated they did report to the police ranged from 10 percent for consumer fraud to 89 percent for auto theft. Estimates of the rate of victimization for Index offenses ranged from 2 per 100 persons in the national survey to 10 to 20 per 100 persons in the individual districts surveyed in 3 cities. The surveys produced rates of victimization that were from 2 to 10 times greater than the official rates for certain crimes.

5. What is needed to answer questions about the volume and trend of crime satisfactorily are a number of different crime indicators showing trends over a period of time to supplement the improved reporting by police agencies. The Commission experimented with the development of public surveys of victims of crime and feels this can become a useful supplementary yardstick. Further development of the procedure is needed to improve the reliability and accuracy of the findings. However, the Commission found these initial experiments produced useful results that justify more intensive efforts to gather such information on a regular basis. They should also be supplemented by new types of surveys and censuses which would provide better information about crime in areas where good information is lacking such as crimes by or against business and other organizations. The Commission also believes that an improved and greatly expanded procedure for the collection of arrest statistics would be of immense benefit in the assessment of the problem of juvenile delinquency.

6. Throughout its work the Commission has noted repeatedly the sharp differences in the amount and trends of reported crimes against property as compared with crimes against persons. It has noted that while property crimes are far more numerous than crimes against the person, and so dominate any reported trends, there is much public concern about crimes against persons. The more recent reports of the UCR have moved far toward separating the reporting of these two classes of crime altogether.

The Commission in its General Report recommended that the present Index of reported crime should be broken into two wholly separate parts, one for crimes of violence and the other for crimes against property.

The Commission also recommended, in principle, the development of additional indices to indicate the volume and trend of such other important crime problems as embezzlement, fraud, and other crimes against trust, crimes of vice that are associated with organized crime, and perhaps others. The Commission urged that consideration be given to practical methods for developing such indices.

The Commission also urged that the public media and others concerned with crime be careful to keep separate the various crime problems and not to deal with them as a unitary phenomenon. Whenever possible, crime should be reported relative to population as well as by the number of offenses, so as to provide a more accu-

rate picture of risks of victimization in any particular locality.

7. The Commission believes that age, urbanization, and other shifts in the population already under way will likely operate over the next 5 to 10 years to increase the volume of offenses faster than population growth. Further dipping into the reservoirs of unreported crime will likely combine with this real increase in crime to produce even greater increases in reported crime rates. Many of the basic social forces that tend to increase the amount of

real crime are already taking effect and are for the most part irreversible. If society is to be successful in its desire to reduce the amount of real crime, it must find new ways to create the kinds of conditions and inducements—social, environmental, and psychological—that will bring about a greater commitment to law-abiding conduct and respect for the law on the part of all Americans and a better understanding of the great stake that all men have in being able to trust in the honesty and integrity of their fellow citizens.

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# The Economic Impact of Crime

One way in which crime affects the lives of all Americans is that it costs all Americans money. Economic costs alone cannot determine attitudes about crime or policies toward crime, of course. The costs of lost or damaged lives, of fear and of suffering, and of the failure to control critical events cannot be measured solely in dollars and cents. Nor can the requirements of justice and law enforcement be established solely by use of economic measures. A high percentage of a police department's manpower may have to be committed to catch a single murderer or bomb-thrower. The poor, unemployed defendant in a minor criminal case is entitled to all the protections our constitutional system provides—without regard to monetary costs.

However, economic factors relating to crime are important in the formation of attitudes and policies. Crime in the United States today imposes a very heavy economic burden upon both the community as a whole and individual members of it. Risks and responses cannot be judged with maximum effectiveness until the full extent of economic loss has been ascertained. Researchers, policymakers, and operating agencies should know which crimes cause the greatest economic loss, which the least; on whom the costs of crime fall, and what the costs are to prevent or protect against it; whether a particular or general crime situation warrants further expenditures for control or prevention and, if so, what expenditures are likely to have the greatest impact.

The number of policemen, the size of a plant security staff, or the amount of insurance any individual or business carries are controlled to some degree by economics—the balance of the value to be gained against the burden of additional expenditure. If the protection of property is the objective, the economic loss from crime must be weighed directly against the cost of better prevention or control. In view of the importance and the frequency of such decisions, it is surprising that the cost information on which they are based is as fragmentary as it is. While statements about the cost of various crimes are often made, the actual extent of information is very small. Some cost data are now reported through the UCR<sup>1</sup> and additional data are available from individual police forces, insurance companies, industrial security firms, trade asso-

ciations and others. Books, newspaper articles and scholarly journals also provide some information, but the total amount of information is not nearly enough in quantity, quality, or detail to give an accurate overall picture.

The only comprehensive study of the cost of crime ever undertaken in this country was that made by the Wickersham Commission.<sup>2</sup> It set forth in detail a conceptual framework for discussing the economic cost of crime and recommended that further studies be made, particularly in the areas of organized crime and commercialized fraud. However, except in the area of statistics concerning the cost of the criminal justice system, where some progress has been made, the lack of knowledge about which the Wickersham Commission complained 30 years ago is almost as great today.

This Commission did not have the resources to attempt a complete study of the costs of crime. But it was able to gather some new information concerning neighborhood businesses through its survey of eight precincts in three cities,<sup>3</sup> and about losses to individuals through the NORC national survey of 10,000 households.<sup>4</sup> The national survey indicated very sizable losses to individuals, as shown in table 1.

Table 1.—Estimated Losses to Individuals From Property Crimes, by Offense.

Offense	Average loss in dollars			National loss (in millions of dollars)
	Gross loss <sup>1</sup>	Recovered <sup>1</sup>	Net loss <sup>1</sup>	
Robbery.....	274	4	271	49.4
Burglary.....	191	20	170	312.7
Larceny \$50 and over.....	160	51	109	128.1
Auto theft.....	1,141	982	159	63.5
Larceny under \$50.....	21	6	15	42.4
Malicious mischief.....	120	18	102	209.8
Forgery and counterfeiting.....	323 <sup>2</sup>	-----	323 <sup>2</sup>	26.2 <sup>2</sup>
Consumer fraud.....	99	20	78	18.3
Other fraud (bad checks, swindling, etc.).....	906	150	756	368.8

<sup>1</sup> Detail may not add to total due to rounding.

<sup>2</sup> There were only 9 instances in which losses from forgery and counterfeiting were reported.

SOURCE: NORC survey, p. 16.

<sup>1</sup> See, e.g., Federal Bureau of Investigation, "Crime in the United States, Uniform Crime Reports" (Washington: U.S. Government Printing Office, 1965), tables 14-15, p. 105, hereinafter cited as "UCR, 1965."

<sup>2</sup> U.S. National Commission on Law Observance and Enforcement, "Report on the Cost of Crime" (Washington: U.S. Government Printing Office, 1931) (hereinafter referred to as the Wickersham Costs Report). The Cambridge Institute of Criminology has begun a thorough study of the cost of crime in Great Britain. The design for this study is discussed in J. P. Martin, "The Cost of Crime: Some Research Problems," *International Review of Criminal Policy*, No. 23 (New York: United Nations, 1965), pp. 57-63; and J. P. Martin and J. Bradley, "Design of a Study of the Cost of Crime," *The British Journal of Criminology*, 4: 591-603, October 1964. The Cambridge Institute reports that it has not found any similar studies in other European countries.

<sup>3</sup> The principal results are reported in Albert J. Reiss, Jr., "Studies in Crime and Law Enforcement in Major Metropolitan Areas" (Field Surveys III, Presi-

dent's Commission on Law Enforcement and Administration of Justice, Washington: U.S. Government Printing Office, 1967), vol. 1, sec. 1 (hereinafter cited as the Reiss studies, Field Surveys III). Two preliminary reports contain additional information: Stephen Cutler and Albert J. Reiss, Jr., "Crimes Against Public and Quasi-Public Organizations in Boston, Chicago, and Washington, D.C." (A special survey for the President's Commission on Law Enforcement and Administration of Justice, 1966); and Albert J. Reiss, Jr., "Employee Honesty in Businesses and Organizations in Eight Police Precincts of Three Cities" (A special survey for the President's Commission on Law Enforcement and Administration of Justice, 1966).

<sup>4</sup> Philip H. Ennis, "Criminal Victimization in the United States; a Report of a National Survey" (Field Surveys II, President's Commission on Law Enforcement and Administration of Criminal Justice, Washington: U.S. Government Printing Office, 1967); hereinafter referred to as the NORC study.

From the information obtained in the surveys and other sources available, the Commission sought to establish the economic impact of crime. This information is most usefully presented not as an overall figure but as a series of separate private and public costs. Knowing the economic impact of each separate crime aids in identifying important areas for public concern and guides officials in making judgments about priorities for expenditure. Breakdowns of money now being spent on different parts of the criminal justice system, and within each separate part, may afford insights into past errors.<sup>5</sup> For example, even excluding value judgments about rehabilitative methods, the fact that an adult probationer costs 38 cents a day and an adult offender in prison costs \$5.24 a day suggests the need for reexamining current budget allocations in correctional practice.

Figure 1 represents six different categories of economic impacts both private and public. Numerous crimes were omitted because of the lack of figures. Estimates of doubtful reliability were used in other cases so that a fuller picture might be presented. Estimates do not include any amounts for pain and suffering. Except for alcohol, which is based on the amount of tax revenue lost, estimates for illegal goods and services are based on the gross amount of income to the seller. (Gambling includes only the percentage retained by organized crime, not the total amount gambled.) The totals should be taken to indicate rough orders of magnitude rather than precise figures.

## ECONOMIC IMPACT OF INDIVIDUAL CRIMES

The picture of crime as seen through cost information is considerably different from that shown by statistics portraying the number of offenses known to the police or the number of arrests:

- ☐ Organized crime takes nearly twice as much income from gambling and other illegal goods and services as criminals derive from all other kinds of criminal activity combined.
- ☐ Unreported commercial theft losses, including shoplifting and employee theft, are more than double those of all reported private and commercial thefts.
- ☐ Of the reported crimes, willful homicide, though comparatively low in volume, yields the most costly estimates among those listed on the UCR crime Index.
- ☐ A list of the seven crimes<sup>6</sup> with the greatest economic impact includes only two, willful homicide and larceny of \$50 and over (reported and unreported), of the offenses included in the crime Index.
- ☐ Only a small proportion of the money expended for criminal justice agencies is allocated to rehabilitative programs for criminals or for research.

Employee theft, embezzlement, and other forms of crime involving business, which appear in relatively small numbers in the police statistics, loom very large in dollar

volume. They make up the bulk of the more than \$2 billion which business annually loses in crimes for which losses can be estimated. Direct stealing of cash and merchandise, manipulation of accounts and stock records, and other forms of these crimes, along with shoplifting, appear to constitute a tax of 1 to 2 percent on the total sales of retail enterprises, and significant amounts in other parts of business and industry. In the grocery trade, for example, the theft estimates for shoplifting and employee theft almost equal the total amount of profit. Yet Commission and other studies indicate that these crimes are largely dealt with by business itself. Merchants report to the police fewer than one-quarter of the known offenses. Estimates for these crimes are particularly incomplete for nonretail industries.

Fraud is another offense whose impact is not well conveyed by police statistics. Just one conspiracy involving the collapse of a fraudulent salad oil empire in 1964 created losses of \$125 to \$175 million. Fraud is especially vicious when it attacks, as it so often does, the poor or those who live on the margin of poverty. Expensive nostrums for incurable diseases, home-improvement frauds, frauds involving the sale or repair of cars, and other criminal schemes create losses which are not only sizable in gross but are also significant and possibly devastating for individual victims. Although a very frequent offense, fraud is seldom reported to the police. In consumer and business fraud, as in tax evasion, the line between criminal and civil fraud is often unclear. And just as the amount of civil tax evasion is much greater than the amount of criminal tax fraud, the amount of civil fraud probably far exceeds that of criminal fraud.

Cost analysis also places the crimes that appear so frequently in police statistics—robbery, burglary, larceny, and auto theft—in somewhat different perspective. The number of reported offenses for these crimes accounts for less than one-sixth the estimated total dollar loss for all property crimes and would constitute an even lower percentage if there were any accurate way of estimating the very large sums involved in extortion, blackmail, and other property crimes.

This is not to say, however, that the large amounts of police time and effort spent in dealing with these crimes is not important. Robbery and burglary, particularly residential burglary, have importance beyond the number of dollars involved. The effectiveness of the police in securing the return of better than 85 percent of the \$500 million worth of cars stolen annually appears to be high, and without the efforts of the police the costs of these crimes would doubtless be higher. As with all categories of crime, the cost of property crimes cannot be measured because of the large volume of unreported crimes; however, Commission surveys suggest that the crimes that are unreported involve less money per offense than those that are reported.

The economic impact of crimes causing death is surprisingly high. For 1965 there were an estimated 9,850 homicide victims. Of the estimated 49,000 people who lost their lives in highway accidents, more than half were killed in accidents involving either negligent man-

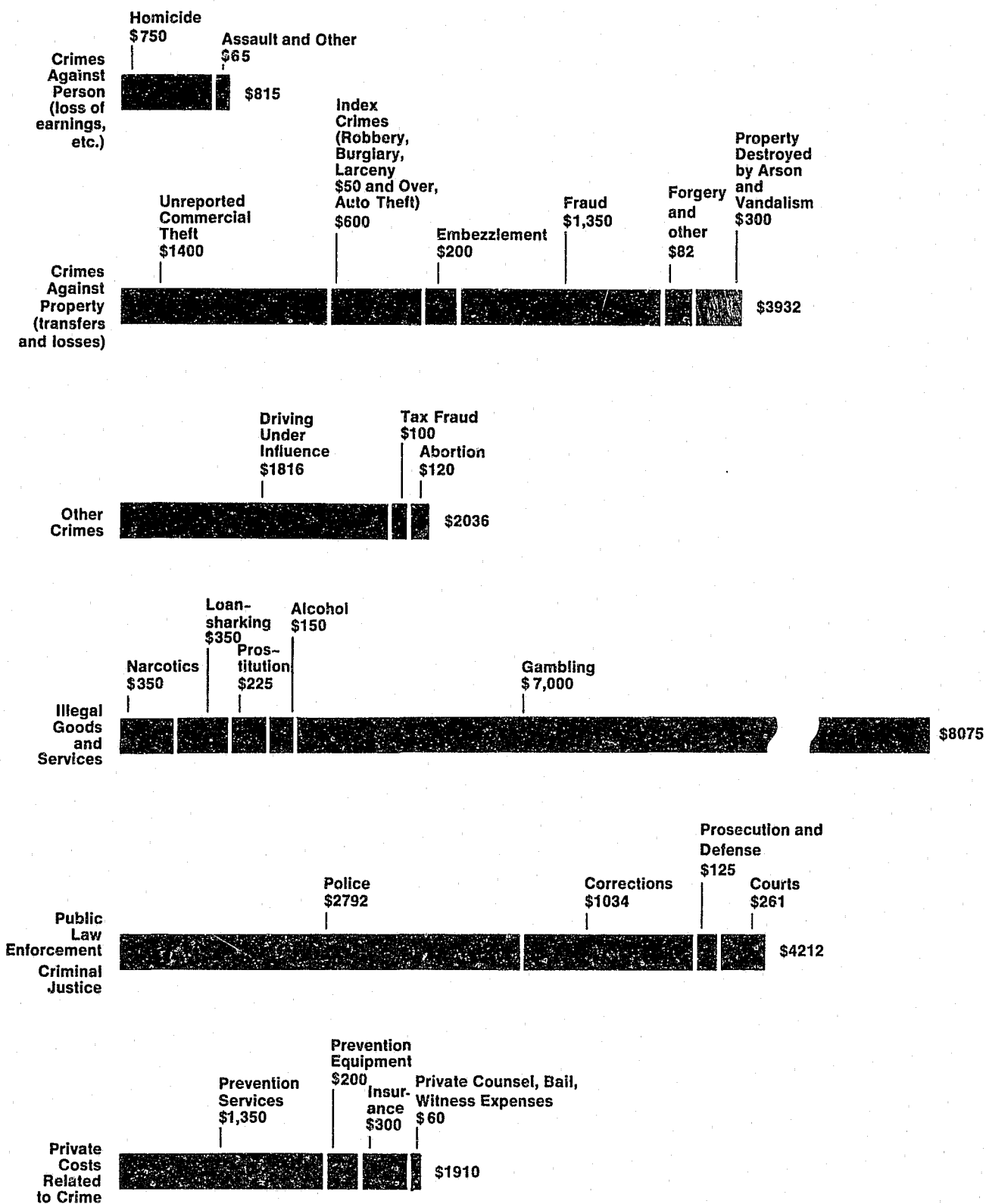
<sup>5</sup> See generally the models developed by the Commission's Task Force on Science and Technology in chapter 5 of its report. Also, President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society" (Washington: U.S. Government Printing Office, 1967), fig. 5 at pp. 262-263; fig. 6 at pp. 264-265 and table 5 at p. 265 (hereinafter referred to as President's Commission, General Report); National Council on Crime and Delinquency, "Correction in the United States," in President's Commission on

Law Enforcement and Administration of Justice, "Task Force Report: Corrections" (Washington: U.S. Government Printing Office, 1967), appendix A, p. 194.

<sup>6</sup> The crimes and their estimated costs are gambling, \$7 billion; driving while intoxicated, \$1.8 billion; fraud, \$1.3 billion; willful homicide, \$750 million; loan-sharking, \$350 million; and narcotics, \$350 million. The amounts involved in unreported larceny are not clear but are large enough to make larceny one of the 7 most costly crimes.

# **Economic Impact of Crimes and Related Expenditures** Figure 1

(Estimated in Millions of Dollars)



slaughter or driving under the influence of alcohol. An estimated 290 women died from complications resulting from illegal abortions (nearly one-fourth of all maternal deaths). Measured by the loss of future earnings at the time of death, these losses totaled more than \$1½ billion.

Single events that occur sporadically such as riots or the sabotage of a commercial airliner sometimes cause sizable losses. The Watts riots, for example, caused property losses of more than \$40 million.<sup>7</sup> Antitrust violations reduce competition and unduly raise prices; the price-fixing conspiracy in the electrical industry alone cost the public very large sums of money.<sup>8</sup> The economic impact of many such crimes is hard to assess, however. Building code violations, pure food and drug law violations, and other crimes affecting the consumer have important economic consequences, but they cannot be easily described without further information. Losses due to fear of crime, such as reduced sales in high crime locations, are real but beyond measure.

Economic impact must also be measured in terms of ultimate costs to society.<sup>9</sup> Criminal acts causing property destruction or injury to persons not only result in serious losses to the victims or their families but also in the withdrawal of wealth or productive capacity from the economy as a whole. Theft on the other hand does not destroy wealth but merely transfers it involuntarily from the victim, or perhaps his insurance company, to the thief. The better purchasing illegal betting services from organized crime may easily absorb the loss of a 10¢, or even \$10, bet. But from the point of view of society, gambling leaves much less wealth available for legitimate business. Perhaps more important, it is the proceeds of this crime tariff that organized crime collects from those who purchase its illegal wares that form the major source of income that organized crime requires to achieve and exercise economic and political power.

## CRIMES AGAINST THE PERSON

### *Willful Homicide—\$750 Million*

Willful homicide results in an economic loss both to the community, which loses a productive worker, and to the victim's family or dependents who lose a source of support. This loss is essentially the same as the loss in other kinds of death and is normally measured by the earning capacity of the victim at the time of death. Other expenses, such as medical bills before death may also be involved. In 1965 there were an estimated 9,850 victims of murder and non-negligent manslaughter.<sup>10</sup> The present value of their total future earning potential at the time of death, computed on the basis of the average national wage for persons of the victim's age, amounts to about \$750 million (discounted at 5 percent).<sup>11</sup> This estimate represents total earnings rather than savings. Losses due to negligent manslaughter, which is almost entirely a motor vehicle offense, are discussed later under "Traffic Offenses."

### *Assault and Other Nonfatal Crimes Against the Person—No Reliable Estimate*

Personal injuries from crimes such as assault, robbery, and rape result in substantial economic losses to the victims for time lost from work, medical bills and other incidental expenses. In some cases permanent earning capacity may be impaired. Civil courts also ordinarily allow payments for pain and suffering in cases of this sort.

At present there are no reliable data available either as to the number of cases in which injury occurs or the degree of injury involved. Some data are being collected under the British Criminal Injuries Compensation Act which was enacted in 1964 and should begin to accumulate shortly under similar legislation recently enacted in California and New York and under consideration in other States.<sup>12</sup>

Limited studies suggest that some injury may occur in as much as two-thirds of all reported Index crimes against the person.<sup>13</sup> Injury also occurs in some non-Index crimes, such as simple assault.<sup>14</sup> The percentage requiring hospitalization is greater, however, in the case of Index crimes against the person, occurring in as many as one-fifth to one-sixth of all such crimes. While available evidence suggests that the degree of injury on the average is significantly less in the case of unreported crimes,<sup>15</sup> it is clear that not all cases involving injury are reported.

If a loss of one week's wages of \$100 and medical bills of \$250 were assumed for each victim hospitalized and a total loss of \$50 for each victim injured but not hospitalized, the total loss in 1965 would be around \$65 million.<sup>16</sup> This figure is substantially higher than the \$3 million annual loss rate now being paid out under the British plan even when adjusted for the higher U.S. population and the reported crime rate for these offenses.

## CRIMES AGAINST PROPERTY

This category includes both property destroyed by crimes such as arson and vandalism and property that is transferred by theft or otherwise against the will of the owner from a victim to the criminal sector. From the point of view of society as a whole these losses are not alike. Property which is destroyed is no longer part of the overall stock of goods and services available to society whereas transferred property is still in being and retains its utility, although in the hands of the thief. From the point of view of the victim, however, the result is the same.

### PROPERTY DESTROYED

#### *Arson—\$100 Million*

The National Fire Protective Association maintains estimates on all fires other than those for government and forests. It estimates that out of a total fire property loss of approximately \$1.5 billion in 1965 about \$74 million

<sup>7</sup> Governor's Commission on the Los Angeles Riots, "Violence in the City—An End or a Beginning?" (Los Angeles: Office of the Governor, 1965), p. 1.

<sup>8</sup> See chapter 9, "White-Collar Crime."

<sup>9</sup> See generally Wickersham Costs Report, pp. 68-69.

<sup>10</sup> "UCR, 1965," p. 51.

<sup>11</sup> The method used to compute these figures may be found in Dorothy P. Price, "Estimating the Cost of Illness" (U.S. Department of Health, Education, and Welfare, Health Economics Series, No. 6, Washington: U.S. Government Printing Office, 1966), pp. 13-19.

<sup>12</sup> See Gilbert Geis, "State Compensation to Victims of Violent Crimes," appendix C.

<sup>13</sup> See chapter 2 at note 23.

<sup>14</sup> See Marvin E. Wolfgang, "Uniform Crime Reports: A Critical Appraisal," University of Pennsylvania Law Review, 111: 709-738, April 1963.

<sup>15</sup> Bureau of Social Science Research (unpublished data collected for the President's Commission on Law Enforcement and Administration of Justice, 1966).

<sup>16</sup> The rate of injury and hospitalization for unreported crimes was assumed to be only one-half that of reported crimes.

was due to arson.<sup>17</sup> No estimate is available for losses by the government. Forest Service figures indicate that in 1965 about one-fourth of all forest fires were incendiary in origin.<sup>18</sup> Apportioning the \$92 million in losses caused by all forest fires, those attributable to incendiarism could be estimated at about \$23 million.

#### *Vandalism—No Reliable Estimate*

Willful or malicious destruction to property is a widespread offense for which there are few statistics. Total arrests for 1965 can be estimated at about 121,500,<sup>19</sup> but it is clear that only a small percentage of offenders are apprehended.

Commission surveys indicate that public service institutions, businesses, and individuals all report extensive damage due to vandalism. Significant losses to public schools, street lighting systems, public housing, and public transit systems, and lesser damage to other public service institutions were indicated by one survey in three cities.<sup>20</sup> Some representative annual costs found by the survey are shown in table 2.<sup>21</sup> Public school glass breakage alone has been estimated at \$4 to \$5 million nationally. No estimates are available for vandalism of businesses, but it is clear that it is extensive, particularly in high crime rate districts, where vandalism is often so severe that windows are often boarded up to prevent breakage. The average loss rate due to vandalism on housing and construction projects in New York City is reported to be nearly 30 percent.<sup>22</sup>

The national survey of households combined a question concerning vandalism of individuals (like ripping down a fence or breaking off a car aerial) with one concerning losses from the burning of property. The responses indicated an average loss of \$120, recovery of \$18, net loss of \$102, and a total estimated national bill from both vandalism and burning of \$210 million.<sup>23</sup> While there is no way of apportioning this figure, it seems clear that a sizable part is due to vandalism.

Table 2.—Vandalism Costs by Type of Organization and City, 1965

	Washington	Boston	Chicago
Housing.....	\$100,000	\$150,000	( <sup>1</sup> )
Schools:			
Public.....	118,320 <sup>2</sup>	109,244 <sup>2</sup>	( <sup>1</sup> )
Parochial.....	81,500	( <sup>1</sup> )	( <sup>1</sup> )
Transportation.....	209,000	( <sup>1</sup> )	\$145,000
Parks and recreation.....	( <sup>1</sup> )	200,000	35,000
Highways.....	8,000	5,000	5,000
Gas companies.....	3,000	( <sup>3</sup> )	2,500

<sup>1</sup> Organizations did not supply city-wide information on vandalism costs.

<sup>2</sup> Window breakage alone. If complete vandalism costs were available, data from two Boston high crime police districts indicate that the figure would be considerably higher; the two districts had combined costs of \$163,656 for vandalism and illegal entry.

<sup>3</sup> The Boston Gas Co. indicated no substantial damage from vandalism.

SOURCE: Stephen Cutler and Albert J. Reiss, Jr., "Crimes Against Public and Quasi-Public Organizations in Boston, Chicago, and Washington, D.C." (A special survey for the President's Commission on Law Enforcement and Administration of Justice, 1966).

<sup>17</sup> "Fires and Fire Losses Classified, 1965," *Fire Journal*, September 1966, pp. 33-38, 85.

<sup>18</sup> U.S. Department of Agriculture, Forest Service, "1965 Forest Fire Statistics" (Washington: Division of Forest Fire Control, 1966), p. 5.

<sup>19</sup> Federal Bureau of Investigation, Uniform Crime Reports Section, unpublished data.

<sup>20</sup> Stephen Cutler and Albert J. Reiss, Jr., "Crimes Against Public and Quasi-Public Organizations in Boston, Chicago, and Washington, D.C.," *supra* note 3.

<sup>21</sup> John M. Martin, "Juvenile Vandalism" (Springfield, Ill.: Charles C. Thomas, 1961), pp. 9-12, indicates a number of similar costs for earlier years. The author also states that the exact cost is "incalculable" and in the "millions" (p. 3). See also Douglas H. MacNeil, "Is Vandalism Actually on the Increase?", *Federal Probation*, 18: 16, March 1954.

## INVOLUNTARY TRANSFERS FROM VICTIMS TO CRIMINALS

### *Robbery—\$27 Million Plus*

This crime involves the taking of property by force or threat of force. The estimates made here are for property transfer losses incurred as a result of robberies without the added personal costs due to injuries sustained or time lost from work. The UCR estimates the total number of robberies to be 118,916 or 61.4 per 100,000 population in 1965.<sup>24</sup> Data on two-thirds of these indicate an average loss of \$254 per robbery and a projected national loss of more than \$30 million as shown in table 3. The UCR also indicates a recovery rate of about 11.6 percent of the losses due to robbery, burglary, and larceny, making the net reported loss about \$27 million.

This total is substantially less than the \$49.4 million estimated by the national survey of households.<sup>25</sup> And that survey did not cover any business robberies except those in which the individual interviewed was the victim. Since about 40 percent of all robberies appear to be business robberies (see table 3), and since most of these would not have been covered by the survey, the total may be as much as \$60 to \$65 million.

Table 3.—Estimated Average and National Losses by Type of Robbery, 1965

Type	Percent of all robberies	Average loss per victim (in dollars)	Total national loss (in millions of dollars)
Highway.....	51.4	113	6.9
Commercial house.....	20.4	421	10.2
Gas or service station.....	5.9	109	.8
Chain store.....	2.7	534	1.7
Residence.....	9.1	391	4.2
Bank.....	.9	3,789	4.0
Miscellaneous.....	9.9	203	2.5
Average loss.....		254	
Total, national loss.....			30.3
Recovered.....	11.6		3.5
National net loss.....			26.8

<sup>1</sup> The estimated recovery rate was computed by subtracting auto theft from both the value of goods stolen and the recovered valuation as indicated in the UCR. No separate figures are given for robbery, burglary or larceny; hence, 11.6 percent represents the combined recovery rate.

SOURCE: "UCR, 1965," tables 14-15, based on 646 cities 25,000 and over with a total estimated 1965 population of 75,400,000, p. 105.

### *Extortion—No Reliable Estimate*

This crime also usually involves force or the threat of force. It is undoubtedly a very profitable crime but almost no factual information is available.<sup>26</sup>

### *Burglary—\$251 Million Plus*

This crime includes unlawful entry to commit a felony or a theft whether or not force was used. In 1965 there were an estimated 1,173,201 burglaries.<sup>27</sup> Cost data on a little over half of these, shown in table 4, indicate an average loss of \$242 per burglary and a projected national total of about \$284 million. Subtracting the estimated

<sup>22</sup> Leonard Duhl, "The Possibilities of Minimizing Crime—Inducing Factors by the Design and Construction of City Areas," in *National Symposium on Science and Criminal Justice* (Washington: U.S. Government Printing Office, 1967), p. 63.

<sup>23</sup> See table 1 in this chapter. See also Thorsten Sellin and Marvin E. Wolfgang, "The Measurement of Delinquency" (New York: John Wiley and Sons, 1964), p. 211.

<sup>24</sup> "UCR, 1965," p. 51.

<sup>25</sup> See table 1 in this chapter.

<sup>26</sup> The few federal prosecutions are discussed in Office of the Attorney General, 1965 Annual Report, pp. 204, 209-210. See also Chicago Crime Commission, "A Report on Chicago Crime for 1965," pp. 104-105.

<sup>27</sup> "UCR, 1965," p. 51.

Table 4.—Estimated Average and National Losses by Type of Burglary, 1965

Type	Percent of all burglaries	Average loss per victim (in dollars)	Total national loss (in millions of dollars)
Residence:			
Night.....	25.4	247	73.7
Day.....	24.1	274	77.5
Nonresidence:			
Night.....	45.9	223	120.2
Day.....	4.6	231	12.5
Average loss.....		242	283.9
Total, national loss.....			32.9
Recovered <sup>1</sup> .....	11.6		251.0
National net loss.....			

<sup>1</sup> The estimated recovery rate was computed by subtracting auto theft from both the value of goods stolen and the recovered valuation as indicated in the UCR. No separate figures are given for robbery, burglary or larceny; hence, 11.6 percent represents the combined recovery rate.

SOURCE: "UCR, 1965," tables 14-15, based on 646 cities 25,000 and over with a total estimated 1965 population of 75,400,000, p. 105.

11.6 percent of recoveries gives a net reported loss of about \$251 million.

The national survey of households indicated a loss of about \$313 million for individuals alone, more than twice the net loss indicated by the UCR for residential burglaries. This means that the total may be as much as \$450 to \$500 million.

#### Larceny—\$196 Million Plus

This offense includes any theft, other than auto theft, not involving force, violence, unlawful entry, or fraud. For 1965, the total number of larcenies known to the police of \$50 and over is estimated to be 762,352.<sup>28</sup> The total number of all larcenies can be estimated as about 2,660,000.<sup>29</sup> Losses from larcenies, as reported to the UCR, are shown in table 5. The average loss per lar-

Table 5.—Estimated Average and National Losses by Type of Larceny, 1965

Type	Percent of all larcenies	Average loss per victim (in dollars)	Total national loss (in millions of dollars)
Pocket-picking.....	1.0	100	2.6
Purse-snatching.....	1.7	45	2.0
Shoplifting.....	7.8	27	5.6
From autos (except accessories).....	19.5	110	57.0
Auto accessories.....	20.2	40	21.5
Bicycles.....	15.4	28	11.5
From buildings.....	18.3	159	77.3
From coin-operated machines.....	1.7	19	.9
All other.....	14.3	115	43.7
Average loss.....		84	222.1
Total, national loss.....			25.8
Recovered <sup>1</sup> .....	11.6		196.3
National net loss.....			

<sup>1</sup> The estimated recovery rate was computed by subtracting auto theft from both the value of goods stolen and the recovered valuation as indicated in table 15. No separate figures are given for robbery, burglary, or larceny; hence, 11.6 percent represents the combined recovery rate.

SOURCE: "UCR, 1965," tables 14-15, based on 646 cities 25,000 and over with a total estimated 1965 population of 75,400,000, p. 105.

<sup>28</sup> "UCR, 1965," p. 51.

<sup>29</sup> Derived from "UCR, 1965," pp. 51, 94-95.

<sup>30</sup> Charles A. Stewart, "The Nature and Prevention of Fraud" Journal of Accountancy, February 1959, pp. 41-47. Harvey Burstein, "Not So Petty Larceny," Harvard Business Review, May-June 1959, pp. 72-79; Stephen Wales, "Embezzlement and Its Control" (Richmond, Ind.: Ingelman Printers & Publishers, 1965).

<sup>31</sup> Federal Bureau of Investigation, Uniform Crime Reports Section, unpublished data.

<sup>32</sup> Maurice L. Breidenthal, Jr., "Loss Prevention and Insurance," in American Bankers Association, Protective Bulletin, May 1966, pp. 1-3. These are actual embezzlement losses only. When a bank is forced to close as a result of embezzlement, the loss is considerably higher.

<sup>33</sup> Federal Home Loan Bank Board. See also U.S. House of Representatives, Committee on Government Operations, "Crimes Against Banking Institutions" (House Rept. No. 1147, 88th Cong., 2d sess., February 1964), p. 12. This report points out, for example, that in 1961 a single savings and loan association suffered losses in excess of \$800,000.

ceny was \$84 and the estimated national loss amounted to \$222 million. After the estimated 11.6 percent of recoveries are deducted, the national net loss was approximately \$196 million.

This compares with a total national estimate, based on the NORC survey of households, of \$170 million—\$128 million in larcenies \$50 and over, and \$42 million in larcenies under \$50. These losses are wholly for individuals. Since at least \$80 million of the total reported by the UCR is for business, it seems clear that this crime is underreported both for individuals and for businesses. Unreported business theft is discussed later in a separate section.

#### Embezzlement—\$200 Million Plus

This offense involves theft of property or money by persons in a position of trust. Estimating the losses from this offense has been likened to guessing the size of an iceberg. The nature of the offense is such that it is usually kept hidden. It is difficult to estimate how much money is involved even in those cases which are discovered. The victim is often more interested in restitution than in prosecution and in many cases wishes to avoid public disclosure for fear that it will harm the reputation of the business.<sup>30</sup> The UCR maintains data on arrests but not on offenses known to the police or the amounts involved. In 1965 total arrests could be estimated roughly as about 11,500.<sup>31</sup>

Data maintained by the American Bankers Association indicates that banks lost about \$15.3 million in 1965.<sup>32</sup> Savings and loan associations are estimated to have lost an additional \$1 million.<sup>33</sup> These totals compare with deposits of \$332.4 billion for banking<sup>34</sup> and \$110.3 billion for savings and loan associations.<sup>35</sup> Arrests in these industries account for about one-third of total arrests for embezzlement.<sup>36</sup> If average embezzlement losses for other industries were about the same, the total national loss would be in the \$45 to \$55 million category.

This figure is almost surely too low. Fidelity insurance covers only about 15 to 20 percent of all firms<sup>37</sup> and sustained losses totalling \$45 million in 1964.<sup>38</sup> If it were assumed that the same proportion of uninsured firms had embezzlement losses as did insured firms, and if allowances were made for the high rate of insurance in the banking and savings and loan industries,<sup>39</sup> a national total of around \$200 million could be estimated.

Existing data indicates that this is very much a white-collar crime. In 1960, the bank embezzlers were 100 bank presidents, 65 vice-presidents, 145 managers, 345 cashiers, and 490 others, principally tellers and clerks.<sup>40</sup>

#### Unreported Business Theft—No Reliable Estimate

The amount of larceny and embezzlement suffered by business that is known to the police is clearly only a small part of such losses incurred by businesses.

<sup>34</sup> Federal Reserve Board of Governors, "Federal Reserve Bulletin," April 1967, p. 610.

<sup>35</sup> Federal Home Loan Bank Board, "Savings and Home Financing Source Book, 1965" (Washington: Federal Home Loan Bank Board, 1966), p. 8.

<sup>36</sup> This figure was estimated from "UCR, 1963," p. 104; "UCR, 1964," p. 107; and U.S. House of Representatives, Committee on Government Operations, *supra* note 33, p. 10.

<sup>37</sup> Insurance Information Institute, "Insurance Facts, 1966" (New York: Insurance Information Institute, 1967), p. 24.

<sup>38</sup> Gilbert H. Meyer, American Insurance Association, paper presented at the National Symposium on Science and Criminal Justice, Washington, D.C., June 22-23, 1966 (mimeo).

<sup>39</sup> U.S. House of Representatives, Committee on Government Operations, *supra* note 33, p. 4.

<sup>40</sup> *Id.* at p. 22.



**Retail trade.** Retail firms commonly have a sizable amount of stock shortage, or inventory shrinkage, that cannot be accounted for by any known cause. Mark-downs, spoilage and other known causes of loss, such as burglary and robbery, are usually accounted for specifically and not included in the inventory shrinkage. The major part of the shrinkage is therefore due to record-keeping errors, shoplifting, employee theft, and embezzlement through stock-record manipulation. While there is no reliable way to determine what losses are due to crime and what to error and other causes, the industry commonly estimates that as much as 75 to 80 percent of all shrinkage is the result of some kind of dishonesty.<sup>41</sup> This means in effect a crime tariff, totalling more than \$1.3 billion annually, or about 1 to 2 percent of the value of all retail sales, as shown in table 6.

It is difficult to tell how much of this loss is due to shoplifting and how much due to employee dishonesty. Shoplifting is clearly a widespread offense—suffered to some extent by virtually all retail stores.<sup>42</sup> Grocery supermarkets surveyed in an industry study apprehended nearly six customers per million dollars of annual sales.<sup>43</sup> In the Commission's survey of neighborhood businesses in three cities, 65 percent of the wholesale and retail businesses and 47 percent of all businesses surveyed experienced some shoplifting losses.<sup>44</sup> Many larger businesses, such as department stores, maintain special security staffs to deal with shoplifting and employee theft.<sup>45</sup>

Most businesses are not able, however, to estimate very well the amount of their losses due to shoplifting. Of the 21 companies responding to the supermarket study, only 5 ventured to estimate the amount of pilferage. One indicated the amount taken by apprehended shoplifters, one doubled and another tripled this amount. The others cited either their inventory shrinkage figure or

figures that had been published in the trade press or mentioned at meetings.<sup>46</sup> In the Commission's three-city survey, most neighborhood businesses lacked inventory control or accounting systems that would permit them to make valid estimates as to amounts. Twenty-three percent of those claiming some shoplifting loss were unable to estimate the amount of loss at all. The median loss of those who did make estimates was between \$100 and \$500 annually.<sup>47</sup>

Stores differ widely in the way they deal with shoplifting, but it is clear that most is never reported to the police.<sup>48</sup> In the Commission's three-city survey, less than 38 percent of the owners and managers surveyed called the police when adult shoplifters were apprehended and only 33 percent called for both adults and juveniles.<sup>49</sup> Grocery store studies show that less than 15 percent of those apprehended are prosecuted.<sup>50</sup> Other stores are known to differ widely in their treatment of shoplifters, some reporting every minor offender while others report only the professional shoplifter.<sup>51</sup> The District of Columbia Crime Commission found, for example, that the number of shoplifting offenses increased with a change in court processing procedures which permitted private detectives to handle cases without the presence or testimony of a police officer.<sup>52</sup>

The few studies that exist and the experts consulted by the Commission are nearly unanimous in asserting that employee theft accounts for a far greater percentage of inventory loss than does shoplifting, with some sources indicating that the percentage might run as high as 75 to 80 percent of the total.<sup>53</sup>

If these estimates are correct, the amount of unreported shoplifting could be estimated at \$300 to \$350 million. This dwarfs completely the amount of reported shoplifting, which on the basis of an average offense of \$27 and an estimated 250,000 offenses would total less than \$6 million.<sup>54</sup> While the volume of reported shoplifting has been rising within the last few years—69 percent between 1960 and 1965 in cities reporting to the FBI in both years and totalling nearly one-quarter of the population,<sup>55</sup> the proportion of reported shoplifting is so small compared with all shoplifting that it is difficult to tell what the trend has been. This is particularly true since the policy recommended by the local merchants' association with regard to the handling of shoplifting, upon which the rate of reported shoplifting often depends, is subject to change from time to time.

Data on employee theft is also inadequate but it is clear that this offense is also pervasive.<sup>56</sup> One management consultant has stated that in "projects involving a survey of systems and procedures, materials handling, inventory control, etc., with no indication of dishonesty, we find falsification of records, inventory manipulations, or outright theft in more than 50 percent of the assignments," and that of \$60 million in losses uncovered in one

Table 6.—Estimated Retail Losses Due to Dishonesty

Type of business	Gross sales <sup>1</sup> (billion dollars)	Estimated percent of shrinkage	Estimated in- ventory shrink- age (million dollars) <sup>2</sup>	Estimated loss due to dishon- esty (million dollars)
Merchandise and apparel.....	44.0	1.34 <sup>3</sup>	590	443
Grocery stores.....	57.1	1.00 <sup>4</sup>	571	428
Other (drug stores, etc.) <sup>5</sup> .....	29.8	2.00 <sup>4</sup>	596	447
Total.....	130.9	1.34	1,757	1,318

<sup>1</sup> Department of Commerce, Bureau of the Census, "U.S. Census of Business: 1963," Vol. 11, pp. 1-7, 1-8. This was the most recent survey of all retail businesses. Estimates for 1966 based on a sample indicate current figures 25 to 35 percent higher.

<sup>2</sup> Inventory shrinkage is normally accounted for "at retail."

<sup>3</sup> The National Retail Merchants Association, whose membership comprises about 20 percent of all department stores and whose members account for about \$5 billion annually in sales, publishes annually the results of the operations of its membership in "Operating Results of Department and Specialty Stores." The shrinkage figure given here is for 1964.

<sup>4</sup> These are composite estimates based on discussions with a variety of industry and security experts.

<sup>5</sup> Businesses such as lumber and building materials dealers, auto dealers, mail order houses, furniture stores, and eating and drinking places, which have limited shoplifting problems were omitted. These businesses do, however, suffer losses from employee theft.

<sup>41</sup> This is a composite estimate based on discussions with industry and security experts.

<sup>42</sup> There are many general discussions of this. One recent article is Earl Selby, "Youthful Shoplifting: A National Epidemic," The Reader's Digest, April 1967, pp. 95-99.

<sup>43</sup> Super Market Institute, "Facts on Security" (Chicago: Super Market Institute, Security Specialists Conference, mimeo report, 1966), p. 5.

<sup>44</sup> The Reiss studies, Field Surveys III, supra note 3, p. 103.

<sup>45</sup> Mary Owen Cameron, "The Booster and the Snitch" (New York: The Free Press of Glencoe, 1964), pp. 63-64.

<sup>46</sup> Super Market Institute, supra note 43, p. 5.

<sup>47</sup> The Reiss studies, Field Surveys III, supra note 3, at pp. 106, 109.

<sup>48</sup> The reasons for this failure are very practical ones: A stronger interest in compensation than in prosecution, the time and bother involved, the risk of lawsuits for false arrest against the store, etc. See Roger K. Griffin, "A View of Shoplifting in the Affluent Society," revision of a paper read at the Security Conference, February 1965, in Los Angeles, mimeo., p. 3; and Mary Owen Cameron, supra note 45, pp. 20-38.

<sup>49</sup> The Reiss studies, Field Surveys III, supra note 3, p. 112.

<sup>50</sup> Super Market Institute, supra note 43, p. 5.

<sup>51</sup> Mary Owen Cameron, supra note 45, pp. 16-17. See also her discussion regarding the selectivity of shoplifters apprehended who are prosecuted (pp. 21-24).

<sup>52</sup> "Report of the President's Commission on Crime in the District of Columbia," (Washington: U.S. Government Printing Office, 1967), p. 89 and note 22.

<sup>53</sup> Some of the studies are summarized in Mary Owen Cameron, supra note 45, pp. 9-15.

<sup>54</sup> "UCR, 1965," table 14, p. 105. The estimated arrests for shoplifting covering 38 percent of the population were 112,361. This was inflated to reflect the total U.S. population.

<sup>55</sup> Federal Bureau of Investigation, Uniform Crime Reports Section, unpublished data.

<sup>56</sup> See, for example, Alex Lee Gregory, "Why Workers Steal," Saturday Evening Post, November 10, 1962, pp. 68-69; "Preventing and Detecting Fraud in Business," American Management Association Bulletin No. 43, 1964. Many of the techniques used are further discussed in Harvey Cardwell, "Principles of Audit Surveillance" (1960); and Surety Association of America, "Safeguards Against Employee Dishonesty" (1954). (The \$500 million estimate for employee dishonesty is not an official insurance industry estimate. Letter from the Surety Association, dated December 21, 1966).

year, more than 62 percent was by employees at executive and supervisory levels.<sup>57</sup> The companies in the supermarket survey indicated that nearly one percent of all employees had been apprehended for some form of dishonesty in 1965. Known losses, however, were only 0.01 percent of sales.<sup>58</sup> In the Commission's three-city survey, 8 percent of all businesses reported an employee involved in a larceny of \$50 or more in the 18-month period covered.<sup>59</sup> The studies indicate that employee theft is reported to the police even less than shoplifting.<sup>60</sup>

**Nonretail Business.** Outside the retail industry there is even less information concerning the amount of loss to business due to dishonesty. A study by the National Industrial Conference Board of 473 companies indicated that 20 percent of all companies and more than 25 percent of those with more than 1,000 employees found employee theft of tools, equipment, materials or company products presented a real problem. More than half of those reporting a problem indicated that the problem included both white and blue collar workers.<sup>61</sup>

There is no real information, however, as to the amounts involved. Shrinkage figures for individual firms in the wholesale business go as high as 0.5 percent of sales, with 75 percent estimated as employee theft. Losses in the wholesale business and in other lines go into the millions even for a single firm.<sup>62</sup> Insurance experience and security experts indicate that most losses even in cases of embezzlement are of goods rather than cash.

In the transportation industry there is considerable pilferage in the handling and transfer of merchandise. Reliable information is difficult to obtain but this seems to be particularly true in the ports. A 1959 survey by the New York State Waterfront Commission to which 104 of 153 companies responded indicated pilferage losses of \$11 million.<sup>63</sup> Information from other ports and from industry experts indicates that losses may run as high as one-half to one percent of all nonbulk cargo. While less information was available to the Commission concerning trucking and railroad experience, it seems clear that losses in these fields are also substantial.

Insofar as business is concerned the amount of loss seems to depend at least in part on the attitude of management. In the retail industry, there appears to be a strong relationship between the amounts spent for sales personnel and the amount of loss from dishonesty. Some businesses are apparently willing to accept the higher loss rates that go with fewer controls on the grounds that what they save in selling costs more than compensates for the dishonesty loss. Discount stores are an example of this kind of store, experiencing losses nearly double that of the more conventional stores.<sup>64</sup> One national dry goods chain, on the other hand, through careful controls and a low turnover in personnel experiences a loss rate less than half that of the remainder of the industry.<sup>65</sup> In both retail and non-retail businesses there seems to be some connection be-

tween the amount of theft and the opinion that employees have of the establishment's personnel policies. There are also some indications that theft may be a lesser problem in small establishments than in large ones.<sup>66</sup>

Much of the loss from employee theft and shoplifting is not insured because there is no way to establish the exact amount of loss due to theft.<sup>67</sup> The significance of the amounts involved is indicated by the fact that in the grocery industry, the percentage of loss is about the same as the industry's net profit after taxes.<sup>68</sup>

### *Auto Theft—\$140 Million*

This offense includes stealing or driving a car away and abandoning it. It does not include taking for temporary use when the car is actually returned by the taker or unauthorized use by those having lawful access to the vehicle. In 1965 the UCR estimated a national total of 486,568 auto thefts.<sup>69</sup> Based on an average value of \$1,030, this totals about half a billion dollars. Roughly 64 percent of cars which are stolen are recovered within 48 hours, however, and about 88 percent eventually. The value of those never recovered in 1965 was more than \$60 million.<sup>70</sup> Total losses exceeded this figure, however, because some cars were damaged when recovered and because the owner lost the use of his car during the period it was away.<sup>71</sup>

Nearly two-thirds of auto thefts are at night and over one-half from residential areas. UCR data indicates that about 75 percent of the cars are taken for joyriding or for unknown purposes, about 8 percent for stripping for parts, 5 percent for use in another crime or for escape and the remaining 12 percent for resale.<sup>72</sup>

### *Fraud—No Reliable Estimate*

This offense covers any method of obtaining money or property by cheating or false pretenses, except through forgery or counterfeiting. It includes the intentional passing of bad checks and consumer fraud.

It has sometimes been asserted that this is the most common of all offenses.<sup>73</sup> It seems clear that it is a very widespread offense and that the amounts involved are substantial.

While there are many estimates regarding various kinds of fraud, they are often based on very limited information. Estimating criminal fraud is particularly difficult because the line dividing it from civil fraud is that of criminal intent. The fragmentation of agencies dealing with fraud also makes estimation difficult. Much fraud is reported directly to a prosecutor or some private organization such as the Better Business Bureau rather than to the police. The 76,000 arrests estimated to have been made by the police in 1965 for fraud are in large part for passing bad checks.<sup>74</sup>

<sup>57</sup> Norman Jaspán, "Wholesale Theft on the Retail Level," *Stores*, November 1964, pp. 33-35, 34.

<sup>58</sup> Super Market Institute, *supra* note 43, p. 6.

<sup>59</sup> Albert J. Reiss, Jr., "Employee Honesty in Businesses and Organizations in Eight Police Precincts of Three Cities," *supra* note 3, p. 7.

<sup>60</sup> *Id.* at p. 8. See also J. P. Martin, *supra* note 2 at p. 61; and J. P. Martin, "Offenders as Employees" (New York: St. Martin's Press, 1962), pp. 75-107.

<sup>61</sup> National Industrial Conference Board, "Personnel Practices in Factory and Office: Manufacturing" (Personnel Policy Study No. 194, New York: National Industrial Conference Board, 1964), p. 140.

<sup>62</sup> See, for example, Irwin Ross, "Thievery in the Plant," *Fortune*, October 1961, pp. 140-143, 202, 204, 207.

<sup>63</sup> According to the Waterfront Commission, tonnage increased by 30 percent between 1959 and 1965.

<sup>64</sup> A survey by the University of Massachusetts, "Operating Results of Self-service Discount Department Stores—1965" indicated inventory shrinkage "at retail" of about 2.7 percent (p. 12). This is nearly double that shown for ordinary department stores, see table 6 in this chapter. While it is likely that discount

stores have more recordkeeping error than more conventional stores it seems likely that they also lose more to dishonesty.

<sup>65</sup> Information from retail industry sources.

<sup>66</sup> Erwin O. Smigel, "Public Attitudes Toward Stealing, as Related to Size of the Victim Organization," *American Sociological Review*, 21: 320-326, June 1956.

<sup>67</sup> Information from industry and insurance sources.

<sup>68</sup> Information supplied by the Super Market Institute, June 1967.

<sup>69</sup> "UCR, 1965," p. 51.

<sup>70</sup> "UCR, 1965," pp. 17-18; table 15, p. 105, and "UCR 1963," p. 23.

<sup>71</sup> The Department of Justice estimates a direct financial loss of \$140 million when damages to recovered automobiles are included (press release, February 26, 1967).

<sup>72</sup> "UCR, 1965," p. 18.

<sup>73</sup> See, for example, Edwin H. Sutherland and Donald R. Cressey, "Principles of Criminology" (7th ed., Philadelphia: J. B. Lippincott, 1966), p. 45.

<sup>74</sup> Federal Bureau of Investigation, Uniform Crime Reports Section, unpublished data.

To get some idea of the extent of fraud against individuals, the NORC national survey of households asked whether individuals had been cheated, given a bad check or swindled out of money or property in any way. The responses indicated a rate of over 250 cases per 100,000, as compared with less than 40 cases of arrest for fraud per 100,000 population reported to the police by both individuals and businesses. The average loss was \$906, the average recovery \$150 and the average net loss \$756. Based on the survey, the total estimated national loss for individuals would be around \$370 million.

The survey also asked whether individuals had been cheated by anyone misrepresenting what he was selling or charging a higher price than that he first quoted. The responses indicated a rate of about 120 cases per 100,000 population with an average loss of \$99, an average recovery of \$20 and an average net loss of \$78. This would give a national total of about \$18 million a year in consumer fraud—a figure that is almost certainly understated.

The national survey did not cover the victimization of businesses by fraud. A Commission study, however, did survey a sample of neighborhood businesses in selected precincts of three cities regarding the extent to which they had been victims of bad checks. The survey indicated that about 40 percent of the businesses cashing checks experienced some problem with bad checks and about 16 percent experienced a "real problem." The survey also indicated that the volume of bad check passing which goes unreported is substantial. Only 19 percent of the firms cashing checks call the police under any circumstances and an additional 8.1 percent call only if they are unable to collect themselves. No percentage of recovery was indicated.<sup>75</sup>

These Commission surveys provide some useful information regarding the extent of fraud and bad check passing. Because of the difficulty in framing questions, however, they do not appear to be as reliable as other information regarding fraud.

Although almost all frauds are State offenses, many are also subject to Federal prosecution. One important source of information, therefore, concerns Federal prosecution.<sup>76</sup>

The prevention of fraud involving use of the mail is the responsibility of the Post Office Department. In 1965 it reported that in cases actually prosecuted the public lost some \$92 million and that about \$3.2 million was recovered. The Department has also estimated that all mail fraud, including that which is not detected, may run as high as \$500 million annually.<sup>77</sup>

Fraud in the sale or promotion of securities is policed by the Securities and Exchange Commission. For the past few years it has annually referred cases involving \$24 to \$58 million for prosecution. The cost to the public

of securities fraud exceeds this, however, and while impossible to quantify is probably in the \$75 to \$100 million range. In some years because of the occurrence of isolated large-scale frauds the amounts involved would be substantially higher.<sup>78</sup> In 1964 the collapse of a single salad oil empire involved losses to the public of \$125 to \$175 million.<sup>79</sup>

Health frauds involving mislabeling and false claims regarding medical and food products are subject to the jurisdiction of the Food and Drug Administration. In most cases, however, that agency seeks to seize the goods in question or to secure an injunction against their sale rather than to institute criminal proceedings.<sup>80</sup> This is a faster and often more certain remedy, avoiding the difficult problems involved in the proof of criminal intent. In 1964 the FDA indicated that nearly \$500 million, as a conservative estimate, was spent annually on worthless or extravagantly misrepresented drugs and therapeutic devices.<sup>81</sup> A survey by the Arthritis Foundation indicated that more than \$250 million was spent annually on worthless arthritis remedies alone.<sup>82</sup>

Special studies also provide a useful source of information regarding fraud. The National Better Business Bureau indicates that fraudulent and deceptive practices in the home repair and improvement field have been its most frequent complaint since 1953 and cause an estimated \$500 million to \$1 billion in losses to consumers annually.<sup>83</sup>

Recent studies of fraud involving automobiles indicate that consumers may be bilked of as much as \$100 million annually for expensive, unnecessary, or defective repairs. Fraudulent towing charges involve additional millions—a single racket in Pensacola was found to be taking in more than \$1 million a year. Frauds in the sale of used and new cars is less well documented in the aggregate, but clearly very expensive to the public.<sup>84</sup> In all too many instances, the practices involved in these frauds are not only costly but extremely hazardous to the lives and safety of the people defrauded. "New" cars created by welding together undamaged halves of wrecked cars may fall apart; bald tires which are regrooved without the addition of new rubber may blow out.

Studies also indicate sizable losses to the public from fraudulent solicitations for charities (as much as \$150 million in some years)<sup>85</sup> and from frauds involving credit cards (\$20 million annually).<sup>86</sup> Phony land promotion schemes,<sup>87</sup> defective TV tubes,<sup>88</sup> fraudulent insurance claims,<sup>89</sup> worthless life insurance, fraudulent bankruptcies, improper debt consolidations, home study rackets, and numerous other schemes all cause the public inestimable losses.<sup>90</sup> Losses to businesses and individuals from check frauds and bad checks also run into the millions.<sup>91</sup>

<sup>75</sup> The Reiss studies, Field Surveys III, *supra* note 3, pp. 119, 121.

<sup>76</sup> Office of the Attorney General, 1965 Annual Report, pp. 201-204.

<sup>77</sup> Information supplied by the U.S. Post Office Department, Mail Fraud Section. See also Post Office Department, 1965 Annual Report, p. 142, indicating 929 arrests, 607 convictions, 5,422 fraudulent promotions discontinued as the result of investigations and refunds of \$14.7 million. The department received more than 115,000 complaints. See also press release, May 6, 1967, estimating fraudulent mail solicitations of \$500 million.

<sup>78</sup> Information supplied by the Securities and Exchange Commission, Division of Trading and National Markets. In addition, see the Securities and Exchange Commission, 1965 Annual Report, p. 131.

<sup>79</sup> These are official estimates. Norman C. Miller, "The Great Salad Oil Swindle" (New York: Coward-McCann, 1965), pp. 245-246, places the losses somewhat higher.

<sup>80</sup> Department of Health, Education, and Welfare, 1965 Annual Report, p. 368, indicates that during fiscal 1965 the Food and Drug Administration uncovered 3,424 violative samples and took 1,266 actions. Seizure was instituted in 957 actions, injunctions requested in 19, and criminal prosecution instituted in 290.

<sup>81</sup> Department of Health, Education, and Welfare, 1964 Annual Report, p. 273.

<sup>82</sup> Ruth Walrad, "The Misrepresentation of Arthritis Drugs and Devices in the United States" (New York: Arthritis and Rheumatism Foundation, 1960), p. 1; President's Committee on Consumer Interests, "Consumer Issues, '66" (Washington: Consumer Advisory Council, 1966), p. 93.

<sup>83</sup> National Better Business Bureau, "Service Bulletin No. 363," New York,

1965. See also President's Committee on Consumer Interests, *supra* note 82, pp. 41-57.

<sup>84</sup> Sam Crowther and Irwin Winchouse, "Highway Robbery" (New York: Stein and Day, 1966), pp. 21-43, 57, 132; and President's Committee on Consumer Interests, *supra* note 82, pp. 62-64.

<sup>85</sup> New York State Joint Legislative Commission on Charitable and Philanthropic Agencies and Organizations, "Report on Charitable and Philanthropic Agencies and Organizations" (Legislative Document No. 20, New York: Joint Legislative Commission, 1957), p. 10.

<sup>86</sup> Kenneth B. Willson, "Illegal Use of Credit Cards—A \$20 Million Racket," (news release of the Better Business Bureau, October 1966).

<sup>87</sup> Walter Wagner, "The Golden Fleccers" (Garden City, N.Y.: Doubleday, 1966), p. 80, estimates \$150 million in realty fraud alone.

<sup>88</sup> Maurice Beam, "It's A Racket" (New York: McFadden Publications, 1962), p. 39.

<sup>89</sup> Sam Crowther and Irwin Winchouse, *supra* note 84 at p. 112.

<sup>90</sup> In addition to sources cited in notes 75-89 see also Frank Gibney, "The Operators" (New York: Harper & Bros., 1960).

<sup>91</sup> See, for example, Keith M. Rogers, "Detection and Prevention of Business Losses" (New York: Arco Publishing Co., 1962); E. E. Hoffman, "Billion Dollar Racket" (New York: Vantage Press, 1962); and Gibney, *supra* note 90 at p. 6. See also President's Committee on Law Enforcement and Administration of Justice, "Task Force Report: Courts" (Washington: U.S. Government Printing Office, 1967), pp. 101-102.

Particularly disturbing is the impact of fraud upon the poor or those who live on the margin of poverty. While no comprehensive data is available, what few studies there are indicate the disastrous impact this kind of fraud can often have. In one study of 500 households in four low-income housing projects, more than two of every five families reported being cheated or exploited by sellers or finance companies.<sup>92</sup>

#### *Forgery—\$64 Million*

Estimates are sometimes given of as much as half a billion dollars for this offense but these appear to be based on limited surveys. The American Bankers Association estimates that total forgery losses on banking instruments probably do not exceed \$60 million annually for all individuals and businesses.<sup>93</sup> This averages out to a little less than \$1 per year for each of the Nation's 60-million-plus checking accounts. Banks bear about \$3 to \$4.5 million of this loss while the remainder falls upon other businesses and individuals. The Treasury Department estimates that in fiscal year 1965 public losses from forged U.S. Government checks were about \$4 million and about \$0.6 million from forged bonds.<sup>94</sup>

#### *Counterfeiting—\$0.8 Million*

The Treasury Department estimates that public losses due to counterfeiting were about \$0.8 million in fiscal year 1965. About \$2.5 million was seized by the Treasury before it was passed.<sup>95</sup>

### OTHER CRIMES

#### TRAFFIC OFFENSES

It has been estimated that traffic offenses are involved in as many as 90 percent of all traffic accidents.<sup>96</sup> Only a few traffic offenses, however, such as driving under the influence or hit-and-run, are regarded as criminal. Of these, driving under the influence clearly causes the greatest amount of loss. The loss which it causes is, moreover, a loss both to the individuals concerned and to the productive capacity of society. There is no good estimate of the economic impact of hit-and-run driving. In most instances the principal injury involved is caused by the accident rather than by the flight afterwards. In this respect hit-and-run driving is somewhat like theft. The flight transfers the cost of the loss from the party responsible to the victim.

#### *Driving Under the Influence—\$1.8 Billion*

In 1965 the National Safety Council estimated that there were a total of 49,000 traffic fatalities and 13.2 million traffic accidents.<sup>97</sup> Negligent manslaughter, which is largely a traffic offense, accounted for more than 7,000 of the traffic deaths.<sup>98</sup> It is not clear what percentage of these cases involved drinking, but the National Safety Council estimates that drinking may be a factor in as many

as half of all fatal motor vehicle accidents. One study of 1,134 fatally injured drivers in California, for example, showed that 65 percent of those responsible for accidents had been drinking. The National Safety Council also estimates that drinking may be a factor in 13 to 15 percent of all nonfatal accidents.<sup>99</sup> There are only an estimated 350,000 arrests nationally,<sup>100</sup> however, considerably less than the 1,800,000 accidents which this percentage would indicate. Obviously, this offense appears to be underreported. The total cost of traffic fatalities and accidents attributable to driving under the influence can be estimated at about \$1.8 billion as shown in table 7.

Table 7.—Cost of Motor Vehicle Accidents

(Millions of dollars)

	All accidents	Death in which alcohol may be a factor	Total driving under influence
Property damage.....	3,100	-----	442
Medical.....	550	-----	78
Wage loss.....	2,400	765	889
Insurance overhead.....	2,850	-----	406
Total.....	8,900	765	1,816

SOURCE: National Safety Council, "Accident Facts," 1966, pp. 4-5; additional information from the National Safety Council. Detailed figures may not add to total due to rounding.

#### REVENUE CRIMES

#### *Criminal Tax Fraud—No Reliable Estimate*

Tax fraud is committed when a taxpayer intentionally fails to pay taxes that are due. Whether the fraud is civil or criminal depends upon the degree of willfulness involved. As a practical matter criminal prosecution is usually limited to the larger cases, but individual cases may go either way depending upon the circumstances. In 1965, 625 individuals were convicted of Federal income tax fraud, and the court imposed fines of \$1.5 million in these cases, which involved about \$70 to \$100 million in unpaid taxes.<sup>101</sup> Civil fraud penalties of \$35 to \$45 million were also assessed in these cases—the civil fraud penalty being 50 percent of the amount due and normally assessed in criminal cases as well as civil. Because the Treasury eventually collects on some percentage of these cases, the cost is only that amount uncollected plus the cost of detection and collection. This is included to some extent in the public costs of the criminal justice system discussed below but not fully. Special agents for tax fraud alone cost the Treasury about \$33 million a year.<sup>102</sup>

No estimate of that tax fraud which is not caught exists, nor is there a current estimate of unreported taxable income. In 1962, however, on the basis of a survey of the 1959 returns, the Treasury estimated unreported taxable income of \$24.4 billion or 7 percent of total reportable income: \$900 million for dividends, \$2.8 billion for interest, \$600 million for annuities and pensions, \$12 billion for business and farm profit, \$6.5 billion wages and sal-

<sup>92</sup> David Caplovitz, "The Poor Pay More" (New York: Free Press of Glencoe, 1963), p. 137.

<sup>93</sup> This estimate includes a "liberal estimate for uninsured losses." American Bankers Association, Protective Bulletin, July-August, 1964, p. 1.

<sup>94</sup> See U.S. Treasury Department, 1965 Annual Report, pp. 160-161.

<sup>95</sup> Id. at p. 160.

<sup>96</sup> National Safety Council, "Accident Facts" (Chicago: National Safety Council, 1966), p. 48.

<sup>97</sup> Id. at p. 40.

<sup>98</sup> See chapter 2, note 25.

<sup>99</sup> National Safety Council, supra note 96 at p. 52.

<sup>100</sup> "UCR, 1965," p. 109.

<sup>101</sup> U.S. Department of Justice, 1965 Annual Report, p. 312. Estimates of unpaid taxes provided by Criminal Section, Tax Division, Department of Justice. Statistics provided by U.S. Treasury Department, Annual Report, 1965, p. 125, shows a larger number of cases processed because wagering, excise and other types of tax fraud are included with income tax fraud cases. Thus, prosecution was recommended in 2,382 cases, indictments returned against 1,919 defendants and 1,451 convictions obtained.

<sup>102</sup> U.S. Treasury Department.

aries, and \$1.6 billion for other income such as rents, royalties and capital gains.<sup>103</sup> No estimate was made as to what percentage of this total was intentionally unreported but it seems likely that the percentage would be higher than for that income which was reported. Since the time of this estimate, new reporting provisions for dividends and interest have gone into effect and new enforcement and administrative techniques, including automatic data processing, have been adopted.

#### *Other Revenue Crimes—No Reliable Estimate*

No reliable estimate exists as to the extent of tax fraud involving State or local governments or as to other revenue crimes.<sup>104</sup>

#### *ABORTION—\$120 Million Plus*

It has been estimated that as many as a million abortions are performed each year.<sup>105</sup> Because this offense is seldom reported to the police, it is difficult to evaluate this estimate. The offense is not reported separately in the UCR.

The economic impact of this crime is twofold: The proceeds of the illegal service itself, and the cost of unnecessary deaths. In 1965, the number of unnecessary deaths was estimated at about 290 or between one-third and one-fourth of all maternal deaths.<sup>106</sup> The loss of earnings alone due to this cause amount to \$120 million. There is no reliable way of estimating the amounts paid out in fees for illegal abortions. If each of the estimated abortions cost only \$75, a modest charge in many abortion circles,<sup>107</sup> the total would be \$75 million.

#### *CRIMES WITH NO ECONOMIC IMPACT*

Many crimes have little or no discernible economic impact beyond the costs incident to the criminal justice system. Crimes in this category would include assaults without injury, possession of deadly weapons, sex offenses such as adultery and fornication, disorderly conduct, vagrancy, and others. Drunkenness would also come in this category, although it should be noted that from 30 to 40 percent of all arrests are made for drunkenness and that this imposes serious economic burdens on the criminal justice system.<sup>108</sup>

In addition to those categories of crime which as a whole generally involve little economic impact, individual crimes, including most attempts, in other categories may not involve any great economic impact.

#### *ILLEGAL GOODS AND SERVICES*

This kind of cost differs substantially from the involuntary transactions discussed in the last section because those who gamble, borrow money from loan sharks or buy tax-free liquor want to do so. The effect of the transaction, however, is essentially the same as that of the involuntary

transfer: a net addition to the resources of the criminal sector and a diminution of the resources available for other purposes to the legitimate sector. This transfer of resources is particularly insidious—both because of its large size and because such a large percentage of it goes to organized crime.<sup>109</sup> The businesslike nature of these transactions is illustrated by the fact that were they legal their amounts would be included as part of the gross national product.

#### *Gambling—No Reliable Estimate*

There is almost universal agreement among law enforcement officials that gambling is the greatest source of revenue for organized crime and the crime that involves by far the largest amount of money.<sup>110</sup> Because gambling is a consensual transaction rarely reported to the police, there is no fully accurate way to estimate its amount.

The Commission sought to obtain new information about the extent of gambling through the NORC national survey of households.<sup>111</sup> The results indicated that betting was much more extensive on horses than on sports or numbers and that far more people believe they lose money than believe they win. The survey did not attempt to distinguish between legal and illegal gambling.

The survey did not attempt to determine the amounts bet for all gambling but did seek to find out how much was bet on horses. Based on the results the total number of horse bettors could be estimated at about 4½ million. The median amount of betting reported was about \$15 a month and the average about \$65. This would indicate a total amount bet of about \$3.3 billion annually. Since legal betting on horses totals more than \$4.5 billion and the survey covered legal as well as illegal gambling, it is clear that the amount is understated. Study of the survey responses indicates a number of methodological problems, including that of how long a person remembers what he bet and what he or she knows about the betting habits of the other members of the household.

Estimates by experts of the annual amount of illegal gambling vary from \$7 to \$50 billion.<sup>112</sup> These estimates normally start with the fact that legal betting at race tracks reaches a total of about \$5 billion annually (\$5.075 billion in 1965) and an assumption that off-track betting is at least two or three times as great. From this and other data such as sales of playing cards, number of firms manufacturing punchboards, revenue from the Federal gambling tax, and other facts, many law enforcement officials believe that illegal gambling totals at least \$20 billion a year.<sup>113</sup>

The cost to legitimate society is not the total of illegal bets placed but rather that amount of the total which is retained by the operators of the system. In economic terms the bettors pay the bookmakers a fee to have money redistributed back to the bettors. The fee is the cost to society. It includes the bookies' profit as well as operating expenses such as graft, telephones, runners, etc.

<sup>103</sup> Testimony of Secretary Dillon, before U.S. Senate, Subcommittee of the Committee on Appropriations, "Treasury and Post Office Appropriations, 1962," (hearings conducted in the 87th Cong., 1st sess., on H.R. 5954), p. 175. Somewhat higher estimates (\$30 to \$40 billion) are given by U.S. Congress, Joint Economic Committee, "The Federal Tax System: Facts and Problems" (Washington: U.S. Government Printing Office, 1964).

<sup>104</sup> U.S. Treasury Department, 1965 Annual Report, indicates \$2.5 million in violations out of a total customs collection of \$1.487 billion excluding collections of internal revenue taxes (p. 551).

<sup>105</sup> Jerome E. Bates and Edward S. Zawadzki, "Criminal Abortion" (Springfield, Ill.: Charles C. Thomas, 1964), p. 3; see also President's Commission, "Task Force Report: The Courts" (Washington: U.S. Government Printing Office, 1967), p. 105.

<sup>106</sup> Population Reference Bureau, Washington, D.C.

<sup>107</sup> Jerome E. Bates and Edward S. Zawadzki, *supra* note 105, pp. 43-72, indicate that fees generally range from \$5 to \$2,000.

<sup>108</sup> President's Commission, General Report, *supra* note 5, pp. 233-237.

<sup>109</sup> President's Commission on Law Enforcement and Administration of Justice, "Task Force Report: Organized Crime" (Washington: U.S. Government Printing Office, 1967), pp. 1-2.

<sup>110</sup> *Id.* at p. 2.

<sup>111</sup> NORC survey, unpublished data.

<sup>112</sup> *Supra* note 109 at p. 3.

<sup>113</sup> *Ibid.*; Rufus King, "Gambling and Organized Crime" (an unpublished report to the President's Commission on Law Enforcement and Administration of Justice 1966), p. 1.

Analysis of organized criminal betting operations indicates that the profit generally runs at least as high as one-third of the gross revenue.<sup>114</sup>

Total annual profits are estimated at \$6 to \$7 billion as follows:<sup>115</sup>

- (a) Bookmakers (including horse-racing, elections, fights, etc.): \$10 billion turnover, \$3-billion-plus profit.
- (b) Numbers, lotteries, punchboards: \$5 billion turnover, \$1.5-billion-plus profit.
- (c) Illegal dice games: \$3.5 billion turnover, \$1-billion-plus profit.
- (d) Illegal professional card games: \$1 billion turnover, \$300-million-plus profit.
- (e) Illegal coin machines (all types): \$500 million turnover, \$150-million-plus profit.

#### *Narcotics—\$350 Million*

The U.S. Bureau of Narcotics estimates that there are about 57,000 narcotics addicts in the U.S. and that a conservative estimate of their expenditures for narcotics is \$14 per day, or over \$5,800 each per year.<sup>116</sup>

#### *Loansharking—No Reliable Estimate*

Loansharking is generally believed to be the second largest revenue source for organized crime. This is an immensely profitable business where interest rates vary from 1 to 150 percent per week with 20 percent being common for small borrowers. Profit margins are thought to be higher than gambling and many officials classify the business in the billion dollar or higher range. At a minimum the amount exceeds the \$350 million narcotics figure.<sup>117</sup>

#### *Prostitution—No Reliable Estimate*

This illegal service was once an important source of revenue for organized crime. Changes in society and law enforcement techniques, however, have rendered it much less profitable, and today organized crime is no longer interested to the extent that it was formerly.<sup>118</sup> Although diminished, commercialized vice has not disappeared from the scene. In 1965 there were an estimated 37,000 arrests nationally, male and female, for prostitution and commercialized vice.<sup>119</sup> These arrests touch mainly the most obvious cases. Expensive call girls are rarely arrested. Like arrests for gambling and other illegal goods and services, it is clear that the arrest figures understate the number of persons involved in prostitution. If it were assumed that the total number of persons associated with prostitution and commercialized vice were about 45,000 and that the average annual income was around \$5,000 the total received would be

about \$225 million. It is not clear how much of this would wind up in the hands of organized crime.

#### *Alcohol—\$150 Million Plus*

The extent of illicit liquor activity can only be estimated. About 75 percent of all seizures of illicit liquor occur annually in seven southeastern States which have an estimated 6,000 to 7,000 illicit distilleries. Based on these estimates, the Treasury estimates a total nationwide illegal production of 10 to 20 million proof gallons. This involves a Federal tax loss of between \$100 to \$200 million, a State tax loss of \$25 to \$50 million, and a sizable profit to the makers.<sup>120</sup> Some part of this profit goes to organized crime but not to the degree that it did in the thirties.<sup>121</sup> The cost of this criminal activity, other than the tax loss, is borne largely by the legal liquor industry.<sup>122</sup>

### **PUBLIC EXPENDITURES FOR LAW ENFORCEMENT AND THE CRIMINAL JUSTICE SYSTEM**

Public expenditures, shown on figure 2, for the police, courts, and corrections—currently estimated at more than \$4 billion a year—are borne primarily by taxpayers at the State and local levels.

Many other public expenditures play a direct and important role in the prevention of crime. These include antipoverty, recreational, educational, and vocational programs. They have not been included in this tabulation, however, because most have social purposes that go far beyond preventing crime.

#### *Police—\$2,792 Million*

Figures include expenditures for law enforcement of 50 Federal, 200 State, 3,050 county, 3,700 municipal and 33,000 township, borough or village forces.<sup>123</sup> They do not include military police or other active duty military forces or the National Guard, although all these organizations at times exercise law enforcement functions. Total estimated expenditures have been included for all forces although many forces spend a considerable percentage of their time on traffic or other noncriminal functions. Estimates indicate that these duties amount to roughly 10 to 15 percent of local force time and a higher percentage of State forces.<sup>124</sup> Some experts believe that some civil duties are necessary adjuncts to criminal law enforcement. About 85 to 90 percent of all police expenditures are for salaries and wages.<sup>125</sup>

#### *Prosecution and Defense Counsel—\$125 Million*

Precise statistics are lacking with regard to the amounts spent. A special study for the Commission estimates a total cost of slightly over \$125 million, as follows:<sup>126</sup>

<sup>114</sup> Ibid.

<sup>115</sup> Rufus King, *supra* note 113 at p. 2.

<sup>116</sup> President's Commission, General Report, *supra* note 5, p. 222; U.S. Treasury Department.

<sup>117</sup> See, generally, New York State Commission of Investigation, "An Investigation of the Loanshark Racket" (New York: State Commission of Investigation, 1965); President's Commission, General Report, p. 189.

<sup>118</sup> President's Commission on Law Enforcement and Administration of Justice, "Task Force Report: Organized Crime," *supra* note 109, p. 4. See also Daniel Bell, "End of Ideology" (2d rev. ed., New York: Collier Books, 1962), p. 149.

<sup>119</sup> Federal Bureau of Investigation, Uniform Crime Reports Section, unpublished data.

<sup>120</sup> U.S. Department of the Treasury, Alcohol Tax Division.

<sup>121</sup> President's Commission on Law Enforcement and Administration of Justice, "Task Force Report: Organized Crime," *supra* note 109, at p. 4.

<sup>122</sup> Some aspects of illegal goods and services from an economic point of view are discussed in Thomas C. Schelling, "Economic Analysis and Organized Crime,"

in President's Commission on Law Enforcement and Administration of Justice, "Task Force Report: Organized Crime," *supra* note 109, appendix D, pp. 114-126.

<sup>123</sup> President's Commission on Law Enforcement and Administration of Justice, "Task Force Report: The Police" (Washington: U.S. Government Printing Office, 1967), p. 7.

<sup>124</sup> Local force estimates based on Commission studies. On State forces, see Edward A. Gladstone and Thomas W. Cooper, "State Highway Patrols, Their Function and Financing," U.S. Department of Transportation, Bureau of Public Roads, Office of Planning (paper presented at Highway Research Board Annual Meeting, January 1966).

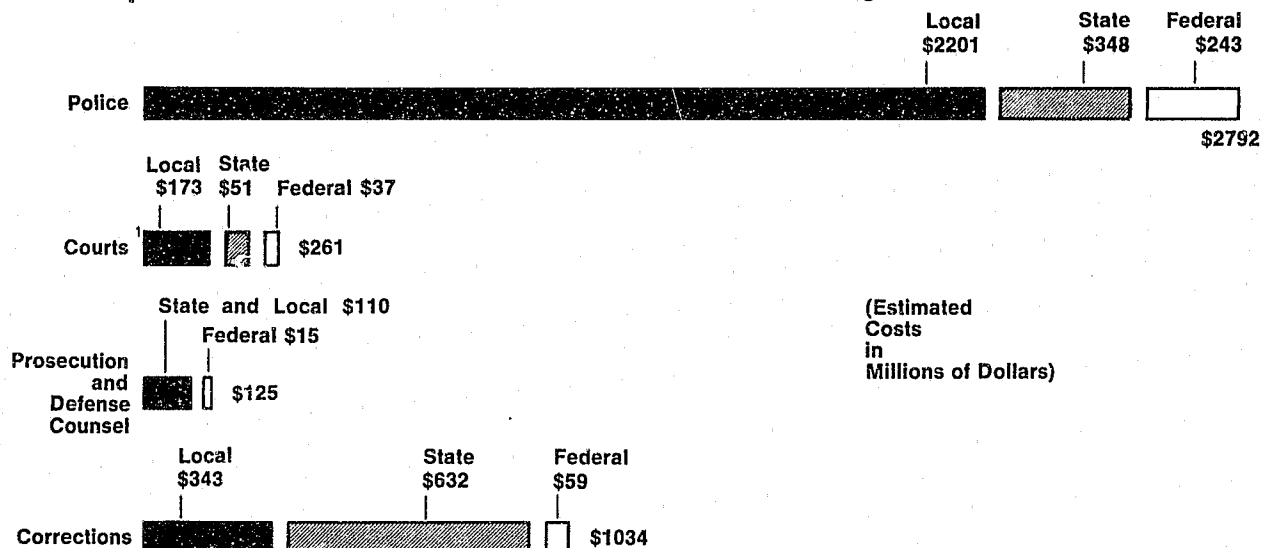
<sup>125</sup> President's Commission on Law Enforcement and Administration of Justice, "Task Force Report: The Police," *supra* note 123, p. 11; see also the Commission's general report, p. 35.

<sup>126</sup> Lee Silverstein, "Manpower Requirements in the Administration of Criminal Justice," in President's Commission on Law Enforcement and Administration of Justice, "Task Force Report: The Courts" (Washington: U.S. Government Printing Office, 1967), appendix D, pp. 154, 157-158.



## Public Expenditures for Prevention and Control of Crime

Figure 2



Source: Bureau of the Census, Division of Governments (corrections and police); Bureau of the Budget (courts); Commission studies. All figures are for fiscal year ending June 30, 1965.

<sup>1</sup>Total court costs are estimated at \$782 million—\$109 Federal, \$155 State and \$518 local; criminal court costs were estimated at one-third of the total based on studies in several jurisdictions.

[In millions of dollars]

	Prosecution	Defense	Total
State.....	94.0	16.9	110.9
Federal.....	12.4	3.0	15.4
Total.....	106.4	19.9	126.3

Defense costs will likely increase significantly as the impact of court decisions on the right to counsel begin to be fully felt and if the present trend in State and other jurisdictions to raise their own standards of justice continues.<sup>127</sup> These figures do not reflect private expenditures for defense counsel which account for approximately half of the cases.<sup>128</sup>

### The Courts—\$261 Million

The majority of courts at all levels exercise both civil and criminal jurisdiction. Existing cost data does not, however, in most instances make any allocation between these functions. Based on the civil-criminal case ratios for the District of Columbia Municipal Court and the Federal district courts, one-third of the estimated total expenditures could be allocated to criminal cases.<sup>129</sup>

### Corrections—\$1,034 Million

This \$1 billion-plus total is largely a State and local cost. It includes both institutional costs and the cost of

Table 8.—State and Local Corrections Operating Costs

	Number Received in 1965	Average daily population		Cost of operating, 1965	
		Number	Percent	Amount	Percent
Juvenile detention.....	409,218	13,113	1.0	\$53,353,507	5.7
Juvenile probation.....	189,878	223,805	18.3	74,750,727	8.0
State juvenile institutions.....		42,389	3.5	144,586,618	15.4
Local juvenile institutions.....		6,024	.5	23,460,288	2.5
Juvenile aftercare.....		59,686	4.9	18,408,655	1.9
Misdemeanor probation.....	300,440	201,385	16.5	28,682,914	3.0
Adult probation.....	144,199	230,468	18.9	31,507,204	3.4
Local institutions and jails.....	1,016,748	141,303	11.6	147,794,214	15.7
State adult institutions.....	125,647	201,220	16.5	384,980,648	40.9
Adult parole.....	62,513	102,036	8.3	32,932,719	3.5
Total.....		1,221,429	100	940,467,494	100

SOURCE: NCCD survey.

parole, probation, and other rehabilitation programs. As table 8 indicates, institutional costs predominate—taking about 80 percent of all State and local expenditures. While no figures on correctional expenditures by function are available, staff, guards, and custodians make up 62.5 percent of all non-Federal operating personnel, business and supporting services 27.8 percent, and personnel involved in treatment aimed directly at rehabilitation only 9.5 percent. No allowance has been made in these figures for any receipts from the sale of prison-made goods.<sup>130</sup>

<sup>127</sup> Id. at p. 160.

<sup>128</sup> Id. at p. 154.

<sup>129</sup> Administrative Office of the United States Courts, "Annual Report of the Director, 1965." The ratio for the Federal district courts has been fairly con-

stant for a number of years. In 1965 there were 67,678 civil cases commenced as opposed to 33,334 criminal cases (pp. 174, 213).

<sup>130</sup> National Council on Crime and Delinquency, "Correction in the United States," supra note 5, p. 202.



Table 9.—Public Expenditures for Law Enforcement and the Criminal Justice System, by Federal, State, and Local Governments, Fiscal Years 1955-1965

(In millions of dollars)

Level of government and function	Expenditures										
	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964 <sup>1</sup>	1965 <sup>1</sup>
<b>Total:</b>											
All governments.....	2,231	2,436	2,660	2,936	3,147	3,349	3,642	3,828	4,057	4,254	4,607
Federal.....	206	253	251	264	279	291	318	332	358	374	411
State.....	475	526	584	671	733	769	849	902	960	1,042	1,135
Local.....	1,550	1,657	1,825	2,001	2,135	2,289	2,475	2,594	2,739	2,838	3,062
<b>Police Protection:</b>											
All governments.....	1,359	1,487	1,624	1,769	1,880	2,030	2,210	2,326	2,491	2,586	2,792
Federal.....	129	156	155	159	170	173	193	196	209	220	243
State.....	139	159	179	214	228	245	261	276	297	315	348
Local.....	1,091	1,172	1,290	1,396	1,482	1,612	1,756	1,854	1,985	2,051	2,201
<b>Judicial:</b>											
All governments.....	409	444	478	524	559	597	622	656	693	729	782
Federal.....	49	59	60	66	72	74	78	85	94	98	109
State.....	68	72	77	87	92	99	109	118	127	141	155
Local <sup>2</sup> .....	292	313	341	371	395	424	435	453	472	490	518
<b>Corrections:<sup>3</sup></b>											
All governments.....	463	505	558	643	708	722	810	846	873	939	1,034
Federal.....	28	38	36	39	37	44	47	51	55	56	59
State.....	268	295	328	370	413	425	479	508	536	586	632
Local.....	167	172	194	234	258	253	284	287	282	297	343

<sup>1</sup> Fiscal period ends June 30, as contrasted with earlier years in which it ends Dec. 31.<sup>2</sup> Figures represent estimates using data from Compendium of City Government Finances for 41 to 43 largest cities and rough estimates based upon county data published by several States.<sup>3</sup> Totals for corrections include capital outlays. See table 11.

SOURCE: Bureau of Census, Division of Governments except for figures for Federal functions which were supplied by Bureau of the Budget.

Notes: Expenditures include those activities carried on by each level of government whether financed from own funds or payments from another government. Figures for judicial functions exclude prosecutors except at Federal level where U.S. attorneys are included. Detail may not add to total due to rounding error.

## PAST TRENDS IN EXPENDITURES

If expenditures for civil courts are included and prosecution and defense counsel are excluded for non-Federal systems, the public costs of law enforcement and the administration of criminal justice can be compared for a number of years. The total expended in 1965 for these was \$4.6 billion. This represents an increase of over 100<sup>131</sup> percent over the comparable 1955 outlay of \$2.2 billion. Figures for the intervening years are shown in table 9 which shows that:

- The rate of increase was substantially higher in the first part of the period than in the second part;
- The corrections area has expanded at the most rapid rate of the three functional areas and judicial functions at the lowest rate; and
- The rate of expansion in State functions is the most rapid among the three levels of government.

Table 10 converts the total expenditures in table 9 into per capita outlays. The public agencies' expenditure for law enforcement and related functions was \$13.50 per person in 1955 compared to \$23.78 in 1965, an average increase of about 8 percent per annum. The overall rate of increase per capita was lower in the second half of the period than in the first half.

Table 11 shows the amount of State and Federal intergovernmental expenditures in the police and corrections

area. These amounts are comparatively small, although increasing rapidly. They are mostly payments made by the Federal government and by the States to local governments for custody of prisoners. Table 11 also shows the amount of capital outlay which is included in the expenditures in table 9 for the corrections function. Data are not readily available on capital outlays in the other two areas, although they are understood to be comparatively small.

## EMPLOYMENT

Table 12 presents the available information on employees by the three levels of government in police, corrections, and judicial functions. Figures do not include police civilian employees and are not readily available from the Bureau of the Census for State and local employment in the judicial area. In the police and corrections areas the rate of increase in employment has been distinctly lower than the rate of increase in the expenditures even on a per capita basis, reflecting rising wage and cost levels. The impact of these factors on expenditures was heavier in the first part of the 10-year period.

## OUTLOOK FOR FUTURE PUBLIC EXPENDITURES

Continuation of present trends would mean the doubling of public expenditures for law enforcement and the criminal justice system from 1965 to 1975. In absolute

<sup>131</sup> This total is derived largely from reports from State and local governments compiled by the Division of Governments of the Bureau of the Census, supplemented by data from the Bureau of the Budget on Federal judicial activities. The amounts reported are "direct" expenditures for the activities carried on by

each level of government, whether financed from its own funds or from payments or grants-in-aid from another level of government. Except for the amounts reported for Federal judicial functions, the totals do not include governmental contributions for retirement benefits or for prosecuting attorneys.

Table 10.—Per Capita Public Expenditures for Law Enforcement and the Criminal Justice System by Federal, State, and Local Governments, Fiscal Years 1955–1965

(Dollars)											
Function and level of government	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
Total:											
All governments.....	13.50	14.56	15.61	16.94	17.83	18.61	19.90	20.60	21.51	22.23	23.78
Federal.....	1.25	1.51	1.47	1.52	1.58	1.62	1.74	1.79	1.90	1.95	2.12
State.....	2.87	3.14	3.43	3.87	4.15	4.27	4.64	4.85	5.09	5.45	5.85
Local.....	9.38	9.90	10.71	11.54	12.10	12.72	13.52	13.96	14.52	14.83	15.81
Police protection:											
All governments.....	8.22	8.89	9.53	10.21	10.65	11.28	12.07	12.52	13.21	13.52	14.41
Federal.....	.78	.93	.91	.92	.96	.96	1.05	1.05	1.11	1.15	1.26
State.....	.84	.95	1.05	1.23	1.29	1.38	1.43	1.49	1.57	1.65	1.79
Local.....	6.60	7.00	7.57	8.05	8.40	8.96	9.59	9.98	10.52	10.72	11.36
Judicial:											
All governments.....	2.47	2.65	2.81	3.02	3.17	3.32	3.40	3.53	3.67	3.81	4.04
Federal.....	.30	.35	.35	.38	.41	.41	.43	.46	.50	.51	.56
State.....	.41	.43	.45	.50	.52	.55	.60	.64	.67	.74	.80
Local.....	1.76	1.87	2.00	2.14	2.24	2.36	2.37	2.44	2.50	2.56	2.68
Corrections:											
All governments.....	2.80	3.02	3.28	3.71	4.01	4.01	4.42	4.55	4.63	4.91	5.33
Federal.....	.17	.23	.21	.22	.21	.24	.26	.27	.29	.29	.30
State.....	1.62	1.76	1.93	2.13	2.34	2.36	2.62	2.73	2.84	3.06	3.26
Local.....	1.01	1.03	1.14	1.35	1.46	1.41	1.55	1.54	1.50	1.55	1.77
Addendum:											
U.S. population (millions) <sup>1</sup> .....	165.3	167.3	170.4	173.3	176.5	180.0	183.1	185.8	188.6	191.3	193.6

<sup>1</sup> As of July 1, excluding military personnel overseas; "B" assumption from Census Series P-25, No. 329, March 10, 1966.

SOURCE: Bureau of Census, Division of Governments except for figures for Federal functions which were supplied by Bureau of the Budget.

Note: Detail may not add to total due to rounding error.

Table 11.—Intergovernmental Payments and Capital Outlays, Fiscal Years 1955–1963

(In millions of dollars.)									
Item and level of government	1955	1956	1957	1958	1959	1960	1961	1962	1963
Intergovernmental payments:									
Police protection:									
By States.....	3	3	4	4	5	6	5	5	6
Correction:									
By Federal.....	3	3	3	3	3	3	4	4	4
By States.....	2	3	5	6	7	8	9	16	14
Capital outlays <sup>1</sup> for corrections:									
All governments...	72	72	78	93	117	104	109	138	123
Federal.....	1	2	3	3	4	5	5	10	10
State.....	46	52	51	68	87	69	86	81	77
Local.....	25	18	24	22	26	30	18	47	36

<sup>1</sup> Included in table 9.

Note: These data supplement table 9 and represent the largest areas in which intergovernmental payments and capital outlays are made in the law enforcement area. Such expenditures may be made in other areas, but figures are not available.

SOURCE: Bureau of the Census, Division of Governments.

amounts, expenditures, as indicated in table 13, would increase from \$4.6 billion in 1965 to \$9 billion by 1975. These figures deal only with the police, court and corrections functions. They do not include a substantial range of other broad-purpose programs, such as education, rehabilitation, antipoverty, and other programs which contribute to the prevention of delinquency and crime or to

the rehabilitation of offenders. Nor does table 13 reflect the new trend toward specific Federal grants-in-aid for law enforcement instituted in the law Enforcement Assistance Act of 1965 and the proposed Juvenile Delinquency Prevention, <sup>132</sup> and Safe Streets and Crime Control Acts <sup>133</sup> now pending before the Congress.

## PRIVATE COSTS RELATED TO CRIME

There are many private costs related to crime: The cost of employing equipment, services, or techniques to prevent its occurrence or reduce its impact; the cost of insuring against losses that crime might entail; the cost of being a party or witness in a criminal proceeding; and perhaps others.

## PREVENTION

Both businesses and private individuals employ a whole host of preventive devices, services, and techniques to protect against crime. At one end of the scale identifying these costs is easy. The burglar alarm is almost wholly for the prevention of crime. At the other end of the scale it is more difficult. Street lights have some relation to the prevention of crime while a pocketknife probably has very little. The fact that costs were incurred for the prevention of crime, however, does not insure that they were either necessary or effective.

<sup>132</sup> S. 1248, 90th Cong., 1st sess., March 10, 1967.

<sup>133</sup> S. 917, 90th Cong., 1st sess., Feb. 8, 1967.

Table 12.—Employment in Public Law Enforcement and Criminal Justice Functions—Federal, State, and Local Governments, Fiscal Years 1957 and 1961–1965

(In thousands)

Function and level of government	1957	1961	1962	1963	1964	1965	Average annual percent increase inclusive, 1957–65 <sup>3</sup>
Police protection: All governments.....	291	332	340	349	358	371	3.4
Federal.....	22	22	22	22	23	23	.6
State.....	28	34	35	36	38	40	5.4
Local.....	241	276	283	291	297	308	3.5
Judicial: All governments.....							
Federal <sup>1</sup> .....	7	7	8	8	9	9	3.6
State <sup>2</sup> .....							
Local <sup>2</sup> .....							
Corrections: All governments.....	70	97	101	106	112	117	5.2
Federal <sup>3</sup> .....	5	6	6	6	6	6	2.5
State.....	45	58	60	64	67	70	7.0
Local.....	20 <sup>4</sup>	33	35	36	39	41	13.1

<sup>1</sup> Figures are for average employment and include U.S. attorneys.

<sup>2</sup> Not available.

<sup>3</sup> Figures are for average employment.

<sup>4</sup> Reported figure appears too low.

<sup>5</sup> Simple average rather than compound rate.

SOURCE: Bureau of the Census, Division of Governments, except for figures on Federal, judicial, and corrections employment which were provided by the Bureau of the Budget.

### Burglar Alarms and Security Equipment—\$200 Million Plus

Burglar alarms, watchmen's equipment and other similar equipment may be purchased either as separate items or as a part of a manned security service offered to the public by a private firm. Based on industry estimates and excluding the cost of highly sophisticated equipment used principally for military and other installations related to national security, total yearly expenditures for equipment and installation costs could be estimated at about \$120 million. The cost of personal services connected with equipment where a total package is offered is discussed below.

About \$80 million more is spent for equipment such as safes, vaults, personal wall safes, bulletproof glass, iron grills, special photographic equipment, and the like.<sup>134</sup>

Many other devices such as cash registers, lighting, and locks, and some business practices such as detailed accounting systems and travelers checks, serve in part as a crime deterrent, although that is not necessarily their primary purpose.

It is also clear that some part of the large number of guns and other weapons sold each year are purchased for self protection. The NORC survey indicates that about 37 percent of all households maintain firearms for

Table 13.—Projected Expenditures by All Governments for Law Enforcement and the Criminal Justice System

(Amounts in millions of dollars; per capita outlays in dollars)

Function and level of government	Actual				Projected					
	1955		1960		1965		1970		1975	
	Amount	Per capita	Amount	Per capita	Amount	Per capita	Amount	Per capita	Amount	Per capita
Total: All governments.....	2,231	13.50	3,349	18.61	4,551	23.51	6,365	30.85	9,030	40.66
Federal.....	206	1.25	291	1.62	411	2.12	550	2.67	770	3.47
State.....	475	2.87	769	4.27	1,135	5.86	1,710	8.29	2,600	11.71
Local.....	1,550	9.38	2,289	12.72	3,005	15.52	4,105	19.90	5,660	25.48
Police protection: All governments.....	1,359	8.22	2,030	11.28	2,770	14.31	3,870	18.76	5,455	24.56
Federal.....	129	.78	173	.96	243	1.26	320	1.56	430	1.93
State.....	139	.84	245	1.36	348	1.79	530	2.58	825	3.71
Local.....	1,091	6.60	1,612	8.96	2,179	11.25	3,020	14.62	4,200	19.01
Judicial: All governments.....	409	2.47	597	3.32	782	4.04	1,050	5.09	1,455	6.55
Federal.....	49	.30	74	.41	109	.56	145	.70	220	1.00
State.....	68	.41	99	.55	155	.80	238	1.11	335	1.51
Local.....	292	1.76	424	2.36	518	2.68	675	3.27	900	4.05
Corrections: All governments.....	463	2.80	722	4.01	999	5.16	1,445	7.00	2,120	6.55
Federal.....	28	.17	44	.24	59	.30	85	.40	120	.95
State.....	268	1.62	425	2.36	632	3.26	950	4.60	1,440	6.49
Local.....	167	1.01	253	1.41	308	1.59	410	2.00	560	2.53
Addenda:										
GNP (billion dollars) <sup>1</sup> .....	464.5		521.1		676.3		860.0		1,100.0	
All governments as percent of gross national product.....	.48		.64		.67		.74		.82	
U.S. population (millions) <sup>2</sup> .....	165.3		180.0		193.6		206.3		222.1	

<sup>1</sup> For calendar years.

<sup>2</sup> As of July 1, excluding military personnel overseas; projection uses "B" assumption from Census Series P-25, No. 329, March 10, 1966.

SOURCES: Actual expenditures are from Bureau of the Census, Division of Governments, except for figures on Federal judicial functions, which were supplied by the Bureau of the Budget. Projections assume continuation of 1955–64 trend in each function and each level of government.

<sup>134</sup> These estimates are based on industry data and discussions with a number of experts, companies, and agencies. The Intrusion Detection Alarm Information Center, Department of Defense, was particularly helpful.

protection.<sup>135</sup> And 17 percent of all businesses surveyed in the three-city study kept firearms for protection although the study seemed to indicate that there might be a lower rate for precincts where crime was not so prevalent.<sup>136</sup>

Substantial costs are also incurred in the design of buildings for security purposes, but no estimates are available. Banks are only the most obvious example.

#### *Preventive Services—No Reliable Estimate*

Many businesses and residences employ private protective agencies, guards or other special personnel as a protection against crime. The 1960 census indicated a total labor force of 258,114 persons as guards, watchmen, and doorkeepers.<sup>137</sup> Some 67,277 of these were employed by government at some level. The census also indicated a total of 17,226 private detectives in the labor force. About 9,000 additional persons not listed in these categories are employed as railroad police. Adjusting these totals and the 1960 census median wage figures to reflect 1965 conditions, total wages could be estimated at about \$1 billion. Making allowances for supervisory personnel and other overhead costs, the total cost of this kind of service could be estimated at about \$1.35 billion.

#### *INSURANCE—\$300 Million*

Insurance is commonly available for protection against many crimes, but not all. Some common policies are:<sup>138</sup>

Type of policy:	Premiums written—1965 (millions of dollars)
Burglary and theft.....	118
Fidelity.....	116
Fire.....	2,172
Glass.....	40
Multiple line (includes all of above as well as other coverage).....	2,015
Auto:	
Fire, theft, etc.....	992
Collision.....	1,851

Other types of policies which offer some protection against various crimes are life, accident, and hospitalization.

To what extent are losses due to crime covered by insurance? The industry estimates that only 15 to 20 percent of all firms carry fidelity insurance,<sup>139</sup> and that less than a fifth of the losses resulting from fraudulent, dishonest, or criminal acts other than auto theft are indemnified by insurance.<sup>140</sup>

Theft coverage is not even normally available for such losses as business inventory shrinkage and is often denied to individuals or businesses in high risk areas. Premiums are based in part on loss rates in the particular area. Auto theft and fire insurance cover a relatively high percentage of all losses, while glass insurance protects against a very small amount of glass losses due to vandalism or other offenses.<sup>141</sup>

Losses paid out by insurance companies in 1964 for theft and similar offenses totaled more than \$236 million, as shown in table 14.

Table 14.—1964 Losses Paid Out by Insurance Companies

Personal jewelry.....	\$39,520,000
Personal furs.....	8,992,000
Stamp and coin collections.....	1,152,000
Travel baggage.....	992,000
Fine arts—dealers and museums.....	987,000
Motor truck cargo.....	16,576,830
Personal effects.....	888,978
Jewelers block.....	3,869,350
Garment contractors.....	2,526,110
Furrier customers.....	995,383
Furrier block.....	776,448
Fine arts—private.....	1,863,208
<b>National bureau casualty companies.....</b>	<b>79,139,307</b>
<b>Mutual companies.....</b>	<b>46,000,000</b>
<b>Commercial multiple peril.....</b>	<b>9,000,000</b>
<b>Fidelity:</b>	<b>57,000,000</b>
Stock.....	\$40,000,000
Mutuals.....	5,000,000
	<b>45,000,000</b>
	<b>236,139,307</b>

SOURCE: Gilbert Meyer, American Insurance Association.

From the standpoint of the individual who purchases insurance the premium is an immediate economic detriment, incurred to protect against the risk of a greater loss. It could be called a cost due to the possibility of crime. If a crime occurs the insured suffers no further loss because he is indemnified by the insurance company. From the standpoint of all insured individuals as a group and of society as a whole, however, the fact of insurance does not alter the amount of loss due to criminal acts. It merely distributes the loss among a large number of insured persons rather than allowing it to fall solely on the victim. This service of distribution does not come free, and those who take advantage of it must pay for it. Collectively, the cost of doing so is the overhead cost of the insurance, that is, not the amount of the premiums paid but the amount of premiums paid less the amount of losses indemnified.

The overhead cost of insurance is usually estimated at about 50 percent of the premiums received or about the same as the losses paid. This would indicate an annual cost of about \$300 million for the overhead cost of insurance against theft, including embezzlement and auto theft, and vandalism.<sup>142</sup>

#### *PRIVATE COSTS RELATED TO THE CRIMINAL JUSTICE SYSTEM*

##### *Defense Counsel—No Reliable Estimate*

About half of all felony defendants and much smaller percentages of other defendants retain and pay for their own counsel. While no reliable method of estimating these costs exists, based on estimates of the cost for public defender systems discussed above,<sup>143</sup> the cost is probably at least \$30 to \$40 million. Corporate counsel fees for offenses such as criminal antitrust suits could add appreciably to this figure.

##### *Bail Bonds—No Reliable Estimate*

This is a private expenditure which is a part of the total cost of the criminal justice system. Estimates of the

<sup>135</sup> NORC survey, supra note 4, unpublished data.

<sup>136</sup> Albert J. Reiss, Jr., "Problems and Practices for Protection Against Crime Among Businesses and Organizations" (a mimeo report to the President's Commission on Law Enforcement and Administration of Justice, 1967), pp. 13-14. The percentage was much lower in Boston, where gun control laws are more stringent, than the percentage in Washington.

<sup>137</sup> U.S. Department of Commerce, Bureau of the Census, "Characteristics of

the Population," (Washington: U.S. Department of Commerce, 1961), vol. 1, pt. 1, table 201, p. 1-526.

<sup>138</sup> Insurance Information Institute, supra note 37, pp. 10, 16, 21.

<sup>139</sup> Id. at p. 24.

<sup>140</sup> Id. at p. 25.

<sup>141</sup> Information from industry sources.

<sup>142</sup> This figure is derived from table 14 and estimated amounts for auto theft.

<sup>143</sup> Lee Silverstein, supra note 126, pp. 154-161.

total amount of bond business range as high as \$250 million a year with profits of \$4 plus million for insurance companies involved and \$20 plus million for the agents who write the bonds.<sup>144</sup> Recent reforms in the bail system have caused a drop in the bail bond business and can be expected to cause it to drop even further.

#### *Witnesses and Jurors—No Reliable Estimate*

While the fees paid to witnesses and jurors have gone up to more realistic levels in recent years, in most places they do not yet provide the same amount of income that persons would receive in their normal jobs. Unless paid by their employers, these persons consequently lose the difference between what they receive and what they would normally have been paid.<sup>145</sup>

#### SOME BENEFITS OF CRIME PREVENTION

While the criminal causes society to pay for the policeman, the judge and the prison, the property he steals, the bodily harm he inflicts, and numerous other expenses, he adds very little to the national wealth and income by his own productive labor. In a very real sense this is a loss to society although not a "cost" in the normal sense of the term.

If somehow all crime were suddenly eradicated and all criminal activity turned into productive labor the gain involved could be very great. This is of course unlikely in the real world. The magnitude of the figure is, however, an indication of the payoff in even small gains in the rehabilitation of prisoners and the prevention of criminal careers.

#### *Potential Earnings of Prisoners*

The average daily adult population of correctional institutions in 1965 was 362,900.<sup>146</sup> If all these prisoners were suddenly released, it is likely that some would not want to work, some would return to crime, some would want to work but be unable to find jobs for lack of skills or because of their records and some would find productive employment. Obviously no one can say what the percentages of each group or their earnings would be. Prisoners tend to be less well-educated and to have fewer acquired skills than the rest of the population but how much this would impair their earning ability is not knowable. If all prisoners actually were able to turn their efforts to productive labor and each earned the national median wage for males (\$4,414), the total would be just under \$1.6 billion.

From this total some deduction would have to be made for that portion of the prisoner's time which is now spent in productive labor. Some prisoners now produce goods and services which are sold to the public

and others do some useful work even though it is not compensated. In 1965 inmate wages in the Federal prisons totaled \$2,596,479.<sup>147</sup> In a few States work release programs have been instituted under which prisoners work at regular jobs by day and stay in prison by night.<sup>148</sup> It should also be pointed out that at least some of the time now spent by prisoners in education and training courses is productive time in the same way that education and training outside the prisons is productive. There are also some juveniles who are incarcerated in detention facilities of one sort or another. While many of these are not of an age where productive work is common, it seems obvious that some productive effort is being lost.

#### *Potential Earnings of Criminals*

There is no way at present of knowing either the number of criminals or the amount which they could contribute to the economy if they were engaged in productive work. The relevant figure here is the amount of productive time that is lost. This is more a matter of number of career criminals than the number of simple offenders.

The FBI estimates the number of full time criminals on the basis of fingerprint submissions of multiple offenders at about 1.1 million. At the national median wage that number of persons could earn about \$5 billion annually.

#### THE NEED FOR MORE DATA

As this chapter has shown the amount of information available about economic impact of crime is grossly inadequate.

The Commission recommended that this lack of information about the economic costs of crime in America be remedied—not only to furnish a better basis for assessing the nature and amounts of the various kinds of losses but also as a means for developing new and improved measures of control. Much of the study needed to do this can be accomplished in Federal, State, and local criminal justice agencies. Business associations must also contribute to the effort and university research should be greatly expanded. The National Criminal Justice Statistics Center proposed in chapter 11 of the Commission's general report and chapter 10 in this volume could collect annual cost data, be the central repository for it, and disseminate it widely to relevant agencies. In addition, periodic censuses and surveys could provide more detailed information that would be useful in indicating crime problems of national scope and in evaluating the relative effectiveness of the various crime prevention and control measures adopted by individuals, business, and governments.

<sup>144</sup> Ronald Goldfarb, "Ransom" (New York: Harper & Row, 1965), p. 96.

<sup>145</sup> President's Commission on Law Enforcement and Administration of Justice, "Task Force Report: Courts" (Washington: U.S. Government Printing Office, 1967), p. 90. See also the Wickersham Costs Report, *supra*, note 2, pp. 416-419.

<sup>146</sup> President's Commission on Law Enforcement and Administration of Justice,

"Task Force Report: Corrections" (Washington: U.S. Government Printing Office, 1967), p. 51.

<sup>147</sup> Federal Prison Industries, Inc., 1965 Annual Report, p. 6, shows the average monthly wage to be \$38.

<sup>148</sup> *Supra*, note 146, pp. 11, 56-57.

# Crime and the Inner City

One of the most striking facts about crime, especially in the big cities, is the consistent fashion in which the rates for different types of crime vary from one area to another. It is remarkable that these rates in any one city stay as steady as they do, allowing for the changes in the population from year to year. It is also surprising that the pattern of relationships between high- and low-rate crime areas changes so slowly.

The average city dweller learns to take such facts for granted as he grows up. Some areas have a reputation as tough and physically dangerous neighborhoods to wander in at night, some offer access to vice and other illicit pursuits, in others drug addicts or derelicts, petty thieves, and hustlers hang out together, while elsewhere the homes are quiet and safe, the streets and parks well used. Part of the excitement of the city is the variety and contrast of its specialized physical, social, and cultural environments for different activities and styles of life. People learn to search out the areas that fit their needs and interests and to avoid others, except for those who are forced to live in high crime areas because of economic necessity, residential segregation or other pressures. Even when they visit other cities in the United States, the characteristic signs of the different areas are recognizable in the houses, stores, condition of the streets, and the appearance and behavior of the inhabitants.

But if we are to understand crime, to control it, and to prevent it, this predictable pattern of variation in the rate of crimes by city districts must be accounted for. How in fact are different crimes distributed among the various areas of the city? Do these patterns change and show trends over time? Do these crime rates vary in predictable ways with other indicators of social conditions, such as differences in the economic, family, nationality, or racial characteristics of residents of different areas? What types of explanations can be found for the regularities, the variations, and the change which appear in research findings?

Whenever the indicators of a social problem, such as crime, follow a regular pattern in their geographical distribution and this pattern persists from one time period to another, it suggests that a systematic set of underlying social, economic, or psychological pressures is operating to produce the pattern. It is the purpose of this chapter to explore the way crime and delinquency rates vary between different areas of the city and to assess what

has been learned about related variations in the social and economic characteristics of these areas. Any satisfactory explanation for crime and delinquency must be able to account for the geographical distribution of rates. Furthermore, programs of prevention and control are likely to be more effective if they are based on knowledge of these variations in crime rates and in related social and economic conditions between different city areas.

The assumption that an intensive investigation of the geographical variations in crime rates would lead to a clearer identification of the economic and social conditions most likely to produce them has stimulated many studies, beginning over a century ago. It was just this kind of hunch which led Quetelet in Brussels to begin analyzing the implications of the new criminal statistics of France first published in 1827. Shortly thereafter Guerry in Paris began his careful and painstaking work with statistical maps, exploring such relationships as the extent of education and crime in France.<sup>1</sup> Since that time the creative and ingenious innovations of these early statisticians have been elaborated and tested in other countries as rapidly changing social conditions brought new problems, new perspectives and interpretations, and new techniques.

The first systematic and sustained effort to investigate the regularities in the variation of crime within a large city in the United States started in Chicago in 1921.<sup>2</sup> This analysis of the delinquency areas of Chicago by Clifford Shaw and his associates set off a wave of studies in other cities and a spirited debate about the interpretation of the findings, which is still being fed by new studies using different techniques, different measures, and competing theories. This development has been greatly aided by the growth and increasing sophistication of the field of human ecology which involves the study of the relationship of human individuals and groups to their physical, social, and cultural environment by geographers, demographers, and other social scientists.<sup>3</sup>

## PATTERNS OF CRIME VARIATION IN CITY AREAS

The National Commission on Law Observance and Enforcement published the second major ecological study of the Institute of Juvenile Research in Chicago in 1931.<sup>4</sup> This study was of particular significance since it demon-

<sup>1</sup> For a review of this early work see Clifford R. Shaw and Henry D. McKay, "Juvenile Delinquency and Urban Areas" (Chicago: The University of Chicago Press, 1942), pp. 5-14. A more detailed account of the innovative cartographic methods of Guerry is presented in Terence Morris, "The Criminal Area" (London: Routledge and Kegan Paul, 1957), pp. 43-54. A particularly interesting perspective on their work relates the contributions of Quetelet and Guerry to the emerging conceptions of crime of the Deterministic School in Leon Radzinowicz, "Ideology and Crime" (New York: Columbia University Press, 1966), pp. 30-42.

<sup>2</sup> Clifford R. Shaw, "Delinquency Areas" (Chicago: The University of Chicago Press, 1929), p. ix.

<sup>3</sup> Amos H. Hawley, "Human Ecology" (New York: The Ronald Press, 1950).

<sup>4</sup> Clifford R. Shaw and Henry D. McKay, "Social Factors in Juvenile Delinquency" Report on the Causes of Crime (Washington, D.C.: National Commission on Law Observance and Enforcement, 1931), pp. 2, 13.

strated that the characteristic patterns for delinquency rates in Chicago could also be found in Philadelphia, Richmond, Cleveland, Birmingham, Denver, and Seattle. Three of their major findings about the distribution of delinquency rates have been repeatedly borne out in subsequent studies, subject only to local and usually accountable variations:

"1. *Juvenile delinquents are not distributed uniformly over the City of Chicago but tend to be concentrated in areas adjacent to the central business district and to heavy industrial areas.*

"2. *There are wide variations in the rates of delinquents between areas in Chicago.*

"Rates of delinquents showing the ratio between the number of delinquents and the aged 10 to 16 male population were calculated for each of the 113 areas into which the city was divided for the purpose of this study. Rates were calculated of series of boys dealt with by the police, probation officers, a series of boys in the juvenile court, and a series of boys committed to correctional institutions. In each of these series there was a wide range of rates, some areas having rates of delinquents many times higher than the rates in other areas. In each series also the areas with the highest rates of delinquents are near the central business district and the heavy industrial centers, while the lowest rates are in the residential areas near the periphery of the city. The similarity of variation in the different series is indicated by the high coefficients of correlation secured when the rates of delinquents in each series are correlated with the rates in each of the other series. \* \* \*

"3. *The rates of delinquents tend to vary inversely with distance from the center of the City.*

"This general tendency is quite evident when the rates of delinquents are studied along lines radiating out from the center of the city. In most instances the highest rates are just outside of the central business district and the lowest rates in the outskirts of the city.

"This tendency of the rates to decrease outward from the center of the city is more obvious when rates of delinquents are presented more idealistically in large zones constructed by drawing concentric circles with a focal point in the central business district. In each series the highest rate of delinquents is in the first or central zone with a regular decrease out from the center in each successive zone. The percentage decrease for the four full zones in Chicago is almost the same for the three types of series presented."<sup>5</sup>

These patterns in the distribution of delinquency rates have stood up remarkably well under tests in many cities throughout the country and have also been found in Mexico City and Honolulu.<sup>6</sup> Most studies have concerned themselves with delinquency rather than adult crime patterns and have only rarely plotted the distribu-

tion of separate offenses. However, a typical distribution of crime rates is shown in figure 1 for the city of Grand Rapids, Mich., and occasionally the distribution of particular offenses are compared. For example, the study in Honolulu found that the distribution of arrests for vice followed most closely the distribution for delinquency court cases while suicide cases were much more widely dispersed than the other two series.<sup>7</sup>

A much more intensive and detailed study of the distribution of different offenses known to the police and the residences of arrested persons has recently been completed in Seattle.<sup>8</sup> The offenses known to the police were analyzed for the 3-year period 1949-51, and a second series based on persons arrested by the police was drawn for the 2-year period 1950-51.

When the crime rates for the various census tracts of the city were correlated with each other, certain offenses could be grouped together because they showed very similar patterns of distribution in the city. The closest degree of correspondence (intercorrelations over 0.90) was found in the spatial distribution of drunkenness, disorderly conduct, vagrancy, lewdness, petty larcenies and robbery (highway and car). Another closely related clustering of offenses (intercorrelations over 0.87) was found for burglary of residence by day and night and check fraud.<sup>9</sup>

Most of the offenses showed a varying degree of positive correlation with one another, indicating a tendency to follow somewhat similar patterns. However, bicycle theft showed negative correlations with most crimes studied and positive correlations only with indecent exposure and nonresidence burglary. The results of further study of the bicycle theft pattern illustrates the way in which the existence of special criminal opportunities can shape the distribution of crime rates. The research report notes a relatively high rate of bicycle theft in census Tract C3 located near the northern boundary of the city.

The extensive use of bicycles in this area, especially on the bicycle path around Green Lake, the several parks and bathing beaches, and the presence of a large bicycle rental agency are no doubt important factors that help to account for such an abnormally high rate of bicycle theft.<sup>10</sup>

Rather striking differences appear when the spatial distribution of different types of offenses are compared. This can be seen in table 1, where the number, percent, and rate of various offenses per 100,000 population is shown for the entire city, the central segment, and the remainder of the city. The central segment contained only 15.5 percent (72,355 persons) of the city population (467,591 persons) in the 1950 and 10.8 percent (7.1 square miles) of the area of the city (66 square miles).<sup>11</sup> It contains a number of distinctive areas surrounding the central business district and the waterfront docks, warehouses, and railroad, such as the "Skid Road" area of homeless men, a center of Oriental, Filipino, and Negro settlement; transitional residences and rooming houses, some predominantly working class and middle class dwellings and apartment houses; automobile sales and services

<sup>5</sup> Id. at pp. 383-385.

<sup>6</sup> Andrew W. Lind, "Some Ecological Patterns of Community Disorganization in Honolulu," *American Journal of Sociology*, 36: 206-220, September 1930. Norman S. Hayner, "Criminogenic Zones in Mexico City," *American Sociological Review*, 11: 428-438, August 1946.

<sup>7</sup> Andrew W. Lind, id. at p. 212.

<sup>8</sup> Calvin F. Schmid, "Urban Crime Areas: Part I," *American Sociological Review*, 25: 527-542, August 1960, and Calvin F. Schmid, "Urban Crime Areas: Part II," *American Sociological Review*, 25: 655-678, October 1960.

<sup>9</sup> Id. at pp. 529-534.

<sup>10</sup> Id. at p. 541.

<sup>11</sup> Id. at p. 657.



**Variation in Index Offense Rates by Police District**  
**Grand Rapids, Michigan, 1965**  
 (1965 Estimated Population, 208,000)

Figure 1

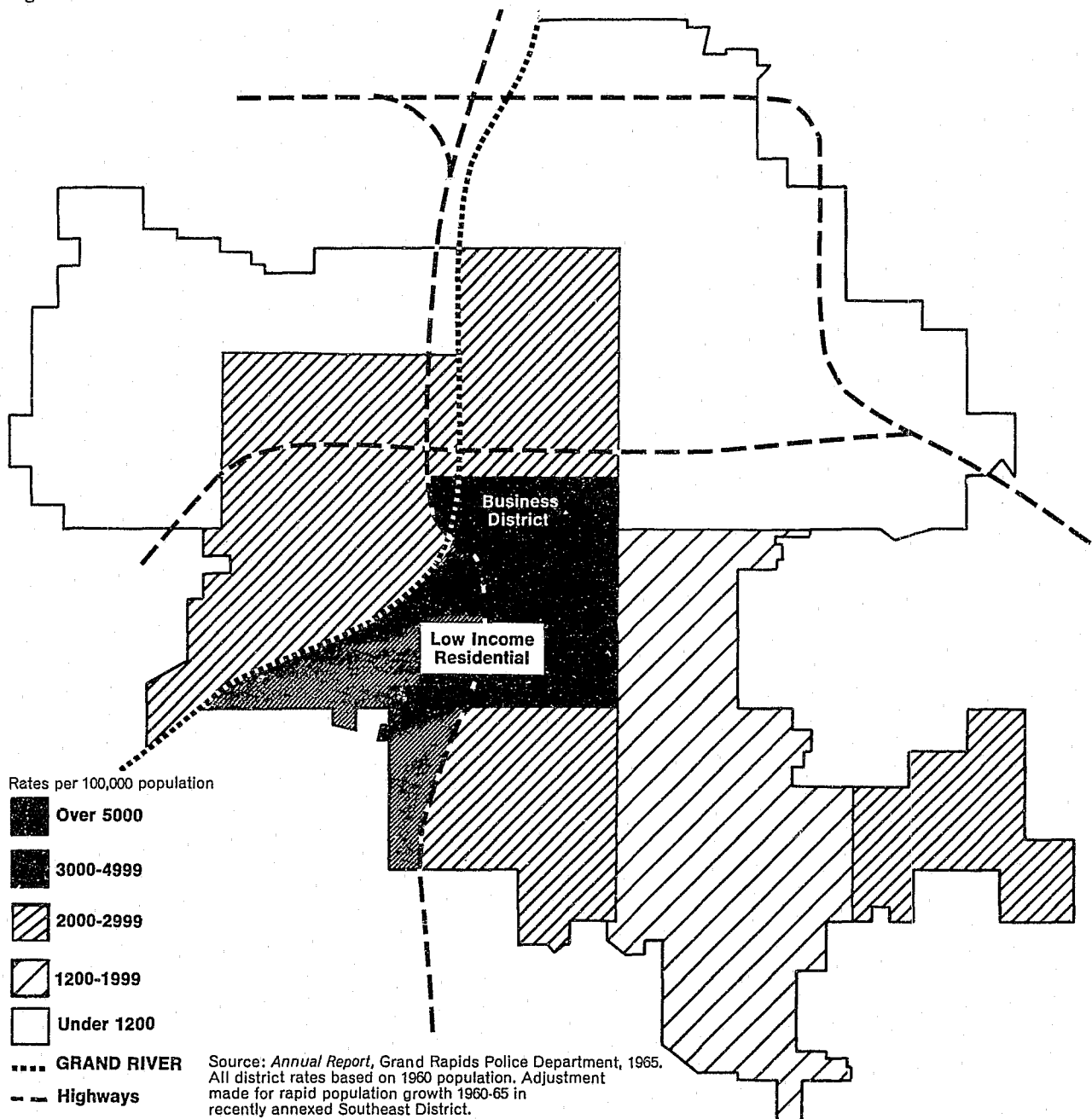


Table 1.—Distribution of Offenses Known to the Police According to Specified Crime Categories by Place of Occurrence in Central Segment of City, in Remainder of City and in Entire City, Seattle: 1949-51<sup>1</sup>

Crime	Number			Rate			Percent	
	Central city	Remainder of city	Entire city	Central city	Remainder of city	Entire city	Central city	Remainder of city
Homicide and assault:								
All forms of assault.....	922	623	1, 545	407	53	110	60	40
Felonious homicide.....	24	22	46	11	2	3	52	48
Other forms of homicide.....	5	4	9	2	(2)	1	56	44
Sex violations:								
Indecent exposure.....	161	420	581	71	36	41	28	72
Annoying women and children <sup>2</sup> .....	65	178	243	43	23	26	27	73
Indecent liberties.....	42	148	190	19	13	14	22	78
Sodomy.....	94	52	146	41	4	10	64	36
Other forms of perversion <sup>2</sup> .....	72	49	121	48	6	13	60	40
Carnal knowledge.....	55	60	115	24	5	8	48	52
Rape and intent to rape.....	46	64	110	20	5	8	42	58
Peeping tom <sup>2</sup> .....	13	57	70	9	7	7	19	81
Obscene phone calls <sup>2</sup> .....	14	51	65	5	7	7	22	78
Larceny:								
Theft from automobile.....	2, 621	4, 221	6, 842	1, 156	359	488	38	62
Miscellaneous larceny.....	3, 574	3, 256	6, 830	1, 577	277	487	52	48
Automobile theft <sup>2</sup> .....	1, 252	1, 301	2, 553	828	166	273	49	51
Bicycle theft.....	173	1, 873	2, 046	76	159	146	8	92
Shoplifting.....	750	184	934	331	16	67	80	20
Theft from person.....	678	129	807	299	11	58	84	16
Fraud, embezzlement, bunco:								
Check fraud.....	1, 904	1, 116	3, 020	840	95	215	63	37
False impersonation.....	333	103	436	147	9	31	76	24
Bunco, confidence, swindling.....	91	53	144	40	5	10	63	37
Other forms of fraud.....	50	9	49	22	1	4	85	15
Embezzlement.....	34	8	42	15	1	3	81	19
Burglary:								
Burglary, nonresidential, night.....	1, 875	2, 565	4, 440	827	218	317	42	58
Burglary, residential, night.....	923	1, 741	2, 664	407	148	190	35	65
Burglary, residential, day.....	548	628	1, 176	242	53	84	47	53
Burglary, nonresidential, day.....	91	128	219	40	11	16	42	58
Robbery:								
Robbery, highway.....	559	271	830	247	23	59	67	33
Robbery, nonresidential.....	179	208	387	79	18	28	46	54
Purse snatching.....	139	132	271	61	11	19	51	49
Robbery, residential.....	158	43	201	70	4	14	79	21
Other forms of robbery.....	106	15	121	47	1	9	88	12

<sup>1</sup> Each case represents an offense known to the police. Cases are allocated to places of occurrence.

<sup>2</sup> Less than five-tenths.

<sup>3</sup> Data for 2-year period, 1950-51.

Source: Calvin F. Schmid, "Urban Crime Areas: Part II," American Sociological Review, v. 25, August 1960, p. 658.

and other commercial business establishments; and some warehouse and light industry districts.<sup>12</sup>

Comparison of the rates of crime per 100,000 population in table 1 clearly establishes that the risk of victimization for all crimes except bicycle theft is greatest for those who visit or reside in the central segment of the city. The difference in risk ranges all the way from 27 times greater in "theft from the person" to less than a third greater in the offenses of "peeping tom" or "obscene phone calls." These differences also are found in those types of offenses which citizens say they report most often to the police, such as robbery. For all of the types of robbery listed in table 1 as a group, the risk is almost nine times greater in the central segment. To some extent, of course, these differences are exaggerated because the rates are based on resident population, and many persons who become victims of crime in the central segment are transients who would not be represented in the resident population count.

The percentage figures in table 1 also help to show the variations in concentration of crimes in the central segment. Of all types of offenses known to the police the central segment contributes the largest proportion of all types of fraud (65 percent) and all types of robbery

(63 percent) including purse snatching and nonresidential robbery. Some of the offenses for which the central segment accounts for more than half of those known to the police are assaults (60 percent), felonious homicide (52 percent), miscellaneous forms of robbery (88 percent), residential robbery (79 percent), and highway robbery (67 percent), while the remainder of the city absorbs a greater percentage of such crimes as various types of burglary and sex violations, except sexual perversions. Some of the crimes listed in table 1 such as shoplifting, fraud, and petty larceny are so seriously affected by nonreporting to the police that the distribution shown in table 1 may not correspond very closely to the actual distribution.

When the city is divided into six 1-mile zones radiating out from the city center, the usual pattern of high rates in the central zones and low rates on the outskirts is shown for most crimes.<sup>13</sup> As one might expect, this is most pronounced for the crime of embezzlement since the rates are based on place of occurrence of offense. The rate of embezzlement is 18.3 for zone I and 0.03 for zone VI. Bicycle theft is the only offense which runs counter to this pattern, showing a rate of 65.3 in zone I and 149.5 in zone VI. It should be noted, however, that

<sup>12</sup> Id. at Fig. 1, p. 656.

<sup>13</sup> Id. at p. 666.

the differences between the inner and outer zones for such offenses as peeping tom, obscene telephone calls, indecent liberties, and carnal knowledge are relatively small.<sup>14</sup>

#### DISTRIBUTION OF JUVENILE OFFENSES

Most of the studies dealing with juvenile delinquents show spatial distributions in the city only according to the total delinquency rate or occasionally the rate of truancy. A recent study in Madison, Wis., however, divides the city into three relatively distinct areas and provides information on the types of acts by juveniles which resulted in a contact with the police.<sup>15</sup> A police contact in this study meant any interaction between a Madison police officer and a juvenile which resulted in a report being filed with the Crime Prevention Bureau of the police department.

The distribution of different types of acts by juveniles resulting in a police contact are shown distributed among the three districts of Madison in table 2 according to the place of residence of the offenders. The rates are for the period 1950-55 and are based on school estimates of the juvenile population age 6 to 18. They reflect the results of a sample of 1,876 juveniles whose records showed a total of 4,554 acts or police contacts, an average of 2.47 acts per person. The west district in table 2 is an area of high income, middle and upper class residents. The east district is composed of laboring and middle class residents of moderate income, and the central zone has residents of the working class and lower working class with generally low incomes.

Table 2.—Delinquent Acts Resulting in Police-Juvenile Contacts by Zone of City: Madison, Wis. 1950-55<sup>1</sup>

Acts	Average acts per 1,000 juveniles per year			
	Central	West	East	Total city
Incorrigible, runaway.....	34.10	13.55	29.97	26.65
Disorderly conduct.....	31.82	14.05	22.40	23.65
Contact—Suspicion, investigation, information.....	25.92	6.47	17.80	17.61
Theft.....	23.35	4.37	13.30	14.61
Traffic (operation).....	16.45	11.45	12.37	13.73
Vagrancy.....	19.77	4.27	12.90	13.03
Liquor.....	9.17	1.65	7.77	6.49
Burglary.....	4.77	.67	4.17	3.36
Auto theft.....	4.15	1.77	2.85	3.06
Sex offenses.....	2.13	.20	1.23	1.27
Traffic (parking).....	1.27	.87	.90	1.06
Truancy.....	1.12	.47	1.00	.91
Assault.....	.75	.00	.40	.42
Other delinquent acts.....	10.08	3.04	6.02	6.76
Total delinquent acts.....	185.05	63.13	133.08	132.65

<sup>1</sup> Sample of City of Madison juveniles from files of Crime Prevention Bureau, 1950-55.

Source: Lyle W. Shannon, "Types and Patterns of Delinquency in a Middle-sized City," *The Journal of Research in Crime and Delinquency*, v. 1, January 1964, p. 60-62.

The variation in police contact with juveniles in these districts is quite large. The rate is only 66 per 1,000 juveniles for those living in the west zone, but for those in the east zone it is more than twice as great (138) and for those in the central zone it is nearly three times as

great (193). It is clear from table 2 that a considerable amount of police contact with juveniles is not for acts which would be criminal for an adult. Furthermore, these types of contact are experienced proportionately much more often by those residing in the central and east districts. This is particularly true of contacts involving suspicion, investigation, or information. The west district juvenile rates come closest to the other districts in connection with acts involving vehicles. The relative likelihood that a juvenile will be involved in a serious criminal acts shows quite sharp gradations from one district to another with the exception of burglary where the central rate (5) is very close to the east rate (4) but greatly different from the west rate (1).

The trustworthiness of such findings on the geographical distribution of delinquent acts depends, as do nearly all of the data presented in this chapter, on how well the agency statistics reflect the distribution of all serious acts of delinquency or crime that actually happen. This will clearly vary in relation to the seriousness of the offense, whether the act is reported to the police or not, whether it can be detected by the police or not, whether the record system is accurate or not, and a number of other factors. However, for the purpose of comparing different areas of a city, it is not necessary to know about every act that occurs. Official information would still be adequate for most crimes to show the *relative* variation in crime rates between different city areas, providing that the offenses and the offenders in these areas have roughly the same chance of coming to official notice and action. There is increasing evidence from studies of police handling of juvenile offenses that this assumption is probably true, especially for the more serious offenses which are not confined within the family context, as in the case of domestic assaults.<sup>16</sup> These studies show that relatively little discrimination based on race, social class, or income appears to operate for the more serious offenses. In both recording and disposing of juvenile offenses, the arrest history of the offender, the type of offense, and the age of the offender appear to have the most effect in deciding what action to take.<sup>17</sup>

In disposing of minor offenses, however, such criteria as race, family status, and income level may enter into the official decision sufficiently to bias the statistics against the lower income areas of residence. Recent studies also indicate that this type of bias in the delinquency statistics, produced by a greater likelihood that official action resulting in a record will take place in the poorer areas, varies from one city to another depending on the type of police department and the standards of the police officer. Two recent comparative studies of a "professional" police department and an old-time "fraternal" police department indicate important differences in police recording and disposition of juvenile offenses.<sup>18</sup> The professional department arrested a larger proportion of the juveniles with whom they came in contact and released fewer of them. The fraternal department was more reluctant to arrest and refer to the court. However, the

<sup>14</sup> *Id.* at p. 666.

<sup>15</sup> Lyle W. Shannon, "Types and Patterns of Delinquency in a Middle-sized City," *The Journal of Research in Crime and Delinquency*, v. 1:53-66, January 1964.

<sup>16</sup> Nathan Goldman, "The Differential Selection of Offenders for Court Appearance" (Washington, D.C.: National Research and Information Center and National Council on Crime and Delinquency, 1963). A. W. McEachern and Riva Bauzer, "Factors Related to Disposition in Juvenile Police Contacts," in Malcolm W. Klein, ed., "Juvenile Gangs in Context" (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1967),

pp. 148-160. For additional references and a useful review see David J. Bordua, "Recent Trends: Deviant Behavior and Social Control," *The Annals of the American Academy of Political and Social Science*, 369: 149-163, January 1967.

<sup>17</sup> Goldman, *id.* at pp. 125-132.

<sup>18</sup> James Q. Wilson, "The Police and the Delinquent in Two Cities," in Stanton Wheeler, ed., "Controlling Delinquency" (New York: John Wiley & Sons, forthcoming publication). Aaron Cicourel, "The Social Organization of Juvenile Justice" (New York: John Wiley & Sons, forthcoming publication).

professional department was more likely to ignore such factors as race, family status, and economic status. The fraternal department was more likely to take these criteria into account in the recording and disposition of offenses, but even when these were taken into account, they affected primarily the way minor offenses were handled. Evidence on this point is also available from a study of communities in the area of Pittsburgh which found that the rate of referral of Negro juvenile offenders to court for serious offenses was 87.5 percent of those arrested and the rate for white children was 79.3 percent. However, for minor offenses the rate of referral for Negro children was 53.2 percent and the white rate 22.6 percent.<sup>10</sup> This type of bias would over-represent the Negro areas of residence as compared to white areas in juvenile statistics on court referrals by place of residence.

Apparently, the biasing effect of public attitudes, economic and social status, and police criteria for decisions do affect significantly the recording and disposition of offenses and offenders; and consequently the rates for different areas of the city. Several studies, for example, have now shown that police reactions to the attitude of the juvenile toward the authority of the police make a great deal of difference in the decision to arrest and record a contact, and it may be that persons of a racial minority group and low economic status in a slum area will be more likely to be defined as having a defiant and hostile attitude.<sup>20</sup> Nevertheless, the available studies and findings do encourage the belief that, if only the more serious offenses are counted, a reasonable amount of confidence may be placed in the picture they present of the relative variation in the delinquency rates between different city areas.

#### COMPARISON OF AREA OFFENSE RATES AND AREA OFFENDER RATES

In describing the distribution of crime and delinquency rates by city areas, one can calculate the area rates on the basis of where the offense took place or where the offender resided. These procedures produce different pictures of the distribution of the crime problem. The procedure to use depends on the purpose of the study. Where the principal interest has been to show which areas bear the greatest burden of crime or present the most attractive opportunities for various types of crime, area of occurrence of the offense, utilizing reports on offenses known to the police, has been the appropriate choice. Where the main interest is in identifying the characteristics of areas which house or produce the most criminals, then area rates are calculated on the basis of the apprehended offender's place of residence. The latter procedure is the one that has been used most often.

When both of these procedures are used and the two resulting pictures of the crime problem are compared, it is possible to see the different types of contribution to the crime problem which different areas of the city make. At the same time it is possible to secure a sense of the mobility of offenders in search of different types of criminal oppor-

tunities. This type of comparison has been made possible by use of the data on offenses known to the police and on arrests by the police developed by Schmid and his associates in Seattle.

The number, percent, and rate of arrest for different offenses are shown in table 3 for the entire city of Seattle, the central segment, and the remainder of the city. Some of the data in this table can be compared directly with the data on offenses known to the police in table 1.

Comparison of tables 1 and 3 demonstrates clearly that the central segment and the remainder of the city differ considerably in the rate with which they contribute either criminal opportunities or criminals for different types of offenses. For example, 41 percent of the persons arrested for robbery resided in the central segment, while 63 percent of the robberies occurred there. This suggests that some robbers seek the greater opportunity and anonymity of the central segment when their area of residence is some place else. This may also be true of the crime of sodomy, since 64 percent of the offenses are reported in the central segment but only 37 percent of those arrested for this offense reside there. One can see why this might also apply to opportunities to commit fraud, and tables 1 and 3 show that 85 percent of offenses classified as "other forms of fraud" occurred inside the central segment, whereas only 56 percent of those arrested in this category resided there. This finding stands in notable contrast to such forms of fraud as bunco, confidence game, and swindling, since 63 percent of these crimes were reported to occur in the central segment, while 74 percent of those arrested for those offenses resided there. One of the largest discrepancies is found for auto theft. While 23 percent of the arrested offenders resided in the central segment, 49 percent of the auto thefts occurred there.

The degree to which the mobility of the offender varies for different offenses is addressed more directly in recent data reported to the Task Force from Seattle.<sup>21</sup> This information from the statistical bureau of the Seattle Police Department compares the census tract of occurrence of the offense with the tract of residence of the offender for 19,327 persons arrested in Seattle in 1965. In table 4 is shown for different offense categories whether the offender resided in the same tract in which he committed his offense, whether he resided elsewhere in the city, or whether he resided outside the city. In general, offenders are much more likely to move out of their neighborhood in connection with crimes against property than in crimes against persons. To some extent forcible rape and robbery are exceptions to this generalization in crimes against persons and so is arson in crimes against property. Certain of the crimes of vice and those against public order are also locally based: narcotic law violations, drunkenness, liquor law violations, and prostitution and commercialized vice. Others involve more mobility; carrying or possessing weapons, driving under the influence, and gambling.

These findings corroborate the general conclusions drawn from a study of residence of offender and place of occurrence of offense carried out in Indianapolis in

<sup>10</sup> Goldman, *supra*, note 16, p. 127.

<sup>20</sup> Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," *American Journal of Sociology*, 70: 206-214, September 1964. Carl Werthman, "The Function of Social Definitions in the Development of Delinquent Careers," in Task Force Report Juvenile Delinquency, President's Commission on Law Enforcement and Administration of Justice, Appendix J, (Washington, D.C.: Government Printing Office, 1967). Carl Werthman and Irving Piliavin, "Gang Members and the Police,"

in David J. Bordua, ed., "The Police: Six Sociological Essays" (New York: John Wiley & Sons, in press).

<sup>21</sup> Albert J. Reiss, Jr., "Place of Residence of Arrested Persons Compared With Place Where the Offense Charged in Arrest Occurred For Part I and II Offenses," A report to the President's Commission on Law Enforcement and the Administration of Criminal Justice, (mimeo) 1966.

Table 3.—Distribution of Arrests According to Specified Crime Categories by Residence of Offender in Central Segment of City, in Remainder of City and in Entire City, Seattle: 1950-51<sup>1</sup>

Crime	Number			Rate			Percent	
	Central city	Remainder of city	Entire city	Central city	Remainder of city	Entire city	Central city	Remainder of city
Homicide and assault:								
All forms of assault <sup>2</sup>	136	124	260	180	32	56	52	48
Carrying concealed weapons	131	90	221	87	11	24	59	41
Felonious homicide	10	9	19	7	1	2	53	47
Sex violations:								
Lewdness	705	369	1,074	466	47	115	66	34
Prostitution	129	54	183	85	7	20	70	30
Indecent liberties	14	37	51	9	5	5	28	72
Sodomy	18	31	49	12	4	5	37	63
Indecent exposure	11	22	33	7	3	4	33	67
Carnal knowledge	7	15	22	5	2	2	32	68
Rape and intent to rape	6	6	12	4	1	1	50	50
Drunkenness and narcotics:								
Drunkenness	11,847	6,388	18,235	7,839	815	1,950	65	35
Common drunkenness	733	67	800	485	9	86	92	8
Violation of liquor laws	182	116	304	124	15	33	62	38
Violation of narcotics laws	90	41	131	60	5	14	69	31
Vagrancy and disorderly conduct:								
All forms of vagrancy	1,738	669	2,497	1,150	85	257	72	28
Disorderly conduct	529	396	925	350	51	99	57	43
Disorderly conduct, fighting	310	224	534	205	29	57	58	42
Gambling	37	56	93	24	7	10	40	60
Obscene language	42	34	76	28	4	8	55	45
Resisting public officer	32	42	74	21	5	8	43	57
Larceny:								
Petty larceny	358	265	623	237	34	67	58	42
Automobile theft	56	184	240	37	23	26	23	77
Shoplifting	74	43	117	49	5	13	63	37
Theft from automobile	33	67	100	22	9	11	33	67
Other forms of larceny	19	12	31	13	2	3	61	39
Fraud, Embezzlement, Bunco:								
Miscellaneous forgeries	50	30	80	33	4	9	62	38
Bunco, confidence, swindling	41	14	55	27	2	6	74	26
Other forms of fraud	29	23	52	19	3	6	56	44
Burglary and robbery:								
Burglary	121	235	356	80	30	38	34	66
Robbery	35	50	85	23	6	9	41	59
Miscellaneous crimes:								
Drunk driving <sup>3</sup>	201	582	783	266	148	167	26	74
Negligent driving <sup>3</sup>	46	240	286	61	61	61	16	84
All others <sup>3</sup>	28	49	77	37	12	16	36	64

<sup>1</sup> Each case represents one arrestee. Recidivists counted only once. Cases allocated according to residence of arrestee.<sup>2</sup> Data for 1951 only.<sup>3</sup> Data for 1950 only.Source: Calvin F. Schmid, "Urban Crime Areas: Part II," *American Sociological Review* v. 25, August 1960, p. 659.

1931.<sup>22</sup> The data, based on all cases disposed of in the Marion County Criminal Court in 1930, made it possible to measure on a map the distance from the center of the residence census tract to the center of the offense census tract for the 481 cases shown by offense category in table 5. The mobility patterns for different offenses do not seem greatly different in Seattle 35 years later, though the data are not exactly comparable.

The arrest data provide some clues as to the distribution of offenses in the city. Arrest data are especially useful for studying the distribution of crimes of vice and offenses against the public order since these offenses become known primarily through the initiative of the police rather than a complainant. However, as noted above, since these types of offenders also show varying degrees of mobility in searching for criminal opportunities, arrest data provide only a rough indication of where these crimes actually occur.

Despite this reservation the residential location of persons arrested for crimes of vice and offenses against the public order shows a high degree of concentration. For

example, as shown in table 3 for Seattle, 65 percent of persons arrested for drunkenness, 92 percent of those arrested for common drunkenness (a category used for confirmed alcoholics), and 62 percent of those arrested for liquor law violations resided in the central segment. Twenty-three percent of the drunkenness arrestees, 50 percent of the common drunkenness arrestees, and 20 percent of the liquor law violators lived in the "Skid Road" area. Similarly, while 69 percent of the narcotics law violators lived in the central segment, 30 percent of the total city narcotic arrests were of persons residing in the Chinatown-Jackson Street area. A similar concentration is found for those arrested for prostitution or vagrancy. Thus the residence of offenders in crimes of vice and offenses against the public order tend to show a greater concentration in the central district and contiguous areas than most other crimes. It seems likely that if data on the place of occurrence of such offenses rather than the residence of the offender were available, the concentration would undoubtedly be even greater.

<sup>22</sup> Clyde R. White, "The Relation of Felonies to Environmental Factors in Indianapolis," *Social Forces*, v. 10-498-509, May 1962.

Table 4.—Comparison of Place of Offense and Residence of Offender for Parts I and II Crimes, Seattle, 1965

Offense charged on arrest	Residence of arrested offender (percent)			
	Same tract	Elsewhere Seattle	Outside Seattle	Unknown
<b>Part I offenses:</b>				
Forcible rape.....	15	69	16	0
Assault to rape, attempts.....	54	38	8	0
Robbery.....	29	53	12	5
Aggravated assault.....	35	47	14	4
Other assaults.....	42	45	10	3
Burglary, breaking or entering.....	26	59	12	2
Larceny, theft.....	13	68	14	6
Auto theft.....	13	68	17	2
<b>Part II offenses:</b>				
Arson.....	40	57	3	0
Forgery and counterfeiting.....	20	59	17	5
Fraud.....	19	47	28	6
Embezzlement.....	18	45	28	9
Stolen property buying, receiving, possessing.....	27	54	16	4
Vandalism.....	27	60	12	1
Weapons: carrying, possessing, etc.....	15	65	14	5
Prostitution and commercialized vice.....	34	59	3	4
Other sex offenses.....	30	51	16	3
Narcotic drug law.....	41	43	11	4
Gambling.....	14	69	9	8
Offenses against family and children.....	67	33	0	0
Driving under the influence.....	13	64	20	4
Liquor laws.....	38	43	13	6
Drunkenness.....	33	48	6	12
Disorderly conduct.....	27	55	12	6
Vagrancy.....	26	61	4	9

Source: Special Tabulation of 1965 Arrests: Seattle Police Department. Cited in Reiss, supra, note 21, table 1, pp. 13-21.

Table 5.—Distance<sup>1</sup> Between Offender's Residence and Place of Offense for Specific Crimes in Indianapolis, 1930<sup>1</sup>

Crime	Number of cases	Mean distance <sup>2</sup> (miles)
<b>Against person.....</b>	<b>37</b>	<b>.84</b>
Rape.....	11	1.52
Assault and battery.....	16	.91
Manslaughter.....	9	.11
<b>Against property.....</b>	<b>444</b>	<b>1.72</b>
Auto banditry.....	9	3.43
Embezzlement.....	21	2.79
Robbery.....	20	2.14
Vehicle taking.....	76	1.77
Burglary.....	121	1.76
Grand larceny.....	117	1.53
Obtaining money falsely.....	38	1.47
Petty larceny.....	25	1.42

<sup>1</sup> Felonies disposed of by the Marion County Criminal Court during the calendar year 1930.

<sup>2</sup> The distance from the middle of the residence census tract to the middle of the offense census tract.

Source: Clyde R. White, "The Relation of Felonies to Environmental Factors in Indianapolis," *Social Forces*, v. 10, May 1932, p. 507.

#### TRENDS IN THE CRIME AND DELINQUENCY RATES OF CITY AREAS

As we have seen, the studies of different types of crime and delinquency rates have established that these rates follow a fairly consistent pattern in their distribution throughout the geographical areas of the city, and that this pattern shows a considerable amount of similarity among American cities. A further question concerns the stability of this pattern of crime rates from one time

period to another. Do these rates show any trends? Do changes in the area rates alter the relative standing of these areas in the total crime distribution pattern of the city? Do the higher crime rate areas remain the higher crime rate areas?

The pace of change is swift in American cities. Commerce and light industry invade the less intensively utilized land spaces. Old slums are torn down and replaced by high-rise apartment units. Older migrants to the city are displaced by more recent arrivals competing for low cost housing and unskilled laboring jobs. New highways cut through the territory of old ethnic enclaves of immigrants, creating new physical boundaries to movement and community identity. In all this incessant turmoil, growth, and change what happens to the geographic patterns of crime and delinquency rates which existed before?

The answer appears to be that the general pattern of distribution of crime and delinquency rates among the various areas of the city remains the same, even though some of these rates may change drastically in a few areas where major shifts in land use and population composition have occurred. This conclusion rests, however, on relatively few studies that have been carried out in the same fashion, for the same city, and at different time periods. In the recent study of Seattle, for example, a special effort was made to collect comparable data on the area crime rates in the years 1939-41 to compare with the 1949-51 series.<sup>23</sup> Though the *actual* or *absolute* rates for different crimes were not the same in the two time periods, due partly to changes in definition and classification of crimes, the same pattern of *relative* variation from the central to the outer zones of the city remained the same. The similarity of the patterns of distribution of crime rates among city areas for the two periods varied somewhat. For example, the patterns for highway robbery for these periods showed a correlation with each other of 0.94, nonresidential burglary 0.93, nonresidential robbery 0.81, and residential burglary 0.65.

The most fully developed time series of the geographic distribution of crime and delinquency rates in a city are those assembled for Chicago.<sup>24</sup> Table 6 shows the rates for different series of delinquents who were referred to the Juvenile Court of Cook County over a 40-year period from 1900 to 1940. The rates are shown for the city of Chicago, which is divided into five 2-mile concentric zones with the focal point of the zones located in the center of the central business district. Though the *absolute* sizes of the rates differ, the same *relative* tendency for the rates to be highest in zone 1 (the central district zone) and lowest in zone 5 (the outermost part of the city) holds for all series, except for the reversal of rank in zones 4 and 5 in the first series, 1900-1906. During this 40-year period Chicago experienced enormous growth in population and industrial and economic power. It also was confronted with the task of assimilating wave after wave of new immigrants with very different cultural values and expectations. In the light of this ceaseless turmoil of change and new development, the relative stability of the relationships between the zonal rates is impressive.

Though the comparison of rates by city zones is useful

<sup>23</sup> Schmid, supra, note 8, pp. 669-670.

<sup>24</sup> For the most current statement on these studies see Henry D. McKay and

Solomon Kobrin, "Nationality and Delinquency" (Chicago: Institute of Juvenile Research, Department of Mental Health, State of Illinois, 1966).

Table 6.—Rates of Delinquents Per 100 Males, 10–17 Years of Age, in Chicago by 2-Mile Concentric Zones, For Selected Time Periods 1900–40

Years	Zone				
	I	II	III	IV	V
1900–1906.....	16	9	6	4	6
1917–23.....	10	7	4	3	3
1927–33.....	10	7	5	3	2
1934–40.....	9	9	6	4	2

Source: Henry D. McKay and Solomon Kobrin, "Nationality and Delinquency" (Chicago: Institute of Juvenile Research, Department of Mental Health, State of Illinois, 1956).

to demonstrate the stability of relationships between delinquency areas, it also obscures important changes in neighborhood rates of delinquency as the result of social and economic change. We need much more detailed study of the way in which the changing character of life in the city affects the rates of delinquency and crime in the many different geographical areas of the city. It will require more intensive study of the trends in rates in the same areas in relation to the various physical, demographic, economic, and cultural changes which may have occurred. Such studies should also take account of the effects of changes in the organization, policies, and practices of the criminal justice system itself. From such studies we could obtain a much clearer idea than we now possess of the way delinquency rates reflect the existing structure of life within these areas and the way they are affected by changes both inside the area and in the city as a whole.

McKay has taken a beginning step in this direction by drawing trend lines of delinquency rates for 74 community areas of the city of Chicago.<sup>25</sup> These trend lines are based on five different series of delinquents appearing before the Juvenile Court of Cook County from 1927 to 1962. Selected for special study were the five community areas where the trend in rates showed the greatest increase and the five areas showing the greatest decrease in rates. The areas showing the greatest increase were areas where "a largely middle class white population was replaced by a Negro population coming partly from other city areas and partly from outside of the city." Four of the areas showing the greatest decrease in rates extend directly southward from the central business district and are areas which have formed the heart of the Negro community for more than 30 years. The fifth area of greatest decrease is on the outskirts of the city where there has been a rapid increase of population, but where the population is 93 percent white. The increases in area rates were attributed to the breakdown of institutional controls and the disruption of roles and opportunities to participate in local political and economic institutions due to the fact that a new racial group moved in and displaced the former residents. Conversely, it was suggested that the areas showing decreasing delinquency rates are areas where new institutional controls and more stable role relationships have had time to become established.

"These areas of greatest decrease in rates of delinquents were the areas with the highest rates 30 or more years ago. At that time they resembled, in many ways, the characteristics of the areas of highest rates in the nineteen sixties. The evidence is not conclusive, but it seems that in the thirties the institutional and role disruption in these areas was very much the same as the disruption in communities (showing the greatest increases in rates), \* \* \* during the past few years.

"\* \* \* Surely the most suggestive finding of this study of trends in rates of delinquents is the finding that in the same period the areas of greatest increase and the areas of greatest decrease in rates of delinquents, were areas occupied primarily by Negro people. Note that these opposite changes took place over the same period of time in different parts of the same city."<sup>26</sup>

One cannot assume on the basis of these findings that order will gradually emerge from disorder by some "self healing" process. Much effort has been expended to develop more stable institutions and community relationships in these decreasing rate Negro areas, and the delinquency rates are still above the average for the city. These findings do indicate, however, the great importance of studying more closely what happens to the institutions in an area when a new group moves in. If it is true that the period of transition creates a chaotic situation which becomes resolved only when the new group develops its own network of institutionalized roles, then crime prevention programs might concentrate on how these roles, so essential for social control, might be developed more swiftly.

#### SOURCES OF IRREGULARITY IN CRIME PATTERNS

The presentation of the distribution of crime and delinquency rates by census tracts, community areas, or concentric mile or 2-mile zones sometimes gives the impression of disjointed and abrupt breaks in the delinquency patterns. This is to some extent an artifact of the manner of presentation, reflected by the necessity to use somewhat arbitrary boundaries for areas. The general assumption that has characterized these studies is that the distribution of offenses and offenders shows a fairly continuous decreasing density from the center of the city outward to the suburban areas. Even within census tracts offenses and offenders usually show up on spot maps more heavily concentrated toward the central district side of the tract rather than the side toward the periphery of the city.<sup>27</sup>

This assumption of a fairly continuous decline in rates outward from the city center, while apparently a generally valid description for most American cities, must allow for many exceptions. Cities are broken up by physical and social barriers which often create sharply juxtaposed contrasts in the economic and cultural characteristics of adjacent city areas. In the growth of a city the existence of physical barriers such as rivers, railroads,

<sup>25</sup> Henry D. McKay, "A Note on Trends in Rates of Delinquents in Certain Areas of Chicago," in Task Force Report on Juvenile Delinquency, President's Commission of Law Enforcement and Administration of Justice, Appendix F, (Washington, D.C.: Government Printing Office, 1967).

<sup>26</sup> *Id.*

<sup>27</sup> See spot-maps in Shaw and McKay, "Juvenile Delinquency in Urban Areas," *supra*, note 1.



canals, viaducts, lakes, parks, elevated lines, and high-speed limited access highways turn and shape the flow of population so that great differences in the characteristics of adjoining areas and their population may result, which in turn find reflection in very different rates of delinquency. Such contrasts show up in nearly all of the studies. These natural or artificial barriers sometimes create the circumstances for the development of rather homogeneous settlements of racial and ethnic groups whose measures for social control may produce much lower delinquency rates than neighboring groups.<sup>28</sup>

However, perhaps the most common source of irregularity in the distribution of delinquency rates is the development of industrial and commercial subcenters at various points in the city, near the periphery, or in suburban areas. This was immediately noticed in the first studies undertaken in Chicago. It was noted that rates decreased as they radiated outward from the city center except toward the south, where they increased again in the commercial and industrial subcenter of South Chicago and Pullman adjacent to Lake Calumet, and in the west near the Union Stock Yards.<sup>29</sup> South Chicago and Pullman were originally independent cities until they were annexed to Chicago in 1889. This area still functions as a relatively independent industrial and commercial subcenter. All of the juvenile delinquency series of rates developed in Chicago showed higher rates in this area than surrounding districts.<sup>30</sup> Similarly the Union Stock Yards and affiliated industries in the west were incorporated into Chicago in the general annexation of 1889. This area continues to some extent to function like South Chicago as a secondary industrial and business center with its own radiating effect on delinquency rates.

A study of the Detroit metropolitan area and its surrounding region indicates that the tendency for higher rates of crime and delinquency to be associated with centers of industrial and commercial development is the prevailing pattern outside the central city as well.<sup>31</sup> Satellite centers of business and industry in the suburban areas and surrounding region produce slightly higher crime rates than are found in the intervening areas. This tendency holds true for the offenses analyzed (murder, rape, robbery, assault, burglary, larceny, and auto theft), but it is most evident in the case of property crimes. This type of break in the declining size of crime rates from the city center confirms the general conclusion of these ecological studies; areas which show intensive commercial and industrial development also are the places where most crimes occur, since they offer more opportunities for most types of crime and are usually areas with highly transient populations and weak social controls.

## THE RELATION OF CRIME TO OTHER SOCIAL INDICATORS

The discovery of relatively stable and systematic variations in the distribution of crime rates among the geo-

graphical areas of the city has led to a constant search for the distinctive social and economic characteristics of the high as compared to the low crime rate areas. If it should be found that high crime rate areas have a typical and distinctive social structure, then it would be possible to identify and study in greater detail the specific social processes which produce the variations in crime rates. Such explorations might also provide useful indications of the direction which crime prevention and control programs should take to be most effective.

Thus a major part of the research effort concerning the distribution of crime rates within cities has tried to establish the relation between these rates and other features of urban areas. The studies in Chicago found a high degree of relationship between delinquency rates and the existence of other social problems in urban areas, such as school truancy (0.89), infant mortality (0.64), tuberculosis (0.93), and mental disorder (0.72).<sup>32</sup> In addition to showing that areas having high rates of crime also show high rates for other social or health problems, indicators were developed on the physical and economic status of these areas and the composition of the population. The concentration of delinquency in or adjacent to areas of heavy industry and commerce has already been noted. In addition, high crime rate areas tend to show the following characteristics: decreasing population (a correlation of 0.52 for one series of rates and 0.69 with another), a high percentage of families on relief (0.89), low monthly rents (-0.61), low rates of home ownership (-0.49), and a high percentage of foreign-born or Negro heads of family (0.60).<sup>33</sup>

These findings were based on studies in Chicago, and studies in other cities have not only generally confirmed these relationships but have often identified additional variables, such as: in Philadelphia high rates of demolition of residences (0.72);<sup>34</sup> in Indianapolis a high percentage of land used for business purposes (0.56) and low per capita contributions to the Community Fund (-0.60);<sup>35</sup> and in Baltimore a low average education (-0.51), low proportion of owner-occupied dwelling units (-0.80), high proportion of non-white (0.70), and a high proportion of overcrowded and substandard dwelling units (0.73).<sup>36</sup> The contrast that can occur in such characteristics between different areas of the same city is shown rather clearly in table 7 for a high and low delinquency area in Peoria, Ill.

In general, there has been a considerable amount of agreement among the various studies as to the social and demographic characteristics of areas which are most closely associated with crime. In part, this agreement is attributable to the fact that correlations have been made with total rates of crime or delinquency based on the offender's residence. When the crime rates are based on offenses known to police, rather than on arrests or court appearance, the factor of opportunity at the place of occurrence of the crime comes more into focus, and somewhat different area characteristics emerge as most important.

<sup>28</sup> See discussion on cultural enclaves, *infra*.

<sup>29</sup> Shaw, "Delinquency Areas," *supra*, note 2.

<sup>30</sup> Shaw and McKay, "Juvenile Delinquency in Urban Areas," *supra*, note 1.

<sup>31</sup> Stuart Lottier, "Distribution of Criminal Offenses in Metropolitan Regions," *Journal of Criminal Law and Criminology*, 29: 37-50, May-June 1938.

<sup>32</sup> Shaw and McKay, "Juvenile Delinquency in Urban Areas," *supra*, note 1, pp. 86-101.

<sup>33</sup> *Id.* at pp. 134-163.

<sup>34</sup> *Id.*, p. 203.

<sup>35</sup> Clyde R. White, "The Relation of Felonies to Environmental Factors in Indianapolis," *Social Forces*, v. 10: May 1932, p. 504.

<sup>36</sup> Bernard Lander, "Toward an Understanding of Juvenile Delinquency" (New York: Columbia University Press, 1954). Several other studies have used additional variables reporting a close relation to crime and delinquency rates, though no zero order correlations are given. In Seattle Schmid found the following factors had

close association with certain types of offenses; high percentage of males, high percentage 60 years old and over, low percentage married, low number of children per 1000 females, low median income, low number of dwelling units with television, high percentage of females in the labor force, high percentage of males unemployed, high mobility, and high percentage of old housing (Schmid, *supra*, note 8, p. 530). In Detroit Bordua found a high percentage of unrelated individuals was a useful indicator: David J. Bordua, "Juvenile Delinquency and 'Anomie': An Attempt at Replication," *Social Problems*, 6: 230-238, Winter, 1958-59. In Indianapolis Chilton successfully used high number of persons per household, high percentage of wage workers, low percentage of couples with own household, high proportion of service workers, high percentage of old homes and low percentage of new homes: Roland J. Chilton, "Continuity in Delinquency Area Research: A Comparison of Studies For Baltimore, Detroit, and Indianapolis," *American Sociological Review*, 29: 71-83, February 1964.

Table 7.—Community Characteristics of High and Low Rate Delinquency Areas in Peoria<sup>1</sup>

Community characteristics	Rate or average <sup>2</sup>	
	Low delinquency area	High delinquency area
Delinquency.....	0.53	6.58
Church membership.....	33.45	18.83
Divorce.....	1.64	3.79
Suicide.....	0.27	0.51
Residential mobility.....	6.03	10.39
Proportion of males in population.....	45.48	52.89
Infant mortality.....	0.61	2.15
Insanity.....	0.34	1.14
Total adult crime.....	1.87	16.73
Relief.....	0.17	2.88
Average property values.....	\$481.00	\$277.00
Average rent.....	\$40.07	\$23.10
Home ownership.....	60.75	30.38
Annual income.....	\$2,813.50	\$1,166.88
Unemployment.....	0.91	4.50

<sup>1</sup> Based on cases of behavior problems brought before juvenile probation officers, 1930-37.

<sup>2</sup> The units of measure are either rates based on population proportions or average dollar amounts as in the case of rentals, property values, and annual income.

Source: Clarence W. Schroeder, "Peoria, Illinois," in chapter 17, Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas*. Chicago: Univ. of Chicago Press, 1942, p. 395.

Important differences also can be seen when crimes against property are treated separately from crimes against the person. These differences can be illustrated from data collected in Atlanta, Ga.<sup>37</sup> Table 8 shows the number and rate of crimes against the person and crimes against property classified by the median family income of the area in which the crime was committed. Victimization by crimes against the person is much more concentrated in the low income areas than crimes against property. The rate of crimes against the person is over eight times as great in the lowest income areas as compared to the highest, while for crimes against property it is less than twice as great. The high rates for the downtown area reflect the opportunity factor and are inflated by the high transient and low resident population of the area.

Table 8.—Crimes by Income of Area in Which Committed<sup>1</sup>

1959 median family income	Number of reported crimes			Crimes per 1,000 residents		
	Against the person <sup>2</sup>	Against property <sup>3</sup>	Total	Against the person <sup>2</sup>	Against property <sup>3</sup>	Total
Under \$3,000.....	470	2,112	2,582	5.8	26.2	32.1
\$3,000 to \$3,999.....	361	1,771	2,132	4.6	22.7	27.3
\$4,000 to \$4,999.....	195	1,689	1,885	2.5	21.6	24.1
\$5,000 to \$5,999.....	193	1,721	1,914	2.4	21.4	23.8
\$6,000 to \$6,999.....	92	1,609	1,701	1.3	22.2	23.4
\$7,000 to \$7,999.....	24	436	460	0.8	15.3	16.1
\$8,000 to \$8,999.....	21	509	530	0.8	18.7	19.4
\$9,000 and over.....	45	918	963	0.7	13.7	14.4
Subtotal.....	1,402	10,765	12,167	2.7	21.0	23.7
Tracts F-19, 27, and 35 <sup>4</sup> .....	86	1,182	1,268	22.8	313.0	335.8
Total.....	1,488	11,947	13,435	2.9	23.1	26.0

<sup>1</sup> Crimes reported, July 1, 1964-June 30, 1965, Atlanta Police Department.

<sup>2</sup> Murder, rape, aggravated assault, and robbery.

<sup>3</sup> Burglary, larceny from buildings, and auto theft (based on samples of reported cases).

<sup>4</sup> Downtown tracts with high rates due to characteristics other than median family income (less than \$2,000).

Source: Opportunity for Urban Excellence: Report of the Atlanta Commission on Crime and Juvenile Delinquency, February, 1966, p. 59.

<sup>37</sup> Atlanta Commission on Crime and Juvenile Delinquency, "Opportunity For Urban Excellence," February, 1966.

These results, however, present a relatively diffused picture of the distribution of crime when they are compared to the distribution of convicted offenders in crimes against the person and crimes against property classified by the same categories of median family income in their area of residence, as shown in table 9. The residences of the offenders show more concentration in the low income areas than do the crimes. Family income areas with medians under \$4,000 account for 71 percent of the offenders against the person and only 51 percent of the crimes against the person. Similarly, the areas below \$4,000 median family income account for over 58 percent of the persons convicted of crimes against property but only 36 percent of the crimes against property.

Table 9.—Crimes by Income of Area in Which Offender Resided<sup>1</sup>

1959 median family income of area	Number of offenses			Offenders per 1,000 residents		
	Against the person <sup>2</sup>	Against property <sup>3</sup>	Total	Against the person <sup>2</sup>	Against property <sup>3</sup>	Total
Under \$3,000.....	43	124	167	0.51	1.47	1.98
\$3,000 to \$3,999.....	31	91	122	.40	1.47	1.56
\$4,000 to \$4,999.....	9	74	83	.11	.94	1.06
\$5,000 to \$5,999.....	16	43	59	.20	.53	.73
\$6,000 to \$6,999.....	2	18	20	.03	.25	.28
\$7,000 to \$7,999.....	1	11	12	.04	.39	.42
\$8,000 to \$8,999.....	2	2	4	.07	.07	.15
\$9,000 and over.....	0	6	6	-----	.09	.09
Total.....	104	369	473	.20	.71	.91

<sup>1</sup> Crimes reported, July 1, 1964-June 30, 1965, Atlanta Police Department.

<sup>2</sup> Murder, rape, aggravated assault, and robbery.

<sup>3</sup> Burglary, larceny from buildings, and auto theft (based on sample of reported cases).

Source: Opportunity for Urban Excellence: Report of the Atlanta Commission on Crime and Juvenile Delinquency, February 1966, p. 61.

Thus a low median family income in an area is more closely related to the residential location of offenders than it is the place of occurrence of offenses, but if crime or delinquency rates are broken down into types of offense, an even more varied picture will emerge. This is suggested rather clearly by the data presented in table 10 and adapted from the study of Seattle. This shows the degree of relationship between 18 social and demographic variables for census tracts and the rates for robbery (highway and car) and indecent exposure offenses known to the police, which were 2 of the 20 offenses analyzed in the study that showed clear differences in distribution.

Highway and car robbery offenses are most likely to occur in areas characterized by a high percentage of unemployed males, a high percentage of males, a low level of school grades completed, a low percentage of persons in the 14 years and over population who are married, and a low level of median income. Indecent exposure, however, is more likely to occur where there are a high percentage of females in the labor force, a low number of children per 1,000 females in the area, a low percentage of dwelling units that are owner-occupied, and a high percentage of dwelling units built prior to 1920. Thus, the two characteristics, percent male unemployed and percent male, that best describe the high risk robbery areas are

not descriptive at all of the areas of high risk for the offense of indecent exposure. Similarly, the best descriptive factor for areas most subject to the offense of indecent exposure, percent females in the labor force, has little value in characterizing robbery prone areas.

Table 10.—Intercorrelations of Crime Rates and Social and Demographic Variables, Seattle, Wash.: 1949-51

Social and demographic variables	Offenses known to police	
	Robbery (highway and car)	Indecent exposure
1. Percent male unemployed.....	0.852	0.079
2. Percent male.....	.843	-.114
3. Percent 60 years old and over.....	.459	.254
4. Percent dwellings units built prior to 1920.....	.441	.314
5. Percent laborers.....	.376	.058
6. Percent foreign-born white.....	.316	.153
7. Percent Negro.....	.316	-.086
8. Percent living in different country, 1949-50.....	.284	.223
9. Percent females in labor force.....	.125	.437
10. Population growth and decline 1940-50.....	-.137	-.286
11. Number children per 1,000 females.....	-.198	-.341
12. Percent proprietors and managers.....	-.328	-.196
13. Percent professional workers.....	-.331	-.114
14. Dwelling units with television.....	-.416	-.212
15. Percent dwelling units owner-occupied.....	-.443	-.349
16. Median income.....	-.531	-.241
17. Percent of 14 years and over, married.....	-.554	-.292
18. Median grade completed.....	-.557	-.075

Source: Adapted from Schmid, *supra*, note 8, table 2, p. 530.

Many of the variables which are highly associated with crime rates have also been shown to be highly associated with each other. In recent years a number of attempts have been made to coalesce these diverse indicators into simpler sets of variables which could be used to characterize more directly the basic features of the urban areas relevant to crime. The mathematical techniques of factor analysis make it possible to manipulate the statistical interrelationships between these various indicators to identify the ones which best hang together. These efforts have yielded anywhere from two to eight basic factors depending in part on the number and types of variables introduced.

One of the most recent studies of this type also re-analyzed two previous studies and showed that all three reached a remarkable degree of agreement despite the fact that they were done in different cities for different time periods, in Baltimore, Detroit, and Indianapolis.<sup>38</sup> The results suggest that a basic socioeconomic factor is at work in the production of high delinquency rates based on residence of offenders that can be indicated best by such variables as overcrowded housing, the percentage of unrelated individuals, and mobility which is negatively represented by the "proportion of persons reporting that they did not move during the preceding year." In the final analysis of the Indianapolis data the factor most closely related to delinquency also showed close relationships to overcrowded and substandard housing and high mobility. It also showed moderately close relationships to low education, low income, low percentage of owner-occupied dwelling units, and low percentage of married men.<sup>39</sup>

To be most useful these techniques need to be applied to the distribution of different types of offenses in relation to area characteristics. An attempt to do this with 20 offenses, using the Seattle data, produced eight basic factors which brought together different groupings of offenses with such descriptive variables of the areas as low occupational status, low family status, low economic status, high or low mobility, and race.<sup>40</sup> An indication of the potential usefulness of this technique is evident in the clarity with which the "Skid Road" syndrome of characteristics emerged. This factor reflected "a social pattern characterized by large proportions of unmarried and unemployed males."<sup>41</sup> Significant relationships emerged for percentage of the population classified as male (0.782), percentage unemployed (0.647), and low proportion of the population married (-0.375). The crime pattern showed very close relationships for common drunkenness, vagrancy, drunkenness, lewdness, petty larceny, fighting, and robbery (highway and car).

This study goes on to develop profiles for individual census tracts based on the relative applicability of the eight basic factors to each tract.<sup>42</sup> Many of the profiles of the individual tracts on these factors were very similar and others very different. This opens up the possibility that a smaller set of typical crime pattern profiles can be developed for classifying the criminal potential of city areas in a more precise, distinctive, and useful way. Tracts could then be grouped together because of the similarity of their social, economic, or demographic characteristics and their crime patterns without regard to where they were located in the city. This would free the analysis from the restriction of geographic location and avoid the averaging out of very different types of areas, a tendency for which the zonal approach has been constantly criticized.

Studies to achieve this objective have recently been undertaken under the heading of "social area" analysis. The goal is to identify a set of census variables which will make it possible to classify the various social areas of the city into as distinctive types as possible. One can then use these groupings to study the distribution of social problems or to make other useful comparisons. The basic problem is to derive a set of variables that will yield the most distinctive and useful groupings for a variety of purposes. Tryon solved this by using a technique of cluster analysis on census data for San Francisco and the East Bay area.<sup>43</sup> Shevky and his associates developed a typology based on an analysis of previous ecological and social studies and tested it for the Los Angeles Area and the San Francisco Bay Region.<sup>44</sup> The Shevky-Bell typology has been used most frequently in analyzing the distribution of crime and delinquency. This typology contains three dimensions. The first is called economic status and is based on measures of occupational status (total number of craftsmen, operatives, and laborers per 1,000 employed persons), and educational level (number of persons who have completed no more than grade school per 1,000 persons 25 years old and over).<sup>45</sup> The second is named family status and is based on the fertility ratio

<sup>38</sup> Chilton, *supra* note 36.

<sup>39</sup> *Id.* at pp. 80-81.

<sup>40</sup> Schmid, *supra*, note 8, pp. 535-539.

<sup>41</sup> *Id.* at p. 538.

<sup>42</sup> *Id.* at pp. 539-541.

<sup>43</sup> Robert C. Tryon, "Identification of Social Areas by Cluster Analysis" (Berkeley and Los Angeles: University of California Press, 1955).

<sup>44</sup> Eshref Shevky and Wendell Bell, "Social Area Analysis" (Stanford: Stanford

University Press, 1955). See also references to earlier explorative work by Shevky and his associates.

<sup>45</sup> In this presentation the alternative typological designations suggested by Bell have been used instead of the original designations, which were social rank for economic status, urbanization for family status, and segregation for ethnic status. See Wendell Bell, "The Utility of the Shevky Typology for the Design of Urban Sub-Area Field Studies," *Journal of Social Psychology*, 47: 71-83 February 1958.

(number of children under 5 years per 1,000 females age 15 through 44), women in the labor force ratio (number of females in the labor force per 1,000 females 14 years old and over), and single family detached dwelling units ratio (number of single-family dwelling units per 1,000 dwelling units of all types). The third dimension is called ethnic status and is based on race and nativity (high proportion of non-native-born white persons in total population of tract).

Only a few studies have been made using these typologies, but the results, particularly in studies of delinquency, show promise. In Seattle it was found that the two typologies yielded very similar results in that the comparable dimensions showed high intercorrelations.<sup>46</sup> It was also discovered that for certain crime patterns, particularly the "Skid Road" variety, single indexes, such as percent male or percent male unemployed, frequently showed higher correlations than did the typologies.<sup>47</sup>

One of the most informative applications of the Shevly-Bell typology occurred in the study of crime and delinquency rates in Lexington, Ky.<sup>48</sup> The distribution of the crime rates showed little relationship to family status (-0.16) but a closer relationship to economic status (-0.52) and racial status (0.47) of the areas. The delinquency rates however, showed a relationship to all three (-0.35, -0.38, and -0.48 respectively).<sup>49</sup>

One of the interesting results involved the computation of the ratio of juvenile to adult arrest rates. It was found that the proportion of delinquency to adult crime *increases* as family status (-0.53) and racial status (-0.28) of areas *decrease*. However, the proportion of delinquency to adult crime *increases* with an *increase* in the economic status (0.40) of social areas. Putting these relationships together shows the proportion of delinquency to adult crime will be greatest when high economic status is combined with low family status, as can be seen from the following progression in the delinquency/crime ratio: low economic-low family status, 22.0; low economic-high family status, 28.1; high economic-high family status, 33.5; high economic-low family status, 62.2.<sup>50</sup> One possible interpretation of this finding is that high economic status areas show fewer adult arrests, and a condition of low family status tends to be associated with more delinquency. Thus, the combined interactive effect of these two tendencies becomes evident in a sharp increase in the proportion of delinquency to adult crime for areas characterized as high economic-low family status areas.

Several significant relationships are obtained between the social areas variables and crime and delinquency rates for specific age, sex, race, and offense categories.<sup>51</sup> For example, nonwhite delinquency shows no relation to economic status (0.05) or racial status (0.03) of census tracts but is significantly related to low family status (-0.49). The nonwhite adult crime rate shows mildly negative relationships to all three factors in the social areas typology, but it is the only category that shows the crime rate increasing as the percent nonwhite in the area decreases. The association of the family status variable is primarily with youth delinquency, though it

seems to be more closely related to male delinquency (-0.38) than female delinquency (-0.12). The young adult age group 18 to 24 contributes heavily to the crime totals, and here the high association with economic status (-0.58) and racial status (0.63) and the lack of association with family status (-0.03) are particularly striking. With respect to the offense categories, racial status shows especially high associations with juvenile (0.68) and adult (0.59) sex offenses, criminal homicide, and assault (0.67), but very little relationship with juvenile homicide and assault (0.18).

These studies using social area analysis have raised many issues that are unresolved, such as the relative value of the typologies versus single variables for different problems and the applicability of social area analysis to offense as compared to offender data. However, further exploration of the usefulness of these typologies in revealing the significant dimensions of social areas for the crime problem is clearly indicated.

## THE RELATIONSHIPS OF NATIONALITY AND RACE WITH CRIME AND DELINQUENCY BY CITY AREAS

From the data presented thus far it appears that the application of ecological methods to the description and understanding of crime and delinquency has yielded only fragmentary insights and guidelines for action. However, a better realization of the potential and value of this type of analysis can be secured from the results relating nationality and race with crime and delinquency.

At the time of the Wickersham Commission in the late twenties and early thirties, the country was aroused about the state of lawlessness reflected in the operations of organized criminal syndicates in the illegal manufacture and distribution of alcoholic beverages.<sup>52</sup> Many of these organized criminal gangs were recruited from the immigrant populations in the big city slums, and these areas provided a base of operations.<sup>53</sup> In addition there was public concern about the excessive over-representation of foreign-born immigrants and their children among those arrested, convicted, and sentenced for crime or disposed of by the juvenile court for delinquent acts.<sup>54</sup> This public concern, which is evident again today in connection with the high crime and delinquency rates exhibited by the new minority groups inhabiting the slums of large cities, found reflection in detailed studies of the relation between ethnicity and crime.

The greatest contribution of data for public consideration of this problem was made through the series of studies in Chicago.<sup>55</sup> The use of ecological methods permitted them to go beyond the simple relationship between crime rates and nationality. It enabled them to demonstrate the operation of a relatively effective process of assimilation of these different nationality groups into the mainstream of American economic and social life. With this assimilation the high rates of crime and delinquency as well as a number of other social problems disappeared. It enabled them to focus public attention

<sup>46</sup> Schmid, *supra*, note 8, p. 672.

<sup>47</sup> *Id.* at pp. 672-673.

<sup>48</sup> Richard Quinney, "Crime, Delinquency, and Social Areas," *The Journal of Research in Crime and Delinquency*, 1: 149-154, July 1954.

<sup>49</sup> *Id.* at table 1, p. 151.

<sup>50</sup> *Id.* at table 2, p. 152.

<sup>51</sup> The following results are drawn from Quinney, *ibid.*, table 4, p. 153.

<sup>52</sup> National Commission on Law Observance and Enforcement, "Enforcement of the Prohibition Law of the U.S." Vol. 1, No. 2 (Washington, D.C.: Government Printing Office, 1931).

<sup>53</sup> *Ibid.*

<sup>54</sup> Shaw and McKay, "Social Factors in Juvenile Delinquency," *supra*, note 4, p. 98.

<sup>55</sup> See Shaw and McKay, "Juvenile Delinquency in Urban Areas," *supra*, note 1. Also see, McKay and Kobrin, *supra*, note 24.

on the conditions of life, and on cultural and social change, rather than on inherent criminality as a function of national origin.

The problem of public stereotyping of certain nationality groups at that time as inherently criminal is not unlike the criminal stereotyping of the Negro and other minority groups today. These early studies did not attempt to refute the clearly demonstrable fact that the crime rates of certain nationality groups were disproportionately high. Instead, they amassed evidence to show that while this fact was attributable, in some measure, to the social and cultural traditions of these groups, mainly it was a consequence of the socially disorganized nature of the conditions under which they were forced to live. The overwhelming thrust of the evidence was that the high rates of crime were not a consequence of being German, Irish, Scandinavian, Polish, Italian, or Slavic, but a consequence of their life situation.

Three types of data were assembled for studying the relation of race, nationality, and nativity with crime and delinquency rates. These data related to

- (1) The succession of nationality groups in the high-rate areas over a period of years;
- (2) Changes in the national and racial backgrounds of children appearing in the Juvenile Court; and
- (3) Rates of delinquents for particular racial, nativity, or nationality groups in different types of areas at any given moment.<sup>56</sup>

Marked changes were noted in the composition of the population inhabiting the high delinquency and crime rate areas near the central district over a period of many years. The Germans, Irish, English-Scotch, and Scandinavians in Chicago were gradually replaced by the Italians, Polish, and persons from Slavic countries. Despite the change in population the rates remained high relative to other areas in the city. Nor were those families left behind by each nationality group the most delinquent. They actually produced fewer delinquents than their proportion in the population of the area would lead one to expect.<sup>57</sup>

As the older immigrant group moved out, their children appeared proportionately less often in the Juvenile Court, and the court intake reflected instead the disproportionate appearance of the new arrivals. Nor did the children of the disappearing nationality groups raise the court intake in their new areas either for foreign-born or native-born children.<sup>58</sup>

Comparison of the rates for whites and Negroes, native and foreign-born, and old and new immigrants, classified by the area rates for white delinquents, shows that all of these groups have rates that range from high to low. Each racial and nationality group shows a considerable range in rates. At the same time these different groups produce much the same rate when they live in the same areas.<sup>59</sup>

There is some difficulty in comparing the rates for different groups at any one time because of the concentration of the new groups in the high rate areas. Nevertheless

when tracts are compared that are closely comparable in living conditions, very similar rates are revealed. In more recent comparisons of the rates for Negro and white delinquents in Chicago, considerable difficulty was encountered in identifying comparable areas for the two groups. Even in the same tracts the whites were found to occupy the better quarters and were, of course, not subject to the same discrimination in access to employment and other opportunities.<sup>60</sup> In the last major sample in the Chicago studies, the 1934-40 Juvenile Court Series, application of a method of statistical standardization for partially equating the population distribution of white and Negro males yielded a standardized delinquency rate of 4.41 per 100 white youth age 10-17 and 14.55 per 100 Negro youth.<sup>61</sup> Despite this difference the study concludes,

"All of the materials in this study indicate that if situations could be found where Negro and white children had equal opportunities in all meaningful aspects of life, the widely observed differences in rates of delinquents would be greatly reduced and perhaps would disappear."<sup>62</sup>

This limitation in the ecological method, the difficulty of locating comparable living conditions for the comparison of the experience of different population groups, was explored in some detail in a study in Baltimore.<sup>63</sup> Two white and two Negro areas were selected so as to permit as full an equating as possible of the conditions of life and the demographic characteristics of the population between each pair of matched Negro and white areas. Because of the segregation each area was quite racially homogeneous. Furthermore, the paired areas had about the same size population, similar age and sex differences, predominantly lower occupational levels, the same low levels of education, comparable size households, generally low health status though somewhat lower in the Negro areas, and general comparability on such indices as condition of dwellings, homes with radios, refrigeration equipment, and presence of central heating unit. The chief differences were that the white populations, predominantly of foreign-born extraction, were a settled population of long residence in their areas, while the Negro populations had sizeable groups of new migrants. Homeownership was much greater among the whites, the Negroes being primarily renters. The Negroes also paid higher rents for comparable dwelling units. The whites were "one step up the occupation ladder above Negroes."<sup>64</sup>

The results showed considerably higher rates of felons convicted in 1940 in the Negro as compared to the matched white areas. The white rates for males were 2.36 and 2.21, while the rates for the respectively paired Negro areas were 15.11 and 12.47.<sup>65</sup> The juvenile delinquency rates, however, per 1000 population, age 6-17, for the years 1939-42 were much closer. The white rates were 14.4 and 22.0, while the Negro area rates were 26.7 and 28.4.<sup>66</sup>

The discrepancy in the crime rates might have been anticipated since, as we have already seen in other studies,

<sup>56</sup> Shaw and McKay, *Id.* at p. 149.

<sup>57</sup> *Id.* at pp. 151-152.

<sup>58</sup> *Id.* at p. 152.

<sup>59</sup> *Id.* at pp. 152-153.

<sup>60</sup> McKay and Kobrin, *supra*, note 24.

<sup>61</sup> *Id.* at table 57.

<sup>62</sup> *Id.* at p. 125.

<sup>63</sup> Earl R. Moses, "Differentials in Crime Rates Between Negroes and Whites," *American Sociological Review*, 12: 411-420, August 1947.

<sup>64</sup> *Id.* at p. 417.

<sup>65</sup> *Id.* at table V, p. 418.

<sup>66</sup> *Id.* at p. 418.

the differences which did exist between the Negro and white areas are ones which show high associations with crime rates, such as the high percentage of home ownership in the white area, a stable white population and a mobile Negro population and somewhat higher occupational status in the white area, that is, more craftsmen, foremen, and kindred workers as contrasted with laborers and domestic service workers among the Negro population. What is surprising is the relatively close correspondence in delinquency rates despite these differences. Nevertheless, the study does indicate the grave difficulties in locating truly equated areas for such controlled comparisons.

The basic findings in the Chicago studies of the spatial distribution of nationally and racial delinquency rates have not gone unchallenged. The primary objection is that the concern with documenting the effects of the process of assimilation on the delinquency rates within each nationality group led to the neglect of significant differences in the crime and delinquency rates of nationality groups arising from different tolerances in their own cultural and historical tradition for various forms of deviance.<sup>67</sup> Reference has been made to the low rates of delinquency and crime in areas of Oriental settlement, to significant differences in the delinquency of children of Russian Jewish immigrants and Italian immigrants in New York City though they entered at much the same time, and to the high rates of arrest of Jewish boys for violating street peddling laws.<sup>68</sup> It seems to be generally conceded that these cultural differences can influence significantly the *actual* or *absolute* size of the delinquency rate.<sup>69</sup> However, the main propositions of the Chicago studies rest not so much on the actual size of the rates but the relationship between these rates. It is the *relative* difference between area rates for the same or different nationality groups depending on their length of residence in the city and the amount of movement toward the better integrated, more comfortable and settled areas toward the periphery of the city that supports the principal findings.<sup>70</sup>

#### THE CULTURAL ENCLAVE

One of the most significant findings of the ecological studies has been the identification of enclaves of culturally different insulated groups who have maintained low rates of crime and delinquency despite exposure to poverty, discrimination, exploitation, and disadvantageous conditions. Perhaps the most striking capacity to do this has been observed in areas of Oriental settlement in large cities. In Seattle a school district comprised of 90 percent Japanese boys showed a low delinquency rate of 5.7 despite the fact that the rate for the rest of the area was 27.7.<sup>71</sup> This district was located in a very deteriorated section of town with "the highest concentration of homicides, houses of prostitution, unidentified suicides, and cheap lodging-houses in Seattle."<sup>72</sup> Of the 710 boys who were sent to the Parental School (a boy's reform school) from 1919 to 1930 from Seattle, only three were Japanese, and the cases of these three indicated that they had lost "vital contact with the racial colony."<sup>73</sup>

This same type of situation was observed and studied in Vancouver. In an 8-year period (1928-36) a total of 4,814 delinquents appeared in the Vancouver Juvenile Court.<sup>74</sup> Only 19 were Orientals. During this period the delinquency rate for the whites was 15.65 per 1,000 and for the Orientals 1.0 per 1,000.<sup>75</sup>

Further investigation revealed that the Oriental children in Vancouver resided in areas of high delinquency and they attended schools with bad delinquency records. Furthermore the status of the Oriental was low. He experienced discrimination and was often the object of active hostility. The explanation seems to be that strenuous efforts were made to maintain family discipline and loyalty, to sustain a common concept and respect for their national origin, and to promote actively the pursuit and study of the Oriental religion, language, and culture.<sup>76</sup>

How long can this type of insularity maintain itself under the pressures for participation in modern life? There are historical examples to indicate that this is very difficult. A study of a Russian colony of immigrants in Los Angeles reported in 1930 that 5 percent of the children appeared before the juvenile court in the first 5 years of residence in a highly delinquent area. In the second 5 years of residence 46 percent were referred to the court, and in the next 10 years 83 percent were referred to the court.<sup>77</sup> Similarly, in Honolulu it was discovered that the Orientals who became involved in serious delinquency were most likely to be those who had previous associations with members of other groups.<sup>78</sup>

No one seriously suggests that it is easier to maintain control over the behavior of children in a high as compared to a low delinquency area but the fact is that many succeed. A recent study in New Haven suggests that the proper kind of family and school climate can provide a certain amount of insulation from highly delinquent surroundings and secure commitment to conventional goals.<sup>79</sup> The study included a sample of all youth born in Greater New Haven in 1942-44 whose supervising relative was on the Aid to Dependent Children rolls in 1950. Records were examined for the years between the sixth birthday and the 19th. Data came primarily from welfare, school, and police records. By 1962, a total of 34 percent had become known to the police or the juvenile court, compared to a delinquency rate of 18 percent for a control group of youth of the same age, sex, type of neighborhood, school performance, and lowest class level. However, the ADC group did show twice as many living in public housing, twice the number moving three or more times over an 11 year period, three times as many Negroes, and over ten times more broken homes.<sup>80</sup>

The delinquency rates among the ADC group varied markedly by race, sex, and school performance, all the way from no delinquency cases among 75 white females who were successful in school to 71 percent arrested or referred to court among 38 Negro males who were failing in school.<sup>81</sup> Additional significant differences appear when family deviance and the nature of the neighborhood of residence are considered. A "deviant family" was defined as one in which "one or both parents are in prison or mental hospital, or the parent has had a series of mar-

<sup>67</sup> Christen T. Jonassen, "A Re-evaluation and Critique of the Logic and Some Methods of Shaw and McKay," *American Sociological Review*, 14: 608-614, October 1949. Also see rejoinder by Shaw and McKay, pp. 614-617.

<sup>68</sup> Sophia M. Robison, "Can Delinquency be Measured?" (New York: Columbia University Press, 1936), pp. 187 and 122.

<sup>69</sup> Shaw and McKay, *supra*, note 67, p. 615.

<sup>70</sup> *Ibid.*

<sup>71</sup> Norman S. Hayner "Delinquency Areas in the Puget Sound Region," *American Journal of Sociology*, 39: 319, November 1933.

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*

<sup>74</sup> Helen G. MacGill, "The Oriental Delinquent in the Vancouver, B.C., Juvenile Court," *Sociology and Social Research*, 22: 430 May-June 1938.

<sup>75</sup> *Ibid.*

<sup>76</sup> *Id.* at pp. 432-438.

<sup>77</sup> Pauline V. Young, "Urbanization as a Factor in Juvenile Delinquency," *Publications of the American Sociological Society*, 24: 162-166, 1930.

<sup>78</sup> Lind, *supra*, note 6, p. 217.

<sup>79</sup> Erdman B. Palmore and Phillip E. Hammond, "Interacting Factors in Juvenile Delinquency," *American Sociological Review*, 29: 848-854, December 1964.

<sup>80</sup> *Id.* at p. 849.

<sup>81</sup> *Id.* at table 1, p. 850.



riages, separations, multiple illegitimacies, or 'cut and run' affairs."<sup>82</sup> Those from deviant families are more delinquent, 41 percent to 31 percent, but deviant families had twice as much effect on Negro as compared to white youth. School success seems to compensate to some extent for the effects of deviant families, since among the successful in school 33 percent from the deviant families were delinquent, and 27 percent of those from nondeviant families were delinquent. However, among those failing in school 71 percent from deviant families were delinquent as compared to 45 percent of those from non-deviant families.<sup>83</sup>

Consideration was also given to the effect of residing in a deviant neighborhood, which was defined as of the lowest class standing in social and economic characteristics and having a high delinquency rate.<sup>84</sup> Negro youth were more than twice as likely as white youth to live in deviant neighborhoods. The effect of the deviant neighborhood is much greater on boys than on girls since 71 percent of the boys from deviant neighborhoods were delinquent compared to 47 percent of the boys from non-deviant neighborhoods, while the comparable percentages for girls were 14 and 16 percent.<sup>85</sup> Here again the effect of living in a deviant neighborhood is likely to be worst for those boys failing in school. Perhaps success in school insulates the boys to some extent from complete responsiveness to delinquent influences in the neighborhood or perhaps those least involved in neighborhood life are most likely to succeed in school. Among those boys failing in school who were from deviant neighborhoods, 82 percent were delinquent compared to 53 percent of the school failures from nondeviant neighborhoods, while the comparable percentages for the school successes were 44 and 37 percent.<sup>86</sup>

As this study points out, some factors are additive in their effects. If one is male, Negro, and a school failure, the chances of developing a delinquent record are greater than if any of these factors were different. Other factors seem to be interactive. They have a selective and sometimes a cushioning effect. School success may offset many of the effects of deviant neighborhoods or families. Also being from nondeviant neighborhoods or families is associated with lower delinquency rates despite failure in school.

## EXPLANATIONS AND IMPLICATIONS OF THE DISTRIBUTION OF CRIME RATES

Studies of the patterns in the geographical distribution of crime and delinquency rates in cities have persistently tried to establish the chief characteristics of the areas in which the rates of both offenses and offenders are highest. They have tried many types of indicators with varying degrees of success. Considering that these studies have been undertaken in different cities containing very different populations, in different regions of the country with diverse cultural traditions, and in different time periods ranging back to the beginning of the century, the results have shown a considerable degree of consistency concerning the location of serious crime problems.

These studies have not assumed that the factors found to be associated with these delinquency rates are causative. Instead they are regarded simply as indicators of characteristics of urban areas with spatial variations similar to those shown by the crime rates. There is also the underlying assumption that both the crime rates and other related social problems are being produced by certain common structural features of a social, economic, physical, and demographic character in the high rate areas that are not present or do not interact in the same way in the low rate areas. The interaction of these distinctive structural features of the area are regarded as setting the conditions and resources for living. To the extent that these conditions are so disadvantageous that it becomes difficult for the family to assert and maintain its authority in training children, or the schools to teach effectively, or the employment system to recruit and sustain motivations toward successful conventional careers, higher rates of social problems, such as delinquency and crime, will occur.

The prevailing explanation of those conducting the ecological studies in Chicago of the high rates in certain areas of the city was in terms of social disorganization.<sup>87</sup> The high rates of transiency in these areas, the inability of the poor and unskilled new migrants to rely on old habits and customs as a guide to adjustment in the urban area, and the lack of stable institutions and relationships which the new migrant could trust contributed to a highly unstable set of social and cultural conditions in which to rear a family. These problems were compounded by the tendency for illegal practices and institutions to cluster in areas where the residents were not organized or equipped to defend their territory. The more fortunate groups brought customs and institutions from the old world which helped them to build cultural enclaves in which the process of assimilation could proceed more slowly, safely, and surely. As this assimilation progressed, they could begin to participate and accept responsible roles in the economic, social, and political life of the larger society. This increased security and economic well-being permitted them to move out and undertake commitments for themselves and their children to the accepted goals of the larger society.

From this perspective the Chicago ecologists identified the development of a stable and unified community as a major goal of action programs designed to prevent and control various social problems, including crime and delinquency. They saw a need to engage local participants in the task of developing indigenous institutions which they directed and which would reflect the critical needs of the residents themselves. This perspective resulted in the development of the Chicago Area Project in the 1930's and provided a body of action experience which has aided the development of many current delinquency area and poverty prevention programs.<sup>88</sup>

There are three other major explanations which have been advanced to account for the distribution of crime and delinquency rates and the characteristics of high

<sup>82</sup> *Id.* at p. 850.

<sup>83</sup> *Id.* at table 3, p. 851.

<sup>84</sup> *Id.* at p. 851.

<sup>85</sup> *Id.* at table 4, p. 851.

<sup>86</sup> *Id.* at table 5, p. 851.

<sup>87</sup> Shaw and McKay, "Juvenile Delinquency in Urban Areas," *supra*, note 1, pp. 177-183.

<sup>88</sup> For a recent reevaluation of this project from the standpoint of a chief participant see, Solomon Kobrin, "The Chicago Area Project—A 25-Year Assessment," *The Annals of the American Academy of Political and Social Science*, 322: 19-29 March 1959.



rate areas. One of these points to the selective attraction of the poorer areas for many kinds of people, the poor, the emotionally disturbed, and the criminal, among others. This idea that many people who "drift" to unstable areas are already delinquent, or inclined to be so, has been frequently advanced but rarely studied. A very limited study was made in Decatur, Ill., of persons committed to the Illinois Prison System from Decatur.<sup>89</sup> The backgrounds of 73 residents were finally studied. Sixty-five of the 73 residents lived in delinquency areas of Decatur, but the study concluded that from 42 to 89 percent might be regarded as having been delinquent or criminal prior to coming to Decatur, or subject to the influence of other family members who had been criminal or delinquent elsewhere. The small numbers, inadequate records, and the inability to include delinquents and misdemeanants make this study rather inconclusive and leave the issue of the relative importance of "drift" unresolved.

A third explanation stresses the importance of conditions in the high delinquency areas and particularly the effect of a frustrating gap between the goals, aspirations, or expectations of residents in the area and the existence of either legitimate or illegitimate means to achieve them. The high rates of delinquency are thus a reflection of the limited legitimate opportunities. At the same time there are available more institutionalized illegitimate opportunities, than are present in other less criminal and delinquent areas of the city.<sup>90</sup>

The fourth explanation calls attention to the social, economic, and political forces which come to bear on the city from the surrounding region and the country. The shape and distribution of the social areas of the city, the problems and opportunities, land use, and population composition are in a major way responsive to this larger network of constantly changing demands in the national process of technological, cultural, and economic growth. To understand the distribution of persons, institutions, and social problems, like crime, in the city, one must relate them to this larger social context.<sup>91</sup> However, just how these external forces might operate to affect the distribu-

tion of such social problems, as crime, in a city has not yet been clearly conceptualized.

It is not possible on the basis of current studies to determine which of these explanations will provide the most fruitful guidelines to action. They all, to some degree, have in common a focus on the operation of the social and economic system and the particular social processes which link people to it. Inherent in the operation of this system is to be found the source of the pressures which distribute people and crime rates among the various areas of the city. The path to understanding and successful action involves learning more about how it works, how it comes to bear on those who do or do not participate in it, and what types of changes in its structure or operation will enhance its utility and limit its costs.

Though these ecological studies of the distribution of crime and delinquency rates in cities have not been specifically addressed to a search for causes of crime, they have produced many useful insights about the conditions of life with which crime and delinquency are most often associated. In calling attention to the close relation between the social and economic conditions of life and the adequacy of local institutions in meeting the needs of residents of high delinquency areas, such studies have pointed to the need for much more detailed investigation of these connections. This more intensive analysis would be greatly facilitated if police districts and the reporting of crime data coincided with the area boundaries used in reporting census data. It would also be extremely helpful if other types of social and economic data reported by public and private institutions, such as education, health, and welfare agencies, used comparable census area boundaries. This failure to use comparable area units has been one of the major restraints on the full exploitation of ecological methods for the analysis of crime problems. Nevertheless, the ecological studies have provided the beginnings of a theoretical explanation of the distribution of crime rates which justifies a broad attack on the underlying social and economic conditions which produce such heavy concentrations of both offenses and offenders in some areas of the city rather than others.

<sup>89</sup> Donald R. Taft, "Testing the Selective Influence of Areas of Delinquency," *American Journal of Sociology*, 38: 699-712, March 1933.

<sup>90</sup> For an exposition of this explanation and related theories see Richard A. Cloward and Lloyd E. Ohlin, "Delinquency and Opportunity" (Glencoe, Illinois: The Free Press, 1960).

<sup>91</sup> Shevky and Bell, *supra*, note 44, pp. 3-19. Also see the paper by Judith Wilks in Appendix A of this volume. The organization of this chapter was greatly aided by the interpretive comments in Wilks' paper pertaining to intracity variations in crime and delinquency rates.

# The Characteristics of Offenders and Victims of Crime

Even simple crimes such as an assault or theft reflect the complex interaction and influence of many different persons and conditions. To understand different types of crime we need to know a great deal about different aspects of the situations within which crimes typically occur. Of central importance is greater knowledge of the characteristics of offenders and their victims. Though more information has been assembled about these principal actors in criminal encounters than about other aspects of the situation, the available data seldom provide information on the characteristics and relationships of both offenders and victims for different types of crime. Much can be learned from the statistics now collected independently about offenders and victims for various administrative purposes. However, lack of knowledge of their interrelationships prohibits the development of more informative and useful statistical reconstructions of criminal events. This type of information must be secured more systematically if greater understanding of the different conditions under which crimes occur is to be achieved.

## CHARACTERISTICS OF OFFENDERS

There is a common belief that the general population consists of a large group of law-abiding people and a small body of criminals. However, studies have shown that most people, when they are asked, remember having committed offenses for which they might have been sentenced if they had been apprehended.<sup>1</sup> These studies of "self-reported" crime have generally been of juveniles or young adults, mostly college and high school students. They uniformly show that delinquent or criminal acts are committed by people at all levels of society.<sup>2</sup> Most people admit to relatively petty delinquent acts, but many

report larcenies, auto thefts, burglaries, and assaults of a more serious nature.

One of the few studies of this type dealing with criminal behavior by adults was of a sample of almost 1,700 persons, most of them from the State of New York.<sup>3</sup> In this study, 1,020 males and 678 females were asked which of 49 offenses they had committed. The list included felonies and misdemeanors, other than traffic offenses, for which they might have been sentenced under the adult criminal code.

Ninety-nine percent of the respondents admitted they had committed one or more offenses for which they might have received jail or prison sentences. Thirteen percent of the males admitted to grand larceny, 26 percent to auto theft, and 17 percent to burglary. Sixty-four percent of the males and 29 percent of the females committed at least one felony for which they had not been apprehended. Although some of these offenses may have been reported to the police by the victims and would thus appear in official statistics as "crimes known to the police," these offenders would not show up in official arrest statistics.

Such persons are part of the "hidden" offender group. They evidently at one time or another found themselves in situations that led them to violate the criminal law. However, most people do not persist in committing offenses. For many the risk of arrest and prosecution is deterrence enough, while others develop a stake in a law-abiding way of life in which their youthful "indiscretions" no longer have a place.

What is known today about offenders is confined almost wholly to those who have been arrested, tried, and sentenced. The criminal justice process may be viewed as a large-scale screening system. At each stage it tries to sort out the better risks to return to the general population. The further along in the process that a sample of offenders is selected, the more likely they are to show major social and personal problems.<sup>4</sup>

<sup>1</sup> The following studies are representative of the different populations surveyed in these "self-report" studies and of the different types of methods used to get the information: Austin L. Porterfield and Stanley C. Clifton, "Youth in Trouble" (Fort Worth: Leo Potishman Foundation, 1946); Fred J. Murphy, Mary M. Shirley, and Helen L. Witmer, "The Incidence of Hidden Delinquency," *American Journal of Orthopsychiatry*, 16: 686-96, October 1946; James F. Short, Jr., "A Report on Incidence of Criminal Behavior, Arrests and Convictions in Selected Groups," *Research Studies of State College of Washington*, 22: 110-18, June 1954; F. Ivan Nye, James F. Short, Jr., and Virgil J. Olson, "Socioeconomic Status and Delinquent Behavior," *American Journal of Sociology*, 63: 381-89, January 1958; Robert Dentler and Lawrence J. Monroe, "Early Adolescent Theft," *American Sociological Review*, 26: 733-43, October 1961; John P. Clark and Eugene P. Wenninger, "Socio-Economic Class and Area as Correlates of Illegal Behavior Among Juveniles," *American Sociological Review*, 27: 826-34, December 1962; Maynard L. Erickson and LaMar T. Empey, "Class Position, Peers, and Delinquency," *Sociology and Social Research*, 268-82, April 1965; Martin Gold, "Undetected Delinquent Behavior," *The Journal of Research on Crime and Delinquency*, 3: 27-46, January 1966. Similar results have also been discovered in extensive studies with the "self-report" technique in Norway and Sweden. See Nils Christie, Johs. Andenaes, and Sigurd Skirbekk, "A Study of Self-Reported Crime," and also, Kerstin Elmhorn, "Study in Self-Reported Delinquency Among School Children in Stockholm," in Karl O. Christiansen, ed., *Scandinavian Studies in Criminology*, vol. 1, 86-146 (London: Tavistock Publications 1965).

<sup>2</sup> In reviewing the results of his own and earlier studies, Martin Gold ("Undetected Delinquent Behavior," *The Journal of Research on Crime and Delin-*

*quency*, 3: 27-46, January 1966) notes that more frequent and serious delinquencies are reported by lower class youngsters; but this result, which accords with official police records, is found primarily in those studies which have used interviews rather than anonymous questionnaires to secure the self-reports. The questionnaire studies have shown only slight or insignificant relationships between social class and educational level and crime. Gold tried a new technique for validating the interview method. He checked the responses of his subjects against the independently obtained reports of the subject's friends about his delinquencies. He then classified his subjects as follows: truth-tellers (72 percent); questionables (11 percent); and concealers (17 percent). The interview method seems to offer the best chance to correct for overreporting, but may possibly induce greater concealment.

<sup>3</sup> James S. Wallerstein and Clement J. Wyle, "Our Law-Abiding Law Breakers," *Probation*, 25: 107-112, March-April 1947.

<sup>4</sup> For a discussion of the selection process as it occurs in juvenile court, see Robert D. Vinter, "The Juvenile Court as an Institution," in "Task Force Report: Juvenile Delinquency and Youth Crime," President's Commission on Law Enforcement and Administration of Justice, (Washington: U.S. Government Printing Office, 1967), appendix C. Nathan Goldman, "The Differential Selection of Juvenile Offenders for Court Appearance" (New York: National Council on Crime and Delinquency, 1963); Martin Gold, "Status Forces in Delinquent Boys" (Ann Arbor: University of Michigan, Institute for Social Research, 1963). For a discussion of the sorting-out process among adult criminals, see Edwin H. Sutherland and Donald R. Cressey, "Principles of Criminology" (7th ed., Philadelphia: Lippincott Co., 1966), pp. 411-16; 429-41; 484-87.

From arrest records, probation reports, and prison statistics a "portrait" of the offender emerges that progressively highlights the disadvantaged character of his life. The offender at the end of the road in prison is likely to be a member of the lowest social and economic groups in the country, poorly educated and unemployed, unmarried, reared in a broken home, and to have a prior criminal record. This is a formidable list of personal and social problems that must be overcome in order to restore offenders to law-abiding existence. Not all offenders, of course, fit this composite profile, as a more detailed examination of the arrest, probation, and prison data reveals.

#### ARREST DATA ON OFFENDERS

National arrest statistics, based on unpublished estimates for the total population, show that when all offenses are considered together the majority of offenders arrested are white, male, and over 24 years of age.<sup>5</sup> Offenders over 24 make up the great majority of persons arrested for fraud, embezzlement, gambling, drunkenness, offenses against the family, and vagrancy. For many other crimes, the peak age of criminality occurs below 24.

The 15-to-17-year-old group is the highest for burglaries, larcenies and auto theft. For these three offenses, 15-year-olds are arrested more often than persons of any other age with 16-year-olds a close second. For the three common property offenses the rate of arrest per 100,000 persons 15 to 17 in 1965 was 2,467 as compared to a rate of 55 for every 100,000 persons 50 years old and over. For crimes of violence the peak years are those from 18 to 20, followed closely by the 21 to 24 group. Rates for these groups are 300 and 297 as compared with 24 for the 50-year-old and over group.

One of the sharpest contrasts of all in the arrest statistics on offenders is that between males and females. Males are arrested nearly seven times as frequently as females for index offenses plus larceny under \$50. The rate for males is 1,097 per 100,000 population and the corresponding rate for females is 164. The difference is even greater when all offenses are considered.

The differences in the risks of arrest for males and females are diminishing, however. Since 1960 the rate of arrest for females has been increasing faster than the rate for males. In 1960 the male arrest rate for index offenses plus larceny under \$50 was 926 per 100,000 and in 1965 it was 1,097, an increase in the rate of 18 percent. However, the female rate increased by 62 percent during this same period, from 101 per 100,000 females to 164. Most of the increase was due to the greatly increased rate of arrest of women for larcenies. The larceny arrest rate for women increased 81 percent during this same period in marked contrast to an increase of 4 percent for aggravated assault, the next highest category of arrest for women among these offenses.

The factor of race is almost as important as that of

sex in determining whether a person is likely to be arrested and imprisoned for an offense. Many more whites than Negroes are arrested every year but Negroes have a significantly higher rate of arrest in every offense category except certain offenses against public order and morals. For index offenses plus larceny under \$50 the rate per 100,000 Negroes in 1965 was four times as great as that for whites (1,696 to 419).

In general, the disparity of rates for offenses of violence is much greater than the differences between the races for offenses against property. For instance, the Negro arrest rate for murder is 24.1 compared to 2.5 for whites, or almost 10 times as high. This is in contrast to the difference between Negroes and whites for crimes against property. For example, the rate of Negro arrest (378) for burglary is only about 3½ times as high as that for whites (107). The statistics also show that the difference between the white and Negro arrest rates is generally greater for those over 18 years of age than for those under 18. Negroes over 18 are arrested about five times as often as whites (1,684 to 325). In contrast, the ratio for those under 18 is approximately three to one (1,689 to 591).

The differences between the Negro and white arrest rates for certain crimes of violence have been growing smaller between 1960 and 1965. During that period, considering together the crimes of murder, rape, and aggravated assault, the rate for Negroes increased 5 percent while the rate for whites increased 27 percent. In the case of robbery, however, the white rate increased 3 percent while the Negro rate increased 24 percent. For the crimes of burglary, larceny, and auto theft the Negro rate increased 33 percent while the white rate increased 24 percent.

Many studies have been made seeking to account for these differences in arrest rates for Negroes and whites.<sup>6</sup> They have found that the differences become very small when comparisons are made between the rates for whites and Negroes living under similar conditions.<sup>7</sup> However, it has proved difficult to make such comparisons, since Negroes generally encounter more barriers to economic and social advancement than whites do. Even when Negroes and whites live in the same area the Negroes are likely to have poorer housing, lower incomes, and fewer job prospects.<sup>8</sup> The Task Force is of the view that if conditions of equal opportunity prevailed, the large differences now found between the Negro and white arrest rates would disappear.

#### PROBATION DATA ON OFFENDERS

Arrest statistics supply only a limited amount of information about offenders. More detailed descriptions can be obtained from the probation records maintained by the courts. An illustration of what such records reveal is provided in a report by the Stanford Research Institute to the President's Commission on Crime in the District

<sup>5</sup> The data for the 1965 arrest rates were derived from "Uniform Crime Reports for the United States, 1965" (Washington: U.S. Department of Justice, Federal Bureau of Investigation, 1966), pp. 107-145.

<sup>6</sup> For a discussion on the differential administration of justice as it pertains to Negro-white differences, see R. R. Korn and L. W. McKorkle, "Criminology and Penology" (New York: Henry Holt & Co., 1959). For the effects of urbanization, see H. D. Sheldon, "A Comparative Study of the Non-White and White Institutional Population in the United States," *The Journal of Negro Education*, 22: 355-62, Summer 1953; H. Mannheim, "American Criminology: Impressions of a European Criminologist," *British Journal of Delinquency*, 5: 293-308, December 1954. For the effects of family structure on the racial differences in crime rates, see J. Tobey, "The Differential Impact of Family Disorganization," *American Sociological Review*, 22: 505-12, October 1957; T. P. Monahan, "Family Status and the Delinquent Child: A Reappraisal and Some New Findings," *Social Forces*, 35:

250-58, March 1957. For a discussion of economic factors, see B. Fleischer, "The Economics of Delinquency" (Chicago: Quadrangle Books, 1966); Earl R. Moses, "Differentials in Crime Rates Between Negroes and Whites, Based on Comparisons of Four Socio-Economically Equated Areas," *American Sociological Review*, 12: 411-20, August 1947. For an extensive review of the literature in this area, see Leonard Savitz, "Crime and the American Negro" (unpublished manuscript, Dept. of Sociology, Temple University, Philadelphia, Pa.).

<sup>7</sup> See especially Henry D. McKay and Solomon Kobrin, "Nationality and Delinquency: A Study of Variation in Rates of Delinquency for Nativity, Nationality, and Racial Groups Among Types of Areas in Chicago." (Unpublished manuscript, Institute for Juvenile Research, Department of Mental Health, State of Illinois), pp. 101-194.

<sup>8</sup> *Id.* at pp. 88-98.

of Columbia.<sup>9</sup> The study examined the background characteristics contained in the probation records of a sample of 932 felons convicted during the years 1964 and 1965 in Washington, D.C.

Among those offenders for whom income information was available, 90 percent had incomes of less than \$5,000. At the time of the 1960 census, 56 percent of the adult population in Washington earned less than \$5,000.<sup>10</sup> The highest median incomes were found among those who had been convicted of forgery, fraud, and embezzlement.<sup>11</sup> Of the sample, 78 percent were Negro, as contrasted with an estimated 61 percent of Negroes in the population of Washington.<sup>12</sup> The median age of arrest was 29.2 years, and approximately three-fourths of the sample was between 18 and 34 years, a proportion very much higher than that for the same age group in the general population of the District.<sup>13</sup> Adult criminal records were found in 80 percent of the cases.<sup>14</sup> More than half, 52 percent, had six or more prior arrests and 65 percent had previously been confined in some type of juvenile or adult institution.<sup>15</sup>

The picture that emerges from this data is of a group of young adult males who come from disorganized families, who have had limited access to educational and occupational opportunities, and who have been frequently involved in difficulties with the police and the courts, both as juveniles and adults.

#### PRISON DATA ON OFFENDERS

An even more disadvantaged population can be identified from the characteristics of prisoners tabulated in the 1960 U.S. Census of Population.<sup>16</sup> Every 10 years, the census lists the characteristics of persons in custodial institutions, including Federal and State prisons and local jails and workhouses. These tabulations show the median years of school completed for the State and Federal prison and reformatory population is 8.6 years, in contrast to 10.6 years for the general population in the country. It also shows that 23.9 percent of the offenders were laborers, compared to 5.1 percent in the total population. Only 5.8 percent of the offender population engaged in high status occupations, such as professional, technical work, manager, official, proprietor, and similar groupings, compared to 20.6 percent of the general population. Prisoners are also much more likely to be unmarried than other males 14 or over in the general population. Only 31.1 percent of the prisoners are married compared to 69.1 percent of males generally. The comparable rates for single status are 43.7 percent and 25.1 percent, and for separated, widowed and divorced, 24.6 and 7.2.

#### RECIDIVISM

The most striking fact about offenders who have been convicted of the common serious crimes of violence and

theft is how often how many of them continue committing crimes. Arrest, court, and prison records furnish insistent testimony to the fact that these repeated offenders constitute the hard core of the crime problem. One of the longest and most painstaking followup studies was conducted by Sheldon and Eleanor Glueck on a sample of 510 Massachusetts reformatory inmates released between 1911 and 1922.<sup>17</sup> It showed that 32 percent of the men who could be followed over a 15-year period repeatedly committed serious crimes during this period, and many others did so intermittently.

A recent study of adults granted probation by 56 of the 58 county courts in California from 1956 to 1958 showed that by the end of 1962, 28 percent of the more than 11,000 probationers had been taken off probation because almost half of them had committed new offenses, and others had absconded or would not comply with regulations.<sup>18</sup> Because judges select the better risks for probation, one would expect that men discharged or paroled from prison would be more likely to commit further crimes, and the facts show that they do. A California study of parolees released from 1946 through 1949 found that 43 percent had been reimprisoned by the end of 1952; almost half for committing further felonies and the rest (almost one-third of whom were thought also to have committed further felonies) for other parole violations.<sup>19</sup>

A review of a number of such studies in the various States and in the Federal prison system leads to the conclusion that despite considerable variation among jurisdictions, roughly a third of the offenders released from prison will be reimprisoned, usually for committing new offenses, within a 5-year period.<sup>20</sup> The most frequent recidivists are those who commit such property crimes as burglary, auto theft, forgery, or larceny, but robbers and narcotics offenders also repeat frequently. Those who are least likely to commit new crimes after release are persons convicted of serious crimes of violence—murder, rape, and aggravated assault.<sup>21</sup>

These findings are based on the crimes of released offenders that officials learn about. Undoubtedly many new offenses are not discovered. Furthermore released offenders continue to come to the attention of the police, even though not always charged or convicted for new offenses. A 2½-year followup by the UCR of the arrest records of 13,193 offenders released by the Federal courts, parole, or correctional authorities during the calendar year 1963 shows that 57 percent had been arrested for new offenses by June 30, 1966. Figures on the percent convicted are not available.<sup>22</sup>

Studies made of the careers of adult offenders regularly show the importance of juvenile delinquency as a forerunner of adult crime. They support the conclusions that the earlier a juvenile is arrested or brought to court for an offense, the more likely he is to carry on criminal activity into adult life; that the more serious the first offense for which a juvenile is arrested, the more likely he is to continue to commit serious crimes, especially in

<sup>9</sup> "Report of the President's Commission on Crime in the District of Columbia" (Washington: U.S. Government Printing Office, 1966). Hereinafter referred to as the D.C. Crime Commission Report. Further detail is contained in a study by Irving A. Wallach, "A Description of Active Juvenile Offenders and Convicted Adult Felons in the District of Columbia—Volume II: Adult Felons," in Appendix volume, D.C. Crime Commission Report, pp. 453-645.

<sup>10</sup> *Id.* at p. 130.

<sup>11</sup> *Id.* at p. 119.

<sup>12</sup> *Id.* at p. 118.

<sup>13</sup> *Id.* at pp. 119-20.

<sup>14</sup> *Id.* at p. 119.

<sup>15</sup> *Ibid.*

<sup>16</sup> Material for this section comes from "1960 Census of Population: Inmates of Institutions" (Washington: U.S. Government Printing Office, 1964), p. 24, and "1960 Census of Population—Volume I: Characteristics of the Population; Part I,

United States Summary" (Washington: U.S. Government Printing Office, 1964), pp. 1-207.

<sup>17</sup> Sheldon and Eleanor T. Glueck, "Criminal Careers in Retrospect" (New York: The Commonwealth Fund, 1943), p. 121.

<sup>18</sup> George F. Davis, "A Study of Adult Probation Violation Rates by Means of the Cohort Approach," *Journal of Criminal Law, Criminology and Police Science*, 55: 70-85, March, 1964.

<sup>19</sup> California Director of Corrections and Adult Authority, "California Male Prisoners Released on Parole, 1946-1949".

<sup>20</sup> Daniel Glaser, "The Effectiveness of a Prison and Parole System" (Indianapolis: The Bobbs-Merrill Co., Inc., 1964), pp. 15-24.

<sup>21</sup> *Id.* at pp. 41-44.

<sup>22</sup> Federal Bureau of Investigation, U.S. Dept. of Justice, press release, April 25, 1967.

the case of major crimes against property; and that the more frequently and extensively a juvenile is processed by the police, court, and correctional system the more likely he is to be arrested, charged, convicted, and imprisoned as an adult. These studies also show that the most frequent pattern among adult offenders is one that starts with petty stealing and progresses to much more serious property offenses.<sup>23</sup>

## THE VICTIMS OF CRIME

One of the most neglected subjects in the study of crime is its victims: the persons, households, and businesses that bear the brunt of crime in the United States. Both the part the victim can play in the criminal act and the part he could have played in preventing it are often overlooked. If it could be determined with sufficient specificity that people or businesses with certain characteristics are more likely than others to be crime victims, and that crime is more likely to occur in some places than in others, efforts to control and prevent crime would be more productive. Then the public could be told where and when the risks of crime are greatest. Measures such as preventive police patrol and installation of burglar alarms and special locks could then be pursued more efficiently and effectively. Individuals could then substitute objective estimation of risk for the general apprehensiveness that today restricts—perhaps unnecessarily and at best haphazardly—their enjoyment of parks and their freedom of movement on the streets after dark.

Although information about victims and their relationships to offenders is recorded in the case files of the police and other criminal justice agencies, it is rarely used for systematic study of those relationships or the risks of victimization. To discover variations in victimization rates among different age, sex, race, and income groupings in the population, the Task Force analyzed information on these items obtained in the national survey by NORC.

Rather striking variations in the risk of victimization for different types of crime appear among different income levels in the population. The results shown in table 11 indicate that the highest rates of victimization occur in the lower income groups when all index offenses except homicide are considered together. The risks of victimization from forcible rape, robbery, and burglary, are clearly concentrated in the lowest income group and decrease steadily at higher income levels. The picture is somewhat more erratic for the offenses of aggravated assault, larceny of \$50 and over, and vehicle theft. Victimization for larceny increases sharply in the highest income group.

National figures on rates of victimization also show sharp differences between whites and nonwhites (table 12). Nonwhites are victimized disproportionately by all index crimes except larceny \$50 and over.

The rates for victimization shown for Index offenses against men (table 13) are almost three times as great as those for women, but the higher rates of burglary, larceny and auto theft against men are in large measure an artifact of the survey procedure of assigning offenses against the household to the head of the household.

Table 11.—Victimization by Income

[Rates per 100,000 population]

Offenses	Income			
	\$0 to \$2,999	\$3,000 to \$5,999	\$6,000 to \$9,999	Above \$10,000
Total.....	2,369	2,331	1,820	2,237
Forcible rape.....	76	49	10	17
Robbery.....	172	121	48	34
Aggravated assault.....	229	316	144	252
Burglary.....	1,319	1,020	867	790
Larceny (\$50 and over).....	420	619	549	925
Motor vehicle theft.....	153	206	202	219
Number of respondents.....	(5,232)	(8,238)	(10,382)	(5,946)

SOURCE: Philip H. Ennis, "Criminal Victimization in the United States: A Report of a National Survey," (Field Survey II, President's Commission on Law Enforcement and Administration of Justice, (Washington: U.S. Government Printing Office, 1967), adapted from table 14, p. 31. Hereinafter referred to as the NORC study.

Table 12.—Victimization by Race

[Rates per 100,000 population]

Offenses	White	Non-White
Total.....	1,860	2,592
Forcible rape.....	22	82
Robbery.....	58	204
Aggravated assault.....	186	347
Burglary.....	822	1,306
Larceny (\$50 and over).....	608	367
Motor vehicle theft.....	164	286
Number of respondents.....	(27,484)	(4,902)

SOURCE: NORC study, adapted from table 16, p. 33.

Table 13.—Victimization by Age and Sex

[Rates per 100,000 population]

Offense	Male						
	10-19	20-29	30-39	40-49	50-59	60 plus	All ages
Total.....	951	5,924	6,231	5,150	4,231	3,465	3,091
Robbery.....	61	257	112	210	181	98	112
Aggravated assault.....	399	824	337	263	181	146	287
Burglary.....	123	2,782	3,649	2,365	2,297	2,343	1,583
Larceny (\$50 and over).....	337	1,546	1,628	1,839	967	683	841
Motor vehicle theft.....	31	515	505	473	605	195	268
Total.....	Female						
	334	2,424	1,514	1,908	1,132	1,052	1,059
Forcible rape.....	91	238	104	48	0	0	83
Robbery.....	0	238	157	96	60	81	77
Aggravated assault.....	91	333	52	286	119	40	118
Burglary.....	30	665	574	524	298	445	314
Larceny (\$50 and over).....	122	570	470	620	536	405	337
Motor vehicle theft.....	0	380	157	334	119	81	130

SOURCE: NORC study, adapted from table 17, pp. 34-35.

The victimization rate for women is highest in the 20 to 29 age group. In fact the victimization rates for women for all the index offenses reported, with the exception of larceny, are greatest in this age group. The concentration of offenses against women in this age group is particularly noticeable for forcible rape and robbery and much less apparent in aggravated assault and the property crimes.

<sup>23</sup> Clifford R. Shaw, "The Jack Roller" (Chicago: University of Chicago Press, 1930), republished with a new Introduction by Howard S. Becker as a Phoenix Book, University of Chicago Press, 1966; Clifford R. Shaw, "The Natural History of a Delinquent Career" (Chicago: University of Chicago Press, 1931); Harold S. Frum, "Adult Criminal Offense Trends Following Juvenile Delinquency," *Journal of Criminal Law, Criminology, and Police Science*, 49: 29-49, May-June 1958; Henry D. McKay, "Subsequent Arrests, Convictions and Commitments Among Former Juvenile Delinquents," *President's Commission on Law Enforcement and*

Administration of Justice, "Selected Consultants' Papers" (Washington: U.S. Government Printing Office, 1967). A summary version of McKay's paper appears in Henry D. McKay, "Report on the Criminal Careers of Male Delinquents in Chicago," in "Task Force Report: Juvenile Delinquency and Youth Crime," supra note 4, appendix E. For further data and discussion on this process of escalation to more serious criminal careers, see the Commission's General Report, pp. 265-66.

For men the highest Index total rate falls in the 30-39 age category, a result heavily influenced by the burglaries assigned to men as heads of households. Actually, all the Index property offenses against men show peak rates in the older age categories. This is probably due not only to their role as household heads but also to the fact that at older ages they are likely to possess more property to be stolen. Crimes against the person, such as aggravated assault and robbery, are committed relatively more often against men who are from 20 to 29 years of age.

Thus, the findings from the national survey show that the risk of victimization is highest among the lower income groups for all Index offenses except homicide, larceny, and vehicle theft; it weighs most heavily on the non-whites for all Index offenses except larceny; it is borne by men more often than women, except, of course, for forcible rape; and the risk is greatest for the age category 20 to 29, except for larceny against women, and burglary, larceny, and vehicle theft against men.

#### VICTIM-OFFENDER RELATIONSHIPS IN CRIMES OF VIOLENCE

The relations and interactions of victims and offenders prior to and during the criminal act are important facts to know for understanding and controlling crime and assessing personal risks more accurately. The relationships most often studied have been those involving crimes of violence against the person, especially homicide and forcible rape. Typical of the findings of these inquiries are the results of an analysis of criminal homicides in Philadelphia between 1948 and 1952.<sup>24</sup> This study clearly demonstrated that it is not the marauding stranger who poses the greatest threat as a murderer. Only 12.2 percent of the murders were committed by strangers. In 28.2 percent of the cases studied, the murderer was a relative or a close friend. In 24.7 percent he was a member of the family. The murderer was an acquaintance of the victim in 13.5 percent of the cases.

These findings are very similar to those reported nationally in the UCR.

In 1965 killings within the family made up 31 percent of all murders. Over one-half of these involved spouse killing spouse and 16 percent parents killing children. Murder outside the family unit, usually the result of altercations among acquaintances, made up 48 percent of the willful killings. In the latter category romantic triangles or lovers' quarrels comprised 21 percent and killings resulting from drinking situations 17 percent. Felony murder, which is defined in this program as those killings resulting from robberies, sex motives, gangland slayings, and other felonious activities, made up 16 percent of these offenses. In another 5 percent of the total police were unable to identify the reasons for the killings; however, the circumstances were such as to suspect felony murder.<sup>25</sup>

Unfortunately, no national statistics are available on relationships between victims and offenders in crimes

other than criminal homicide. However, the District of Columbia Crime Commission surveyed a number of other crimes. Its findings on victim-offender relationships in rape and aggravated assault closely resemble those for murder:

Almost two-thirds of the 151 [rape] victims surveyed were attacked by persons with whom they were at least casually acquainted. Only 36 percent of the 224 assailants about whom some identifying information was obtained were complete strangers to their victims: 16 (7 percent) of the attackers were known to the victim by sight, although there had been no previous contact. Thirty-one (14 percent) of the 224 assailants were relatives, family friends or boyfriends of the victims, and 88 (39 percent) were either acquaintances or neighbors.<sup>26</sup>

And among 131 aggravated assault victims, only 25 (19 percent) were not acquainted with their assailants:

Fourteen (11 percent) of the victims were attacked by their spouses, 13 (10 percent) were attacked by other relatives, and 79 (60 percent) were assaulted by persons with whom they were at least casually acquainted.<sup>27</sup>

Again, as in murder, a substantial number (20 percent) of the aggravated assaults surveyed by the District of Columbia Crime Commission involved a victim and offender who had had trouble with each other before.<sup>28</sup>

Another source of the concern about crime, in addition to its violence and its frequency, is the extent to which it is assumed to involve interracial attacks. Therefore a key question in any assessment of the crime problem is to what extent men or women of one racial group victimize those of another. For evidence on the way in which the race and sex of victims and offenders might affect the probability of criminal assault, the Commission, with the cooperation of the Chicago Police Department, studied 13,713 cases of assaultive crimes against the person, other than homicide.<sup>29</sup>

As shown in table 14, it is Negro males and females who are most likely to be victimized in crimes against the person. A Negro man in Chicago runs the risk of being a victim nearly six times as often as a white man, a Negro woman nearly eight times as often as a white woman.

The most striking fact in the data is the extent of the correlation in race between victim and offender. Table 14 shows that Negroes are most likely to assault Negroes, whites most likely to assault whites. Thus, while Negro males account for two-thirds of all assaults, the offender who victimizes a white person is most likely also to be white.

The President's Commission on Crime in the District of Columbia discovered similar racial relationships in its 1966 survey of a number of serious crimes. Only 12 of 172 murders were interracial.<sup>30</sup> Eighty-eight percent of rapes involved persons of the same race.<sup>31</sup> Among 121 aggravated assaults for which identification of race was

<sup>24</sup> Marvin E. Wolfgang, "Patterns of Criminal Homicide" (Philadelphia: University of Pennsylvania Press, 1958). See also Menachem Amir, "Patterns of Rape and the Female Victim," (unpublished Ph. D. thesis, The University of Pennsylvania, 1965); Albert J. Reiss, Jr., "Studies in Crime and Law Enforcement in Major Metropolitan Areas" (Field Surveys III, President's Commission on Law Enforcement and Administration of Justice, Washington: U.S. Government Printing Office, 1967), vol. 1, sec. 1, table 6, p. 35. Hereinafter referred to as the Reiss studies.

<sup>25</sup> "UCR, 1965," pp. 6-7.

<sup>26</sup> D.C. Crime Commission Report, supra note 9, at p. 53.

<sup>27</sup> Id. at p. 76.

<sup>28</sup> Ibid.

<sup>29</sup> Reiss studies, supra note 24, vol. 1, sec. 1, pp. 38-72.

<sup>30</sup> D.C. Crime Commission Report, supra note 9, at p. 42.

<sup>31</sup> Id. at p. 54.



Table 14.—Victim-Offender Relationships by Race and Sex in Assaultive Crimes Against the Person (Except Homicide)

	Offenses attributable to—				
	White offenders		Negro offenders		All types of offenders
	Male	Female	Male	Female	
Victim rate for each 100,000: <sup>1</sup>					
White males.....	201	9	129	4	342
White females.....	108	14	46	6	17
Negro males.....	58	3	1,636	256	1,95
Negro females.....	21	3	1,202	157	1,38
Total population <sup>1</sup> .....	130	10	350	45	535

<sup>1</sup> The rates are based only on persons 14 years of age or older in each race-sex category. The "total population" category in addition excludes persons from racial groups other than Negro or white.

SOURCE: Special tabulation from Chicago Police Department, Data Systems Division, for period September 1965 to March 1966, reported in Reiss studies, supra note 24, vol. 1, section 1, adapted from table 6, pp. 35-36.

available, only 9 percent were interracial.<sup>32</sup> Auto theft offenders in the District are three-fourths Negroes, their victims two-thirds Negroes.<sup>33</sup> Robbery, the only crime of violence in which whites were victimized more often than Negroes, is also the only one that is predominantly interracial: in 56 percent of the robberies committed by Negroes in the District of Columbia, the victims are white.<sup>34</sup>

The high proportions of both acquaintance between victim and offender and the intraracial character of offenses are further borne out by the findings of another study developed for the Commission. Analyzing data obtained from the Seattle Police Department, this study compared the census tract where the crime occurred with the tract (or other place) in which the offender lived. It found that a relatively large percentage of crimes against persons, as contrasted with crimes against property, had been committed in the offender's home tract—an area likely to be racially homogeneous and in which he is most likely to be known at least by sight.<sup>35</sup>

This analysis shows that a failure to collect adequate data on victim-offender relationships may lead to a miscalculation of the source and nature of the risk of victimization. At present the Nation's view of the crime problem is shaped largely by official statistics which in turn are based on offenses known to the police and statistics concerning arrested offenders; they include very little about victims.

#### PLACE WHERE VICTIMIZATION OCCURS

Crime is more likely to occur in some places than in others, just as some persons are more likely than others to be the victims of criminal offenders. The police often distribute their preventive patrols according to spot maps that locate the time and place of occurrence of different types of crimes. Such information, however, has not been developed well enough to inform the public of the places it should avoid.

A well-designed information system should also provide crime rate figures for different types of business premises

in different areas of the city. Victimization rates based upon the number of drugstores, cleaning establishments, gas stations, taxicabs, banks, supermarkets, taverns, and other businesses in a neighborhood would furnish better indicators of the likelihood of crime in that neighborhood than exist at present. Determining such rates would require enumerating premises of different types and locating them by area. This information would help to test the effectiveness of control measures and to identify the nature of increases in crime by making it possible to detect changes in the pattern of risk for various businesses. It would also permit more refined calculations of risk for insurance purposes and guide the placement of alarm systems and other crime prevention devices.

The study of victimization of individuals carried out in cooperation with the Chicago Police Department recorded the types of premises for all major crimes against the person except homicide.<sup>36</sup> Table 15 classifies victims by sex in relation to the place where the offense occurred. For assaultive crimes against the person, the street and the home are by far the most common places of occurrence. Men are more likely to be victimized on the street, and women are more likely to be victimized in residences.

Table 15.—Victimization by Sex and Place of Occurrence for Major Crimes (Except Homicide) Against the Person

Place of occurrence	[In percent]	
	Victims of major crimes against person	
	Male	Female
School property.....	3.2	2.4
Residence.....	20.5	46.1
Transport property.....	1.4	.4
Taxis and delivery trucks.....	2.6	
Businesses.....	3.2	1.1
Taverns and liquor stores.....	5.7	2.8
Street.....	46.8	30.7
Parks.....	.8	.5
All other premises.....	16.0	16.0
Total percent.....	100.0	100.0
Total number.....	(8,047)	(5,666)

SOURCE: Special tabulation from Chicago Police Department, Data Systems Division, for period September 1965 to March 1966, adapted from Reiss studies, supra note 24, vol. 1, section 1, table 34, p. 149.

The findings in general are closely related to the characteristic patterns of interaction among men and women in our society. Men are more likely to meet one another outside the home. A substantial portion of assaults arises from drinking—the tavern is the third most common setting for men to be victims of assault and battery—and some of the conflicts among drunks later erupt into street fights. Men and women more frequently engage in conflicts with each other in domestic settings.

#### COMPENSATION TO VICTIMS OF CRIME

Programs granting public compensation to victims for physical injuries from violent crimes have aroused increased interest in recent years. The community has evidenced concern for the plight of victims of muggings,

<sup>32</sup> Id. at p. 76.

<sup>33</sup> Id. at p. 101.

<sup>34</sup> Id. at p. 56.

<sup>35</sup> Reiss studies, supra note 24, at pp. 203-216.

<sup>36</sup> Id. at pp. 123-169.



stabblings, and other violence. In the absence of such programs victims generally suffer losses that are not compensated in any way. Their civil remedies are most likely to be unsuccessful because of the poor financial condition and prospects of most offenders. And the criminal law generally makes no effort to use its sanctions to insure restitution to the victim. Indeed it often aggravates the victim's problem by incarcerating the offender, thus preventing him from earning money to make restitution.

Two philosophies underlie the recent movements for victim compensation. The first argues that the government is responsible for preventing crime and therefore should be made responsible for compensating the victims of the crimes it fails to prevent. The second approach, an extension of welfare doctrines, rests on the belief that people in need, especially those in need because they have been victimized by events they could not avoid, are entitled to public aid.<sup>37</sup>

The first modern victim-compensation programs were established in New Zealand and Great Britain in 1964. California's program, which became effective in the beginning of 1966, was the first in the United States. Only victims with limited financial resources qualify for compensation under this program. New York's victim-compensation bill, enacted in 1966, also provides compensation only for those who would suffer "serious financial hardship" as a result of the crime. Various Federal victim-compensation bills, now before the Congress, have yet to receive public hearings. The Commission believes that such hearings would provide a national forum for a much needed debate over the philosophy, assumptions, and potential advantages and disadvantages of such programs generally, and the relative merits and design of a program on the Federal level in particular.

The Commission has been impressed by the consensus among legislators and law enforcement officials that some kind of State compensation for victims of violent crime is desirable. Recent public opinion polls indicate that a considerable majority of the public is in favor of victim compensation.<sup>38</sup> The Commission believes that the general principle of victim compensation, especially to persons who suffer injury in violent crime, is sound and that the experiments now being conducted with different types of compensation programs are valuable.

#### COMMERCIAL ESTABLISHMENTS AND ORGANIZATIONS AS VICTIMS OF CRIME

It is very difficult to discover the exact extent to which businesses and organizations are the victims of crime. Few attempts are made to keep systematic records or report such crimes to any central place. Police agencies do not ordinarily separate the crimes against individuals from those against organizations. It was not possible in the short time available to the Commission to undertake a systematic census of victimization of different types of industrial, business, professional, religious, or civic organizations throughout the Nation. This task ought to be

undertaken, and some assessment procedure developed, using reports, special sample surveys or similar devices.

The Commission was able to make a pilot survey, however, of a sample of neighborhood businesses and organizations in eight police precincts in Chicago, Washington, and Boston. The objective was to discover through interviews what types of victimization businesses and organizations had experienced from crimes such as burglary, robbery, shoplifting, passing of fraudulent checks, and employee theft.

*Burglary and Robbery.* Reports to the UCR indicate that nationally about half of all burglaries in 1965 were nonresidential, and that the average worth of the property stolen in such burglaries was about \$225.<sup>39</sup> In the Commission survey almost one of every five businesses and organizations in the eight neighborhood police precincts surveyed was burglarized at least once during the one-year period covered by the survey. Considering only those that were burglarized, 62 percent had from two to seven burglaries.<sup>40</sup>

In both Chicago and Washington, but for some reason not in Boston, the burglary victimization rates were highest in the districts where the overall crime rates were highest. Precinct 13 in the District of Columbia, for example, had a victimization rate of 51.8 per 100 organizations—nearly twice that of the precinct with the fewest burglaries—and a third of all the businesses and organizations sampled in that area had been victimized.<sup>41</sup>

Nationally, reports to the UCR indicate that in 1965 9 percent of all robberies were of service stations or chain-stores, almost 1 percent were of banks, and more than 20 percent were of other types of commercial establishments. The average value of the property reported stolen varies from \$109 for service station robberies to \$3,789 for bank robberies.<sup>42</sup>

In the Commission survey the picture that emerges for victimization by robbery is similar to that for burglary, which occurs more frequently. Among the organizations that were robbed, 80 percent reported only one robbery but 2 percent had as many as five.<sup>43</sup> While any business in a high crime rate area is obviously in danger, it appears that some businesses, like some people, are more likely than others to be victimized by crime. Clearly, the reasons for the differences need investigation as guides in prevention. The findings of the President's Commission on Crime in the District of Columbia with respect to the circumstances of housebreaking are suggestive of the way risks vary:

In 21 (7 percent) of the 313 commercial burglaries surveyed housebreakers entered through unlocked doors and in 70 instances (22 percent) through unlocked windows. In 111 instances the housebreakers broke windows to gain entry, and locks were forced in 95. A total of 105 of the commercial establishments victimized were reported to have had burglar-resistant locks; 65 of these establishments, however, were entered other than by tampering with the lock.

<sup>37</sup> Gilbert Geis, "State Aid to Victims of Violent Crime," published in appendix B of this volume.

<sup>38</sup> See the Gallup poll, Oct. 29, 1965, where 62 percent of the public were in favor of compensation for the victims of crime. Also, the national survey conducted by NORC for the Commission indicated that 56 percent of the sample interviewed were in favor of compensation for victims. See NORC study, supra.

source note table 11, p. 69.

<sup>39</sup> "U.C.R., 1965," supra note 5, p. 11.

<sup>40</sup> Reiss studies, supra note 24, pp. 99, 100, 103.

<sup>41</sup> Ibid.

<sup>42</sup> "U.C.R., 1965," supra note 5, p. 11.

<sup>43</sup> Reiss studies, supra note 24, pp. 99, 100, 103.

Sixty-four percent of the burglarized commercial establishments were located on the first floor.<sup>44</sup>

**Shoplifting.** Shoplifting usually involves the theft of relatively small and inexpensive articles, although the professional shoplifter may steal expensive furs, clothes, and jewelry. It is heaviest in the chainstores and other larger stores which do the most retail business. However, it is the smaller establishments, particularly those that operate on a low margin of profit, to which shoplifting may make the difference between success and failure.

In the Commission survey, 35 percent of the neighborhood wholesale and retail establishments surprisingly reported no problem with shoplifting, while sizable percentages of other types of businesses, such as construction companies (30 percent), manufacturers of nondurables (33 percent), finance, insurance, and real estate firms (25 percent), which might not be expected to have any problem, reported some shoplifting difficulties. The average amount of shoplifting experienced by the nontrade establishments was considerably less than that for retail establishments.<sup>45</sup>

As one might expect, the highest rates of shoplifting were reported in the high crime rate districts. The most common items carried off by shoplifters were food, liquor or beer, clothing and footwear, and miscellaneous small items worth less than \$10.<sup>46</sup> However, it is the total volume, rather than individual acts, that makes shoplifting a serious problem for most commercial enterprises.

Nationally most large retail businesses estimate their overall inventory shrinkage due to shoplifting, employee theft, and accounting errors at between 1 and 2 percent of total inventory. Experts in industrial and commercial security estimate that 75 to 80 percent of the inventory shrinkage is probably attributable to some type of dishonesty.<sup>47</sup> Among the 47 percent of neighborhood businesses found by the Commission survey to have high rates of shoplifting, 60 percent placed their losses at less than 2 percent of total inventory; another 28 percent estimated they had lost between 2 and 6 percent. Surprisingly, 23 percent of all businesses in the survey were unable to give any estimate at all of the amount of their losses that might be due to shoplifting.<sup>48</sup>

**Employee Theft.** According to security experts for retail and other commercial establishments, theft by employees accounts for a considerably larger volume of theft than shoplifting.<sup>49</sup> Theft of merchandise or equipment by employees is particularly hard to control because detection is so difficult. Employees have opportunities for theft every working day, whereas the shoplifting customer cannot steal merchandise regularly from the same establishment without arousing suspicion.

Employee theft is also a problem in many industrial concerns. A recent survey by the National Industrial Conference Board of 473 companies indicated that 20 percent of all companies and nearly 30 percent of those with more than 1,000 employees had a serious problem with employee theft of tools, equipment, materials or

company products. More than half of the companies with a problem of employee theft indicated trouble with both white and blue collar workers.<sup>50</sup>

In neighborhood establishments surveyed by the Commission only 14 percent reported the discovery of any employee dishonesty. Among those, 40 percent estimated losses at no more than \$50 a year. Most managers or owners surveyed attempted to establish the honesty of employees before hiring them. Nearly one-third made an effort to check references or to clear the employee with the local police department but 74 percent did not report to the police the discovery of theft by their own employees, preferring to discharge the employee or handle the matter in some other way by themselves.<sup>51</sup>

#### CRIME AGAINST PUBLIC ORGANIZATIONS AND UTILITIES

Public organizations and utilities are repeatedly victimized by crime. While some of the crime committed against these organizations is reported to the police, it is not clear just how much goes unreported and how widespread it is.

To obtain some estimation, the Commission surveyed 48 such organizations in Boston, Chicago, and Washington with special attention to the police districts in which other surveys were being conducted.<sup>52</sup>

The most prevalent and persistent problem reported was vandalism of buildings and equipment. Telephone companies, electric companies, schools, libraries, traffic and highway departments, parks, public transportation, and housing all are victims. Estimates of damage ranging up to \$200,000 a year were quoted for such facilities as public housing, transportation, public parks, and recreation facilities in schools. The public school system in Washington, D.C., for example, provided data for 1965 showing a total of 26,500 window panes broken and replaced at a cost of \$118,000. A similar report was received in Boston.

Larceny was also a frequently mentioned problem, involving such thefts as stealing loose equipment and personal possessions, theft from coin meters, and breaking and entering. Some organizations make a distinction between amateur and professional theft. For example, the telephone companies distinguished between the organized coinbox larceny using forged keys and the amateur forcible entry involving damage to the equipment. Employee theft was not reported as a serious problem except in hospitals where it represents the most common reason for the apprehension and discharge of employees.

Many public facilities reported problems with various forms of violence within their boundaries. Assaults and child molestation occur in parks, libraries, and schools. Emergency rooms of hospitals cited disturbances by drunken and disorderly persons. The threat of violent behavior or the presence of disorderly persons was reported to affect markedly the patronage of parks, libraries and after-school activities, especially in areas with high crime rates.

<sup>44</sup> D.C. Crime Commission Report, supra note 9, p. 86.

<sup>45</sup> Reiss studies, supra note 40.

<sup>46</sup> Ibid.

<sup>47</sup> See chapter 3, "The Economic Impact of Crime."

<sup>48</sup> Reiss studies, supra note 40.

<sup>49</sup> Supra note 47.

<sup>50</sup> National Industrial Conference Board, Division of Personnel Administration, "Personnel Practices in Factory and Office" (New York: National Industrial Conference Board, Inc., 1964), p. 140.

<sup>51</sup> Albert J. Reiss, Jr., "Employee Honesty in Businesses and Organizations in Eighth Police Precincts of Three Cities." A report to the President's Commission on Law Enforcement and the Administration of Justice, 1966 (mimeo).

<sup>52</sup> Stephen Cutler and Albert J. Reiss, Jr., "Crimes Against Public and Quasi-Public Organizations in Boston, Chicago, and Washington, D.C." A report to the President's Commission on Law Enforcement and the Administration of Justice, 1966 (mimeo).

# Public Attitudes Toward Crime and Law Enforcement

At various periods in history, there are surges of public alarm about crime, such as the national concern about gangland crime in the nineteen-twenties. More frequently, however, alarm about "crime waves" has been localized. A few cases of terrible offenses can terrorize an entire metropolis and rising crime rates in once safe areas can arouse new fears and anxieties. At other times in the past, however, some of these crises have been synthetic ones, manufactured as circulation-building devices by the "yellow press." Lincoln Steffens, for example, recounts how he created crime waves by giving dramatic banner headline play to crimes that were actually ordinary occurrences in the metropolis.<sup>1</sup>

Although it is not possible to identify all the factors that affect the rise and fall in public alarm about crime, it is a constantly recurring public theme.<sup>2</sup> A legal scholar recently took a look over the literature of the past 50 years and noted that each and every decade produced prominent articles about the need for strong measures to meet the then-current crisis in crime.<sup>3</sup> Periodically throughout the century, there have been investigating committees of the Congress, of the State legislatures, and special commissions of cities to deal with the particular crime problem of the time. It may be that there has always been a crime crisis, insofar as public perception is concerned.

## CRIME AS A NATIONAL ISSUE

Many circumstances now conspire to call greater attention to crime as a national, rather than a purely local, problem. Concern with crime is more typically an urban than a rural phenomena and the rural population of the country is declining. At one time, for a majority of the population, reports of crime waves related only to those remote and not quite moral people who inhabited cities.

Now, also, more people are informed by nationally oriented communications media and receive crime reports from a much wider territorial base. In recent years news of the violent and fearful mass killing of 8 nurses in a Chicago apartment, 5 patrons of a beauty shop in Mesa, Ariz., and 13 passersby on the University of Texas campus in Austin received detailed coverage throughout the country. The fear of the people of Boston in 1966 of the brutal attacks of the "Boston Strangler" must have

been sympathetically shared and understood in many homes across the land. Some part of the public fear of crime today is undoubtedly due to the fact that the reports of violent crime we receive daily are drawn from a larger pool of crime-incident reports than ever before. But perhaps most important has been the steady stream of reports of rising crime rates in both large and small communities across the Nation. From all this has emerged a sense of crisis in regard to the safety of both person and property.

## HEIGHTENED CONCERN ABOUT CRIME AS A PUBLIC PROBLEM

The national public opinion polls provide evidence of the heightened concern today about the crime problem.<sup>4</sup> International problems have invariably been at the top whenever open ended questions were asked by the Gallup poll about the problems facing the Nation. Crime problems were not mentioned as an important problem by enough people to appear among the list. When the National Opinion Research Center conducted a national survey for the Commission during the summer of 1966, interviewers asked citizens to pick from a list of six major domestic problems facing the country the one to which they had been paying most attention recently.<sup>5</sup> Crime was second most frequently picked from among the list of domestic problems; only race relations was selected by more people. (Lower income nonwhites placed more emphasis on education than crime.)

In a consideration of local rather than national problems people rank juvenile delinquency higher on the scale than almost any other issue, including adult crime. Gallup polls reported in 1963 that when persons were asked to name the top problems in their community from a list of 39, juvenile delinquency was second in frequency of selection—exceeded only by complaints about local real estate taxes. The third most frequently mentioned problem was a not completely unrelated matter in the public's perception—the need for more recreation areas.

Whether more concerned about adult or juvenile crime, most people think the crime situation in their own community is getting worse, and, while substantial numbers think the situation is staying about the same, hardly anyone sees improvement. A Gallup survey in April 1965,

<sup>1</sup> Lincoln Steffens, "The Autobiography of Lincoln Steffens" (New York: Harcourt, Brace, & Co., 1931), pp. 285-291.

<sup>2</sup> E.g., Daniel Bell, "The Myth of Crime Waves," in "The End of Ideology" (2d rev. ed., New York: Collier Books, 1962), pp. 151-174.

<sup>3</sup> Yale Kamisar, "When the Cops Were not 'Handcuffed,'" New York Times Magazine, Nov. 7, 1965.

<sup>4</sup> Surveys by George Gallup, director, American Institute of Public Opinion, Princeton, N.J., will be referred to as Gallup polls. Those by Louis Harris, public opinion analyst, will be cited as Harris surveys.

<sup>5</sup> Philip H. Ennis, "Criminal Victimization in the United States: A Report of a National Survey" (Field Surveys II, President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: U.S. Government Printing Office, 1967). Hereinafter referred to as the NCRC study.

Table 1.—Most Important Domestic Problem by Race and Income

Domestic problem	Percent white		Percent nonwhite	
	Under \$6,000	Over \$6,000	Under \$6,000	Over \$6,000
Poverty.....	9	5	7	8
Inflation.....	15	17	4	4
Education.....	12	19	23	21
Crime.....	27	22	19	22
Race relations.....	29	34	32	38
Unemployment.....	8	3	15	7
Total.....	100	100	100	100
Number.....	(3,925)	(6,461)	(1,033)	(462)

Source: Philip H. Ennis, "Attitudes Toward Crime," Interim Report to the President's Commission on Law Enforcement and Administration of Justice, 1966 (mimeo).

showed this pessimistic perception of the problem prevailed among men and women, well educated and less well educated, and among all age, regional, income, and city size groupings.

#### SOURCES OF PUBLIC ATTITUDES ABOUT CRIME

From analysis of the results of its surveys of the public, the Commission tried to determine to what extent this increased public concern about crime was a reflection of personal experience as a victim, or vicarious impressions received from acquaintances, the mass media, or other sources. Although it was not possible to answer this question fully, the available data indicate that for most people, attitudes about serious crimes and crime trends come largely from vicarious sources. This is especially the case with the crimes of violence which, although the focus of the public's concern, are relatively rare.

Very few incidents in which citizens have been victimized by crime were of such great significance in their lives as to be readily remembered for any length of time. This conclusion is one of the findings from the intensive methodological work undertaken for the Commission by the Bureau of Social Science Research in Washington, D.C., in preparation for surveys of the public regarding victimization.<sup>6</sup> This was first observed in pretest interviewing that showed extremely pronounced "recency effects"; that is, the bulk of such incidents as respondents did report were incidents that had occurred within the very recent past—in the space of just the last few months. A very steep decline occurred when the number of cases of victimization were plotted by month of occurrence from the present into the past—even for as short a period as 1 year. While the investigators were ultimately able to achieve far greater exhaustiveness of reporting through methods that facilitated recall and led their respondents to give more time and effort to the task of remembering, even these revised methods showed pronounced effects of forgetting.

This effect is even very evident in the dates victimized citizens gave for crimes mentioned in response to questions about the worst crime that had ever happened to them or to any member of their household. Taking the most remote of any incidents of victimization mentioned by each respondent, over half had occurred during the previous 18-month period and 60 percent in the past 2 years. Only 21 percent of all incidents described as "the worst ever" were said to have happened more than 5 years ago.<sup>7</sup>

The seriousness of most crimes reported by the citizens interviewed by BSSR also led to the inference that people generally do not readily remember minor incidents of victimization, though relatively trivial criminal acts, such as vandalism and petty larcenies from automobiles and of bicycles, are undoubtedly much more prevalent than are more serious offenses.<sup>8</sup>

These observations may help explain why the surveys of citizens conducted for the Commission found little statistical relationship between having been directly victimized by crime and attitudes toward most aspects of the crime problem. Undoubtedly, if there had been sufficient cases to relate reliably the personal experiences and attitudes of persons suffering victimization from the most serious crimes of rape, aggravated assault, robbery, etc., a direct relationship would have been found in such cases. However, for all victims as a group in contrast to non-victims, having been personally victimized did not influence perceptions of whether crime was increasing or not, or the degree of a person's concern with the crime problem in most instances. The NORC national survey did show that victims tended to have somewhat more worry about burglary or robbery. This was true for both males and females as can be seen in table 2, though females, whether they had been victimized or not, were more concerned about their safety than males. However, other data from the NORC survey show that recent experience of being a victim of crime did not seem to increase behavior designed to protect the home. Almost identical proportions, 57 percent of victims and 58 percent of nonvictims, took strong household security measures.<sup>9</sup>

Table 2.—Concern of Victims and Nonvictims About Burglary or Robbery

[In percentages]		
Worry about burglary or robbery	Victim	Nonvictim
Males:		
Worried.....	69	59
Not worried.....	31	41
Number of males.....	100 (1,456)	100 (3,930)
Females:		
Worried.....	84	77
Not worried.....	16	23
Number of females.....	100 (2,399)	100 (6,189)

Source: NORC survey, supra note 5, adapted from tables 48 and 50, pp. 77-79.

<sup>6</sup> Albert D. Biderman, Louise A. Johnson, Jennie McIntyre, and Adrienne W. Weir, "Report on a Pilot Study in the District of Columbia on Victimization and Attitudes Toward Law Enforcement" (Field Survey I, President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: U.S. Government Printing Office, 1967). Hereinafter referred to as the BSSR study.

<sup>7</sup> Id. at p. 40.

<sup>8</sup> Id. at p. 33.

<sup>9</sup> Philip H. Ennis, supra, source note table 1.

In its Washington study BSSR found similar results. An index of exposure to crime was developed based on having personally witnessed offenses or on whether one's self or one's friends had been victimized. Scores on this index, in general, were not associated with responses to a variety of questions on attitudes toward crime and toward law enforcement that respondents were asked. Nor did exposure to crime appear to determine the anxiety about crime manifested in the interviews. The one exception appeared in the case of the Negro male. Negro men showed a tendency to be influenced in their attitudes and behavior according to whether they had been victims of some type of crime or not.<sup>10</sup>

In addition, the BSSR study found that the average level of concern with crime in a predominantly Negro police precinct that had one of the highest rates of crime in the city, according to police data, was lower than it was in another Negro precinct that had a low rate, relative to the first.<sup>11</sup>

All of these observations suggest that people's perception of the incidence and nature of crime and even to some extent their concern about it may be formed in large part by what they read or hear about from others. This does not mean, of course, that what people learn to think and feel about the crime problem in this way is any less valid or important as grounds for launching renewed efforts at crime control and prevention, or that either the extent of the crime problem or people's fears about it should be minimized. It does indicate the need for a greater public responsibility to insure that people have a chance to learn facts about crime that are not only accurate and trustworthy but also most relevant to the situations in which they live and work. It also means, because of the apparent importance of vicarious impressions in forming public attitudes about crime, that we need many more intensive studies to determine what it is that most influences people's views and feelings about crime.

A further indication of the importance of vicarious impressions in forming the public's perceptions of crime is that a majority of citizens almost everywhere think that the situation right where they live is not so bad. While the predominant opinion is that the crime situation is terrible and getting worse, most people tend to think of the situation as one that characterizes places other than their own immediate neighborhood. In the nationwide NORC study for the Commission, 60 percent of those questioned compared their own neighborhood favorably to other parts of the community in which they lived with regard to the likelihood that their home would be broken into, while only 14 percent thought their area presented a greater hazard.<sup>12</sup> This is the case even in areas that are regarded as very crime-ridden by the police. In the BSSR survey of residents of areas in Washington, D.C., that have average to high crime rates, only one out of five of those interviewed thought his neighborhood was less safe than most in the city.<sup>13</sup> Surveys conducted for the Commission by the Survey Research Center of the University of Michigan concerning public attitudes about crime in four medium to high crime rate police precincts in Boston and Chicago found that 73 percent of the re-

spondents thought their own neighborhoods were very safe or average compared to other neighborhoods in relation to the chances of getting robbed, threatened, beaten up, or anything of that sort.<sup>14</sup>

Almost half of the nationwide sample contacted by the NORC survey said there was no place in the city in which they lived (or suburb or county for those not living in cities) where they would feel unsafe. Two-thirds of the respondents say they feel safe walking alone when it is dark if they are in their own neighborhood. Responses to the question: "How likely is it that a person walking around here at night might be held up or attacked—very likely, somewhat likely, somewhat unlikely or very unlikely?" were very heavily weighted toward the "unlikely" direction.

#### PERSONAL FEAR OF CRIME

The core of public anxiety about the crime problem involves a concern for personal safety and to a somewhat lesser extent the fear that personal property will be taken. Perhaps the most intense concern about crime is the fear of being attacked by a stranger when out alone. According to the NORC survey, while two-thirds of the American public feel safe about walking alone at night in their own neighborhoods, the remaining one-third do not. In table 2, as noted above, women worry more than men about the risk of burglary or robbery. According to an April 1965 Gallup survey, then percentage of people feeling unsafe at night on the street is higher in large cities than in smaller ones and higher in cities than in rural areas.

Recently studies have been undertaken to develop an index of delinquency based on the seriousness of different offenses.<sup>15</sup> They have shown that there is widespread public consensus on the relative seriousness of different types of crimes and these rankings furnish useful indicators of the types of crime that the public is most concerned about. Offenses involving physical assaults against the person are the most feared crimes and the greatest concern is expressed about those in which a weapon is used.

Fear of crime makes many people want to move their homes. In the four police precincts surveyed for the Commission in Boston and Chicago, 20 percent of the citizens wanted to move because of the crime in their neighborhoods, and as many as 30 percent wanted to move out of the highest crime rate district in Boston.<sup>16</sup>

Fear of crime shows variations by race and income. In the survey in Washington, the Bureau of Social Science Research put together an index of anxiety about crime. It found that Negro women had the highest average score, followed by Negro men, white women, and white men. Anxiety scores were lower at the higher income levels for both Negroes and whites.<sup>17</sup>

The NORC survey asked people whether there have been times recently when they wanted to go somewhere in town but stayed at home instead, because they thought it would be unsafe to go there. Sixteen percent of the

<sup>10</sup> BSSR study, *supra* note 6, at p. 127.

<sup>11</sup> *Id.* at p. 125.

<sup>12</sup> NORC study, *supra* note 5, table 47, p. 76.

<sup>13</sup> BSSR study, *supra* note 6, at p. 121.

<sup>14</sup> Albert J. Reiss, Jr., "Studies in Crime and Law Enforcement in Major Metropolitan Areas" (Field Surveys III, President's Commission on Law Enforcement

and Administration of Justice, Washington, D.C.: U.S. Government Printing Office, 1967), vol. 1, sec. 2, p. 30. Hereinafter referred to as the Reiss studies.

<sup>15</sup> Thorsten Sellin and Marvin E. Wolfgang, "The Measurement of Delinquency" (New York: John Wiley & Sons, Inc., 1964), table 69, p. 289.

<sup>16</sup> Reiss studies, *supra* note 14, p. 31.

<sup>17</sup> BSSR study, *supra* note 6, p. 124.

respondents said that they had stayed home under these conditions. This type of reaction showed marked variation with race; one out of every three Negro respondents had stayed home as contrasted with one in eight whites.<sup>18</sup>

People also take special measures at home because of the fear of unwanted intruders. The national survey showed that 82 percent of the respondents always kept their doors locked at night and 25 percent always kept their doors locked even in the daytime when the family members were at home. Twenty-eight percent kept watch-dogs and 37 percent said they kept firearms in the house for protection, among other reasons.<sup>19</sup>

The special city surveys disclosed that a substantial number of people take other measures to protect themselves from crime. In Boston and Chicago 28 percent had put new locks on their doors primarily, as one might expect, because they had been victimized or were worried about the high crime rate in the area. Another 10 percent had put locks or bars on their windows; this occurred primarily in the highest crime rate areas. Nine percent said they carried weapons, usually knives, when they went out, and this figure rose to 19 percent in the highest crime rate district in Boston.<sup>20</sup>

The close relationship between worry about crime and the taking of strong precautionary measures is further demonstrated by the results from the national survey. Respondents were asked how much they worried about being victimized by robbery or burglary and their responses were related to their tendency to take strong household security measures. Persons worried about both burglary and robbery are most likely to take such precautions, about 50 percent more likely than those who are worried about neither.<sup>21</sup>

Perhaps the most revealing findings on the impact of fear of crime on people's lives were the changes people reported in their regular habits of life. In the high-crime districts surveyed in Boston and Chicago, for example, five out of every eight respondents reported changes in their habits because of fear of crime, some as many as four or five major changes. Forty-three percent reported they stayed off the streets at night altogether. Another 21 percent said they always used cars or taxis at night. Thirty-five percent said they would not talk to strangers any more.<sup>22</sup>

#### CONCLUSIONS ABOUT THE PUBLIC'S FEAR OF CRIME

The Task Force cannot say that the public's fear of crime is exaggerated. It is not prepared to tell the people how fearful they should be; that is something each person must decide for himself. People's fears must be respected; certainly they cannot be legislated. Some people are willing to run risks that terrify others. However, it is possible to draw some general conclusions from the findings of the surveys.

The first is that the public fears the most the crimes that occur the least—crimes of violence. People are much more tolerant of crimes against property, which constitute

most of the crimes that are committed against persons or households or businesses. Actually, the average citizen probably suffers the greatest economic loss from crimes against business establishments and public institutions, which pass their losses on to him in the form of increased prices and taxes. Nevertheless, most shoplifters never get to court; they are released by the store managers with warnings. Most employees caught stealing are either warned or discharged, according to the reports of businesses and organizations in the Task Force's survey in three cities.<sup>23</sup>

Second, the fear of crimes of violence is not a simple fear of injury or death or even of all crimes of violence, but, at bottom, a fear of strangers. The personal injury that Americans risk daily from sources other than crime are enormously greater. The annual rate of all Index offenses involving either violence or the threat of violence is 1.8 per 1,000 Americans.<sup>24</sup> This is minute relative to the total accidental injuries calling for medical attention or restricted activity of 1 day or more, as reported by the Public Health Service.<sup>25</sup> A recent study of emergency medical care found the quality, numbers, and distribution of ambulances and other emergency services severely deficient, and estimated that as many as 20,000 Americans die unnecessarily each year as a result of improper emergency care.<sup>26</sup> The means necessary for correcting this situation are very clear and would probably yield greater immediate return in reducing death than would expenditures for reducing the incidence of crimes of violence. But a different personal significance is attached to deaths due to the willful acts of felons as compared to the incompetence or poor equipment of emergency medical personnel.

Furthermore, as noted in chapter 2, most murders and assaults are committed by persons known to the victim, by relatives, friends, or acquaintances. Indeed on a straight statistical basis, the closer the relationship the greater the hazard. In one sense the greatest threat to anyone is himself, since suicides are more than twice as common as homicides.

Third, this fear of strangers has greatly impoverished the lives of many Americans, especially those who live in high-crime neighborhoods in large cities. People stay behind the locked doors of their homes rather than risk walking in the streets at night. Poor people spend money on taxis because they are afraid to walk or use public transportation. Sociable people are afraid to talk to those they do not know. In short, society is to an increasing extent suffering from what economists call "opportunity costs" as the result of fear of crime. For example, administrators and officials interviewed for the Commission by the University of Michigan survey team, report that library use is decreasing because borrowers are afraid to come out at night. School officials told of parents not daring to attend PTA meetings in the evening, and park administrators pointed to unused recreation facilities.<sup>27</sup> When many persons stay home, they are not availing themselves of the opportunities for pleasure and cultural enrichment offered in their communities, and they are

<sup>18</sup> NORC study, *supra* note 5, table 44, p. 74.

<sup>19</sup> Philip H. Ennis, *supra*, source note to table 1.

<sup>20</sup> Reiss studies, *supra* note 14, pp. 103-106.

<sup>21</sup> NORC study, *supra* note 5, table 48, p. 77.

<sup>22</sup> Reiss studies, *supra* note 14, p. 103.

<sup>23</sup> Donald J. Black and Albert J. Reiss, Jr., "Problems and Practices for Protection Against Crime Among Businesses and Organizations" (Ann Arbor: University of Michigan, Department of Sociology, 1966). A report to the President's Commission on Law Enforcement and Administration of Justice (mimeo).

<sup>24</sup> "UCR, 1965," p. 3.

<sup>25</sup> National Safety Council, "Accident Facts" (Chicago: National Safety Council, 1966), p. 2.

<sup>26</sup> Data obtained by interview from American College of Surgeons, Washington, D.C., 1966.

<sup>27</sup> Stephen Cutler and Albert J. Reiss, Jr., "Crimes Against Public and Quasi-Public Organizations in Boston, Chicago and Washington, D.C." (Ann Arbor: University of Michigan, Department of Sociology, 1966). A report to the President's Commission on Law Enforcement and Administration of Justice (mimeo).



not visiting their friends as frequently as they might. The general level of social interaction in the society is reduced.

When fear of crime becomes fear of the stranger, the social order is further damaged. As the level of sociability and mutual trust is reduced, streets and public places can indeed become more dangerous. Not only will there be fewer people abroad but those who are abroad will manifest a fear of and a lack of concern for each other. The reported incidents of bystanders indifferent to cries for help are the logical consequence of a reduced sociability, mutual distrust and withdrawal.

However, the most dangerous aspect of a fear of strangers is its implication that the moral and social order of society are of doubtful trustworthiness and stability. Everyone is dependent on this order to instill in all members of society a respect for the persons and possessions of others. When it appears that there are more and more people who do not have this respect, the security that comes from living in an orderly and trustworthy society is undermined. The tendency of many people to think of crime in terms of increasing moral deterioration is an indication that they are losing their faith in their society. And so the costs of the fear of crime to the social order may ultimately be even greater than its psychological or economic costs to individuals.

Fourth, the fear of crime may not be as strongly influenced by the actual incidence of crime as it is by other experiences with the crime problem generally. For example, the mass media and overly zealous or opportunistic crime fighters may play a role in raising fears of crime by associating the idea of "crime" with a few sensational and terrifying criminal acts.<sup>28</sup> Past research on the mass media's connection with crime has concentrated primarily on depictions and accounts of violence in the mass media as possible causes of delinquency and crime. Little attention has thus far been given to what may be a far more direct and costly effect—the creation of distorted perceptions of the risk of crime and exaggerated fears of victimization.

The greatest danger of an exaggerated fear of crime may well reside in the tendency to use the violent crime as a stereotype for crimes in general. For example, there may be a significant interplay between violence, the mass media, and the reporting of general crime figures. Publicity about total crime figures without distinguishing between the trends for property crime and those for crimes against persons may create mistaken ideas about what is actually happening. If burglaries and larcenies increase sharply while violent crimes decrease or remain stable, the total figures will follow the property crime figures, since crimes against property are more than four-fifths of the total. Yet under these conditions people may interpret the increases in terms of the dominant stereotype of crimes of violence, thus needlessly increasing their fears. They may not only restrict their activities out of an exaggerated fear of violence but may fail to protect themselves against the more probable crimes. The fact is that most people experience crime vicariously through the daily press, periodicals, novels, radio and television, and often the reported

experiences of other persons. Their fear of crime may be more directly related to the quality and the amount of this vicarious experience than it is to the actual risks of victimization.

The Task Force believes that there is a clear public responsibility to keep citizens fully informed of the facts about crime so that they will have facts to go on when they decide what the risks are and what kinds and amounts of precautionary measures they should take. Furthermore, without an accurate understanding of the facts, they cannot judge whether the interference with individual liberties which strong crime control measures may involve is a price worth paying. The public obligation to citizens is to provide this information regularly and accurately. And if practices for disseminating information give wrong impressions, resources should be committed to developing more accurate methods.

## ATTITUDES TOWARD CAUSES AND CURES

Attitude surveys involving questions on the causes of crime and measures for remedying the situation yield results reflecting differences in fundamental beliefs regarding man and society. Some regard punitive and repressive measures as the best means for coping with the problem while others prefer measures of social uplift. Some see inherent and immutable differences between the character of those who commit crimes, on the one hand, and the ordinary citizen on the other. Others see criminal tendencies as modifiable by instruction or changes in environmental circumstances. Some view many current social changes as leading toward a progressively more law-abiding citizenry; others see in them the undermining of moral beliefs and constraints which keep men law-abiding.

While there undoubtedly are some persons whose views fit neatly into this liberal versus conservative polarity this is by no means universally so. The lack of a rigid polarity is evidenced by conflicting poll and survey results, especially between notions of causes and cures, and between ideas of appropriate actions in general or in concrete cases.

A Gallup poll in August 1965 asked people what they thought was responsible for the increase in crime in this country. The major share of the reasons people mentioned were things having directly to do with the social or moral character of the population, rather than changes in objective circumstances or in law enforcement. Gallup classified more than half of all the answers given under the category "Family, poor parental guidance." About 6 percent of the answers gave breakdown in moral standards as the reason for increased crime. A variety of other directly moral causes were given in addition, such as: people expect too much, people want something for nothing, and communism. Relatively few (12 percent) of the responses were in terms of objective conditions such as unemployment, poverty, the automobile, or the population explosion. Inadequate laws and the leniency of the courts were mentioned by 7 percent and not enough police protection by only 3 percent.

<sup>28</sup> It is also possible at the same time that overexposure of the public to accounts of violent crime creates a dullness and indifference to the crime problem that only news of the most violent crimes can penetrate. For a discussion of this possible

effect and a review of studies of crime and the mass media see Edwin H. Sutherland and Donald R. Cressey, "Principles of Criminology" (7th ed., New York: J. B. Lippincott Co., 1966), pp. 257-265.



The responses to a query by Harris the same year were classified differently but a similar pattern emerges. Disturbed and restless teenagers was mentioned by more persons than any other cause and poor police departments by very few.

Harris later asked specifically why people become criminal rather than the reasons for an increase in crime. Most respondents attributed criminality to environmental and developmental factors rather than inborn characteristics, emphasizing such factors as poor training and companions, sometimes simply bad environment.

Table 2.—Why People Become Criminals

	Total public, percent
Upbringing.....	38
Bad environment.....	30
Mentally ill.....	16
Wrong companions.....	14
No education.....	14
Broken homes.....	13
Greed, easy money.....	13
Too much money around.....	11
Not enough money in home.....	10
Liquor, dope.....	10
Laziness.....	9
For kicks.....	8
No religion.....	8
No job.....	8
No chance by society.....	7
Born bad.....	5
Feeling of hopelessness.....	4
Moral breakdown of society.....	3
Degeneracy, sex.....	2
Failure of police.....	2

NOTE: Percentages add to more than 100 because people volunteered more than 1 cause.  
Source: Harris poll, conducted in 1965 and reported in 1966.

Although a majority of persons queried tended to think of inadequate moral training rather than inherent weaknesses when asked about the cause of crime, their response concerning the best way to cope with the problem tended to depend upon how the issue was phrased. For example, the BSSR survey in Washington asked citizens what they thought was the most important thing that could be done to cut down crime in the city.<sup>29</sup> Their responses were classified as to whether a repressive measure, a measure of social amelioration, or one of moral inculcation was being advocated. (Repressive measures included such things as more police, police dogs, stiffer sentences, cracking down on teenagers. Social amelioration included advocacy of such things as more jobs, recreation and youth programs, better housing, and improved police-community relations. Moral measures were better child training, religious training and revival, community leadership, and, most simply, teach discipline.) Sixty percent of the respondents recommended repressive measures, as compared with 40 percent who suggested social and amelioration or moral inculcation.

Further, evidence of this tendency to think of repressive measures as the way to deal with some aspects of the crime problems is contained in the answers to the question. "In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?" asked in a 1965 Gallup survey. The majority of responses was not harshly enough; only 2 percent said too harshly. The

BSSR study in Washington avoided the use of the word criminal by asking whether the sentences given by courts in Washington were generally too lenient or too harsh. Again, most respondents, including Negroes, thought the courts too lenient.<sup>30</sup>

However, when survey items pose alternatives rather than general open ended questions, they have yielded somewhat different results. The NORC national study asked people whether the main concern of the police should be with preventing crimes from happening or with catching criminals. All but 6 percent of those asked felt they could make a choice between these two emphases—61 percent chose preventing crimes and 31 percent catching criminals.<sup>31</sup>

Another question by the Harris poll in 1966 posed these alternatives:

"Leading authorities on crime feel there are two ways to reduce crime. One way is to head off crime by working with young people to show them that nothing can be gained through a life of crime. Another way is to strengthen our law enforcement agencies to make it hard for criminals to get away with crime. While both ways might be desirable, if you had to choose, which one would you favor: trying to stop criminals before they begin or strengthening the police force to crack down on crime?"

More than three-fourths of respondents chose "work with young people," only 16 percent "strengthen police." There were 8 percent who were not sure which was preferable.

A nonpunitive approach was also evident in a third question in the same survey which asked people to choose between corrective and punitive goals for prisons. Again, over three-fourths of the respondents choose correction as the alternative, only 11 percent punishment. Apparently, when the alternatives are put sharply enough, especially in dealing with the misbehavior of young people, the general preference of the public for preventive or rehabilitative rather than repressive measures emerges.

The tendency to be nonpunitive and repressive when considering the handling of youthful offenders is strikingly illustrated by the results of a 1963 Gallup survey. A sample was drawn from 171 communities across the Nation to sit in judgment on a hypothetical case. The respondents were asked how they would deal with a 17-year-old high school student from their own community who was caught stealing an automobile. They were told he had no previous record. Fewer than 10 percent recommended confinement of any sort: the largest number said they would give him another chance (table 3).

Table 3.—How Public Would Deal With Youth Caught Stealing a Car (Rank Order of Answers)

1. Give him another chance, be lenient.
2. Put him on probation; give him a suspended sentence.
3. Put him under care of psychiatrist or social worker.
4. Put him in an institution: jail, reformatory, etc.
5. Release him in the custody of his parents.
6. Punish his parents; fine them.

Source: Gallup polls, 1963.

<sup>29</sup> BSSR study, *supra* note 6, p. 134.  
<sup>30</sup> *Id.* at p. 135.

<sup>31</sup> NORC study, *supra* note 5, p. 59.

These survey results indicate the existence of public attitudes endorsing current trends in the criminal justice field that would increase the effectiveness of law enforcement and at the same time greatly expand preventive and rehabilitative efforts, particularly with young people. Though at first glance public attitudes toward the causes and cures for crime might appear contradictory, a more careful analysis suggests that the public assumes different attitudes toward different aspects of the crime problem. This provides potential support for many different types of action programs ranging all the way from increased police powers and more severe penalties for crime to the benign types of treatment and prevention programs.

#### CITIZEN INVOLVEMENT IN CRIME PREVENTION

Public concern about crime can be a powerful force for action. However, making it one will not be easy. The Washington survey asked people whether they had ever "gotten together with other people around here or has any group or organization you belong to met and discussed the problem of crime or taken some sort of action to combat crime?"<sup>32</sup> Only 12 percent answered affirmatively, although the question was quite broad and included any kind of group meeting or discussion. Neither did most persons believe that they as individuals could do anything about the crime in their own neighborhoods. Just over 17 percent thought that they could do something about the situation.

The question of what could be done to reduce crime was put to administrators and officials of public and quasi-public organizations in three cities.<sup>33</sup> These officials suggested ameliorative measures, such as greater equality of opportunity, rehabilitative, recreational and youth programs more frequently than did the sample of the general population. These citizens in positions of responsibility also relied to a great extent on the police; almost as many suggested improved and augmented police forces as suggested the social measures. There was, however, much greater emphasis on improvement in the moral fiber and discipline of the population than was true of the sample of the general population. Administrators of parks, libraries, utility companies, housing projects frequently stressed greater respect for property, for persons, or for the police; they believed that education could inculcate these values in the population. As these officials were responsible for organizations which suffered considerable loss through vandalism, it seemed reasonable to them that greater respect for property would solve much of the crime problem. School officials proposed more alternative activities for youth while park and traffic officials emphasized more police activity and better police-community relations, reflecting their own perceived need for more patrolling.

These administrators and officials who were interviewed also acknowledged a number of ways in which they might help to reduce crime. Some suggested that they might cooperate with the police in ways calculated

to make law enforcement easier. Others thought that they might cooperate in neighborhood and community programs, particularly by donating money for youth activities. The largest number of suggestions, however, involved what might be termed extension of the organizations' services. Electric companies considered more and brighter street lights, park officials more parks and recreational programs, and school principals more youth programs and adult education. Another category of responses by officials concerned participation in activities directed toward community goals. They thought that integration of work crews and the support of community relations programs might be helpful. Interestingly, some of these suggestions were not offered until the officials were specifically asked what their organizations might do. Park officials, for example, did not suggest recreational and other alternative activities as a means of reducing crime until asked what park departments might do. Nonetheless, these administrators and officials did see the potential of their own organizations as useful in reducing crime, creating the possibility that they might do something other than rely on the police. They also take a broader view of crime prevention than does the general public. Understandably, they might as citizens and organizations feel more competent to participate effectively in these broader programs while other segments of the public are more likely to believe that control and prevention is not within their province.

#### AMBIVALENCE REGARDING POLICE PRACTICES AND LAW ENFORCEMENT

The public surveys show that there is a considerable willingness to permit practices the police and law enforcement agencies consider important—but not an unqualified willingness. The complexity of the feelings about the relative rights of the police and the accused person is apparent in the responses of persons questioned by the BSSR in Washington and also in the results of the national study.

As one might expect, a substantial majority of the respondents in Washington, 73 percent, agreed that the police ought to have leeway to act tough when they have to.<sup>34</sup> In addition, more than half—56 percent—agreed that there should be more use of police dogs, while less than one-third (31 percent) disagreed. However, the person who takes a strong position on one question may refuse to do so on another. Further, there is little consistency between a general respect and sympathy for police and willingness to enlarge police powers. Table 4 shows that there is some tendency for those with high police support scores to be willing to give the police greater power, but that there are also many who regard the police favorably who would restrict their power. The public's attitudes seem to be more responsive to particular issues than to anything which might be called a generalized high or low attitude toward supporting the police.

<sup>32</sup> BSSR study, *supra* note 6, unpublished supplement.  
<sup>33</sup> Stephen Cutler and Albert J. Reiss, *supra* note 27.

<sup>34</sup> BSSR, *supra* note 6, p. 146.

Table 4.—Attitudes Toward Supporting Police and Approval of Certain Police Practices

(Figures in parentheses=percentages)

"The police should have leeway to act tough when they have to."			
	Agree		Disagree
Low Police Support Score <sup>1</sup> .....	136	(36.5)	59 (53.6)
High Police Support Score.....	237	(63.5)	51 (46.4)
Total.....	373	(100.0)	110 (100.0)

"There should be more use of police dogs."			
	Agree		Disagree
Low Police Support Score.....	100	(35.1)	86 (53.4)
High Police Support Score.....	185	(64.9)	75 (46.6)
Total.....	285	(100.0)	161 (100.0)

<sup>1</sup> A police support score was assigned each respondent depending on whether he gave a positive or negative response to six statements about the police.

Source: BSSR study, *supra* note 6, p. 148.

A similar ambivalence was observed in the results of the national survey conducted for the Commission.<sup>35</sup> There were four questions concerned with the power of the police. Forty-five percent favored civilian review boards (35 percent opposed them, 20 percent had no opinion or were indifferent); 52 percent believed that the police should have more power; 42 percent that police should risk arresting an innocent person rather than risk missing a criminal; and 65 percent favored the ruling that police may not question a suspect without his lawyer being present or the suspect's consent to be questioned without counsel. These percentages indicate that individuals vary considerably from one issue to the next as to the desirability of enlarging or restricting police powers.

To test this motion, the answers of each respondent were combined to form a scale of restrictiveness or permissiveness regarding law enforcement policy (table 5). Those consistently in favor of expanding police powers would score 0 and those most restrictive of police power would score 8. The distribution of scores in table 6 illustrates the variations in attitudes about different law enforcement policies or issues. Only 11 percent of the respondents show extreme scores advocating expansion of police power and 15 percent show extreme restrictive scores. Many give restrictive answers to some questions and permissive answers to others.

The public surveys also show that most people believe that the police do not discriminate in the way they treat members of different groups. About half of the Negro and 20 percent of the white citizens interviewed in Washington thought that Negroes get no worse treatment than other people. Among the comments of those respondents who do believe the police discriminate were that the police pick on Negroes more, they are rude to Negroes, use brutality and physical force, or else ignore Negroes more than other people. Half of the Washington respondents believed that people who have money for lawyers don't

have to worry about police.<sup>36</sup> Somewhat fewer but nonetheless almost half of the respondents in Boston and Chicago said that the way police treat you depends on who you are.<sup>37</sup> In these cities, 35 percent saw rich and respectable persons as being favored by the police while 38 percent said that being a Negro makes a difference.<sup>38</sup> In the predominantly Negro districts in each of these cities, more persons thought that Negroes receive less than equitable treatment while in the predominantly white areas more persons spoke of favorable treatment of rich persons.<sup>39</sup>

The single most outstanding finding of the survey in Washington, however, was not the differences between groups but rather the generally high regard for the police among all groups, including Negro men. Although the BSSR survey found that more than half of the Negro men believed that many policemen enjoy giving people a hard time, 79 percent said that the police deserve more thanks than they get. And 74 percent thought that there are just a few policemen who are responsible for the bad publicity that the police force sometimes gets.<sup>40</sup> It is not so surprising to find this potential for good will toward the police when it is remembered that Negroes expressed the most worry about being the victims of crime and a general reliance on the police to prevent and control crime. This was the case even among Negro men who are not well educated and who live in the poorer areas of the city with relatively high rates of crime.

In general, the surveys found public concern for safeguarding individual rights. Only 38 percent of the respondents agreed that too much attention is paid to the rights of persons who get in trouble with the police, when that question was asked in Washington, Boston, and Chicago.<sup>41</sup> The questions which comprised the law enforce-

Table 5.—Attitudes Toward Law Enforcement Policies

Recently some cities have added civilian review boards to their police departments. Some people say such boards offer the public needed protection against the police, and others say these boards are unnecessary and would interfere with good police work and morale. In general, would you be in favor of civilian review boards or opposed to them?

Score value	Percent
2 In favor.....	45
0 Opposed.....	35
1 Don't know.....	20
N.....	(14,366)

Do you favor giving the police more power to question people, do you think they have enough power already, or would you like to see some of their power to question people curtailed?

Score value	Percent
0 Police should have more power.....	52
1 Have enough power already.....	43
2 Should curtail power.....	5
N.....	(13,190)

The police sometimes have a hard time deciding if there is enough evidence to arrest a suspect. In general, do you think it is better for them to risk arresting an innocent person rather than letting the criminal get away, or is it better for them to be really sure they are getting the right person before they make an arrest?

Score value	Percent
0 Risk arresting innocent.....	42
2 Be really sure.....	58
N.....	(13,488)

The Supreme Court has recently ruled that in criminal cases the police may not question a suspect without his lawyer being present, unless the suspect agrees to be questioned without a lawyer. Are you in favor of this Supreme Court decision or opposed to it?

Score value	Percent
2 In favor.....	65
0 Opposed.....	35
N.....	(12,994)

Source: Adapted from NORC study, *supra* note 5, pp. 64-65.

<sup>35</sup> NORC study, *supra* note 5, pp. 64-72.

<sup>36</sup> BSSR study, *supra* note 6, p. 144.

<sup>37</sup> Reiss studies, *supra* note 14, p. 42.

<sup>38</sup> *Id.* at pp. 43-47.

<sup>39</sup> *Id.* at pp. 42-47.

<sup>40</sup> BSSR study, *supra* note 6, p. 137.

<sup>41</sup> BSSR study, *supra* note 6, p. 149, and Reiss studies, *supra* note 14, p. 82.

Table 6.—Percent Distribution, Police Policy Index

Most in favor of increasing police powers (Index value):	
0	7.5
1	3.6
2	16.4
3	10.7
4	16.9
5	17.1
6	12.5
7	13.1
8	2.2
Most in favor of restricting police power:	
Total	100.0
N	(11,742)

ment policy scale in the national survey also were concerned with various aspects of the relative rights of the accused and the police.<sup>42</sup> When asked several questions in which various extensions of police powers were posited against protections of individual rights, in only one case did a majority favor the enlargement of police power.<sup>43</sup> Barely more than half, 52 percent, thought that police should have more power to question people. A pronounced concern with the rights of citizens is particularly apparent when the rights issue is very explicit. It also is apparent that most persons do not perceive this concern with rights of citizens as being derogatory toward the police. Of those persons questioned in Washington who took a prorights position, more than half indicated strong respect and sympathy for the police.<sup>44</sup>

Negroes were somewhat more likely to take the rights position than white respondents but the differences were not great. The survey in Washington found that 49 percent of the Negroes and 46 percent of the white respondents did not think that too much attention was being paid to the rights of people who get into trouble with the police.<sup>45</sup> The same question was asked in Boston and Chicago; in both cities there were more prorights replies in the districts which were predominantly Negro than in those which were predominantly white. In Boston the proportions of prorights replies were 46 percent in the predominantly Negro district and 20 percent in the predominantly white area.<sup>46</sup> In Chicago it was 40 and 33 percent in predominantly Negro and white areas respectively.<sup>47</sup> The differences between the mean scores on the police policy index also reflected more concern with the rights of citizens on the part of nonwhite than white persons in the national sample.<sup>48</sup>

Another form of concern with the rights of citizens in recent years has been the question of allowing political and civil rights demonstrations. People who were questioned in the national study were asked whether such demonstrations should be allowed no matter what, should be allowed only if the demonstrators remain peaceful, or should not be allowed at all.<sup>49</sup> A majority of both whites and nonwhites would allow the demonstrations, most with the proviso that they remain peaceful. Among white persons there was a relationship between income and tolerance toward demonstrations. Those persons with higher incomes would more frequently allow demonstrations if they were peaceful and less frequently prohibit all demonstrations. Nonwhites tended to be

more permissive regarding demonstrations regardless of income level. The upper income nonwhites, however, more often qualified their tolerance by requiring that demonstrations be peaceful. The tolerance of demonstrations as an indication of concern for rights was far from synonymous with a desire to restrict police powers as they related to the rights of citizens, however. More than 50 percent of the white respondents who would allow demonstrations would also enlarge police powers. (More of the nonwhites would restrict police powers.)

The national survey also found a strong preponderance of favorable opinion toward the Supreme Court's decision regarding right of counsel.<sup>50</sup> Almost three-quarters of the persons questioned approved the decision that the State must provide a lawyer to suspects who want one but cannot afford to pay the lawyer's fee. Not only does a strong majority approve the decision but no income, sex, or racial group opposes it.

### NONREPORTING OF CRIMES TO THE POLICE

Americans believe that the crime problem is a matter for police rather than citizen action. They nevertheless frequently fail to take the one essential action that they as citizens must take if the police are to intervene in any particular criminal instance. Fewer than half of the incidents of victimization uncovered by NORC in the national survey conducted for the Commission had been reported while the residents of Washington had notified the police of only 65 percent of the incidents they disclosed to BSSR interviewers.<sup>51</sup> NORC found considerable variation by type of crime.<sup>52</sup> Generally the more serious the crime the more likely the police were called. A higher percentage of grand than petty larcenies and of aggravated than simple assaults were reported, for example. Except for the more serious crimes against the person, however, crimes which were completed were reported no more frequently than the attempted crimes. It is apparent that the simple desire to recover losses or damages is not the only factor in a victim's decision for or against police notification. This study did not find that any racial or income group was any more likely than another to report or decline to report crimes.<sup>53</sup>

The victim's or witness' reluctance to get involved was one of the most frequently cited reasons for nonreporting.<sup>54</sup> Sometimes he did not want to take the time to call the police and present evidence, perhaps spending time in court and away from his work. Some persons who said they had witnessed incidents which might have been crimes did not feel it was their responsibility to intervene, that it was not their business to call the police or take any other action. A few persons expressed this sentiment by stating to the interviewers, "I am not my brother's keeper."

Others said they did not think the victim would want the police to be notified or they indicated a concern for the offender. Victims, too, were sometimes reluctant to cause trouble for the offender. In half the cases of

<sup>42</sup> For a description of the police policy index, see NORC study, *supra* note 5, pp. 64-65.

<sup>43</sup> NORC study, *supra* note 5, p. 64.

<sup>44</sup> BSSR study, *supra* note 6, p. 150.

<sup>45</sup> *Id.* at p. 149.

<sup>46</sup> Reiss studies, *supra* note 14, p. 82.

<sup>47</sup> *Ibid.*

<sup>48</sup> NORC study, *supra* note 5, p. 68.

<sup>49</sup> *Id.* at table 36, p. 63.

<sup>50</sup> *Id.* at table 40, p. 70.

<sup>51</sup> NORC study, *supra* note 5, p. 42, and BSSR study, *supra* note 6, p. 40.

<sup>52</sup> See table 5 in chapter 2.

<sup>53</sup> NORC study, *supra* note 5, table 27, p. 46.

<sup>54</sup> *Id.* at table 24, p. 44.

family crimes or sex offenses (other than forcible rape) reported to NORC interviewers the police were not notified and the reason most frequently given was that it was a private rather than a police matter.<sup>55</sup> Similarly for all classes of offenses except serious crimes against the person, the police were less likely to be called if the offender were personally known to the victim than if he were a stranger.

The fear of reprisal or other unfortunate consequences sometimes deterred victims or witnesses from notifying the police of an incident. Some feared personal harm might come from the offender or his friends. Some feared that they themselves would become the subject of police inquiry or action. In the case of property offenses the fear of increased insurance rates or even of cancellation of insurance was more likely to be the reason. Businessmen often refrained from reporting burglaries, believing that it was less expensive to absorb some of these losses than to pay more for their insurance.<sup>56</sup>

The most frequently cited reason for not reporting an incident to the police is the belief in police ineffectiveness; 55 percent of the reasons given for nonreporting by respondent in the national study fell in this category. This does not necessarily constitute evidence of a pervasive cynicism regarding police. The victim may instead have simply accepted that the damage had been done, there were no clues and the police could not be expected to apprehend the offender or undo the damage. For example, in malicious mischief where it is unlikely the offender will be caught, police ineffectiveness is the preponderant reason for nonreporting.

For similar reasons, businessmen interviewed by the University of Michigan survey team said that they rarely called the police to handle cases of employee dishonesty.<sup>57</sup> In 46 percent of the cases where the police were not called, the reason given questions the capability of the police to do anything in the situation.<sup>58</sup> They do not question that the police will respond to their call but doubt whether the police would or could accept the kind of evidence they have, or they do not feel that the courts would accept the evidence even if the police formally made an arrest. These businessmen also frequently responded in terms of not wanting to get involved and preferring to handle the matter themselves. Dismissal of the employee apparently requires less time and effort than referral of the matter to the police. Their feeling that it was not worthwhile to call the police then did not always indicate a negative evaluation of the police. Ironically, many of these same businessmen who do not report instances of employee dishonesty use police records as a screening device for selecting potential employees.<sup>59</sup>

Another factor which may be operating here is the relationship between the employer and employee. The employer has in a sense taken some responsibility for the relationship by engaging the employee; what happens then is seen as a matter between himself and the person he has hired. Similarly, when a businessman agrees to cash a customer's check he infrequently calls the police when the check is returned for insufficient funds or other reasons. Only 19 percent of the owners and managers

said they called the police when they are given a bad check and another 8 percent said they would do so if they could not collect.<sup>60</sup> By far the most frequent response is to request that the offender make good. This is also the most frequent response in the case of shoplifting but here there is a greater willingness to call the police. Nonetheless only 37 percent say they call the police and another 5 percent will call them if they cannot make the offender pay for the goods. Half of them try to make the offender pay for the goods.<sup>61</sup> There is, of course, greater reliance on law enforcement agencies than is apparent in these figures on nonreporting. Some businessmen suggested that they could threaten to call the police if the offender did not make restitution; in other instances the threat would be implicit.

## CONCLUSION

Analysis of the findings of public opinion polls and surveys of the measures citizens take to cope with the threat of crime shows an increased concern about the crime problem and greatly aroused fears of being victimized, especially from the violent acts of strangers. This fear leads many people to give up activities they would normally undertake particularly when it may involve going out on the streets or into parks and other public places at night. The costs of this fear are not only economic, though a burdensome price may be paid by many poor people in high crime rate areas who feel compelled to purchase protective locks, bars, and alarms, who reject an attractive night job because of fear of traversing the streets or who pay the expense of taxi transportation under the same circumstances. In the long run more damaging than costs are the loss of opportunities for pleasure and cultural enrichment, the reduction of the level of sociability and mutual trust, and perhaps even more important, the possibility that people will come to lose faith in the trustworthiness and stability of the social and moral order of the society.

At the same time most people seem to feel that the effort to reduce crime is a responsibility of the police, the courts, and other public or private agencies engaged in the tasks of crime prevention and control. Though the people generally see little they can do as individuals, they are prepared to endorse a variety of programs to remedy the situation. These range all the way from stricter policies of law enforcement to expensive crime prevention and treatment programs for offenders. Public attitudes about various programs or policies reflect both a desire for a better system of protection against crime and an interest in protecting individual rights and freedom. For this reason the pattern of public attitudes is complex and varies considerably from one issue to another. Thus, a majority of citizens believe the police should have more power to question people; but a somewhat greater majority favor the Supreme Court ruling regarding access to legal counsel as a precondition to police questioning following arrest. A majority feel that courts are too lenient in sentencing

<sup>55</sup> *Id.* at table 26, p. 46.

<sup>56</sup> Donald J. Black and Albert J. Reiss, *supra* note 23.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

criminals, and yet they overwhelmingly prefer rehabilitative rather than punitive goals in corrections, and in the case of a young first offender the largest number would give him another chance.

Much more should be known about these public attitudes, how they vary from issue to issue, and how they differ for various social, economic, ethnic, and other

groupings of the population. Nevertheless, it seems reasonable to conclude that there is substantial public support for a vigorous program of law enforcement, for more intensive use of rehabilitative treatment methods, and for broad programs of social, educational, and economic reforms that will help prevent youth from becoming enmeshed in delinquent and criminal careers.

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# Professional Crime

Persons whose income is gained primarily from the full-time pursuit of criminal activity account for a large proportion of certain crimes, particularly major thefts, and theft-related offenses, committed in the United States. No data are available on exactly how many crimes are committed by professionals nor how many criminals fall into the professional category, but both figures are undoubtedly substantial. Fuller understanding of the nature of professional crime could be a first step toward developing new techniques and approaches for control and prevention of this form of criminality.

Existing information about professional crime is fragmentary, and much of it may be outdated. A primary source is Edwin H. Sutherland's classic description of theft as a way of life, "The Professional Thief," but that work, though helpful, was published in 1937 and describes the life of a thief in the period between 1905 and 1925. Other books published since have focused on particular types of criminal activity normally engaged in by professionals including confidence game operations,<sup>1</sup> pickpocketing,<sup>2</sup> professional robbery and burglary,<sup>3</sup> and receiving stolen goods.<sup>4</sup> These few studies provide the basic information on professional crime available in the literature. Although differences in emphasis and coverage exist among them, they present a reasonably coherent, though necessarily incomplete, description of certain types of professional criminal activity.

In order to supplement this material, the Commission sponsored a pilot field research study in four cities—Atlanta, Chicago, New York, and San Francisco—during the summer of 1966.<sup>5</sup> The study differed from previous research in that it used police and prosecutors as well as professional criminals as primary informants. Each consultant spent approximately half of his field time, or about 10 days, conferring with police and district attorneys on the problems of professional crime in their cities. In addition, some of the consultants observed the police in action and examined relevant materials in the files of special intelligence units. Law enforcement agents provided most of the leads to professional criminals.<sup>6</sup>

The consultants spent the balance of their time in the field (about 10 to 15 days each) locating and talking with professional criminals. The number of criminals interviewed varied from a low of eight in one city (Chicago) to 19 in another (San Francisco), with a total of 50 being

interviewed. About two-thirds of the total number were in jail or prison at the time of their interviews. Although compared with prior studies the combined samples amounted to a relatively large number of informants, it is obvious that such a survey, conducted under such tight time limitations, could not result in a detailed comprehensive picture of professional crime in the United States. But the data collected are useful for obtaining some insights about professional criminals and the life they lead. Combined with relevant data from previous studies, they provide the basis for the material in this chapter.

For purposes of the Commission-sponsored study, professional crime was defined as: "Crime committed for personal economic gain by individuals whose major source of income is from criminal pursuits and who spend the majority of their working time in illegal enterprises." Organized crime and white-collar crime were specifically excluded. And while the definition was comprehensive enough to cover a variety of crimes such as killing or strong-arming for hire, professional arson and even prostitution, the principal emphasis of the Commission's study, following the pattern of earlier studies, was on essentially predatory crimes where the victim does not consent and where the actors usually function not as employees but as entrepreneurs. This approach tends to focus on theft and theft-related offenses, including such crimes as receiving stolen goods, shoplifting, pickpocketing, auto theft, burglary, forgery, confidence games, and various kinds of fraud.

This definition differs from traditional definitions in that it does not include any requirement that professionals have specially developed skills or that they have any particularly close association with other professionals. In Sutherland's classic study, the professional thief was described as having "a complex of abilities and skills \* \* \* developed \* \* \* by education" which "can be secured only in association with professional thieves."<sup>7</sup> Obviously this difference in definition affected the characteristics found to be associated with professional criminals. Thus prior studies found that professional criminals were, often highly specialized, and that they tended to be quite loyal to members of their professional groups. The Commission-sponsored study, on the other hand, found that professional criminals tended to be generalists, to operate in a variety of loose associations with other professionals, and to exhibit no particular loyalty to their fellows.

<sup>1</sup> D. W. Maurer, "The Big Con" (N.Y.: Pocketbooks, Inc., 1949).

<sup>2</sup> D. W. Maurer, "Whiz Mob" (New Haven: College and University Press, 1955).

<sup>3</sup> J. B. Martin, "My Life in Crime" (N.Y.: Harper Brothers, 1952).

<sup>4</sup> See J. Hall, "Theft, Law, and Society" (2d ed. Indianapolis: Bobbs-Merrill, 1952).

<sup>5</sup> The Office of Law Enforcement Assistance, Justice Department, funded the

project. Brandeis University administered the project grant. The project's coordinator was Prof. Leroy Gould of Yale University. Professor Gould was assisted by five field consultants, two advisors, and one research assistant.

<sup>6</sup> Some of those contacted through the police referred the staff to other professional criminals.

<sup>7</sup> E. H. Sutherland, "The Professional Thief," (Chicago: Univ. of Chicago Press, 1937), pp. 197-198.



There is no way of knowing whether these different findings reflect only the difference in definition, or whether they reflect in addition changes in the character of professional crime.

The purpose of this chapter is to summarize the concededly inadequate data regarding professional crime, contained in the available literature and in the report of the Commission's study, and to speculate about possible lines of fruitful inquiry. The chapter adopts the broad definition used by the Commission-sponsored study. The significance of professional criminals so defined lies in part simply in the amount of crime that they are apparently responsible for. It is obvious that any group which is engaged in criminal activity on a relatively full-time basis will be responsible for crime out of all proportion to its numbers. Moreover, unlike many occasional criminals, professionals typically make no significant contribution to society through legitimate activity. Their significance lies also in the fact that, compared to many of the criminal types dealt with in the Commission's report, professional criminals are a relatively rational and competent group of persons who are involved in crime because it is a profitable business. It would appear therefore that the traditional sanctions of the criminal law could be highly effective in dealing with many types of professional crime. But if law enforcement efforts are to succeed, more must be known about who professional criminals are and how they operate.

## THE EXTENT OF PROFESSIONAL CRIME

There are no accurate statistics on the amount of professional crime. Published studies contain only estimates of career earnings of individual professional criminals, illustrative "touches," estimated average weekly earnings of various types of professional mobs, and other data of this order.<sup>8</sup>

The lack of accurate data on professional crime is in part a reflection of the general absence of adequate statistics on crime, as discussed more fully in chapter 10. But there are particular difficulties in measuring professional crime. The professional and nonprofessional often engage in the same type of criminal activity. Even if crime reporting improves, it will still be difficult to distinguish the professional's work from that of the amateur. The task is complicated by the fact that the kinds of crimes committed by professionals change over a period of time.

Nevertheless, there is reason to believe that professional criminals are responsible for a large proportion of all property crimes committed and probably an even larger proportion of total property loss through such crimes. Available information indicates, for example, that there are a large number of professional criminals, all of whom, by definition, work at crime on a relatively full-time basis, and some of whom are reported to have very high incomes, sometimes exceeding \$100,000. And it is apparent that thefts involving the loss of large amounts of valuable merchandise require the sorts of

contacts with fences and commercial establishments that professionals develop.

There is evidence that the more successful professionals tend to spend substantial portions of their working time in developing lucrative opportunities and planning their criminal activity. A week, month, or even longer period may be spent in preparing for a particularly promising venture. As a result, "scores" tend to be good and the risk of apprehension low. The run-of-the-mill professional criminal, on the other hand, finds it necessary to spend more time in actual stealing to meet expenses and maintain himself at a comfortable and free-spending standard of living. Members of rackets, such as picking pockets and other forms of low-paying larceny, spend virtually all of their time this way.

The Commission's study produced some vivid descriptions of the day-to-day life of the typical professional, the flavor of which is captured by the term "hustling."<sup>9</sup> For the small-time professional criminal, hustling means moving around the bars and being seen; it means asking "what's up." It means "connecting" in the morning with two others who have a burry set up for the evening, calling a man you know to see if he wants to buy 10 stolen alpaca sweaters at \$5 each, and scouting the streets for an easy victim. It means being versatile: passing checks, rolling a drunk, driving for a stickup, boosting a car, burglarizing a store. It is a planless kind of existence, but with a purpose—to make as much money as can be made each day, no holds barred. While the more successful professional criminals hustle to some extent, they can afford to be much more purposeful and choosy in their criminal activities.

The Commission's study revealed that run-of-the-mill professionals regularly gather at certain bars and restaurants which in effect function as criminal job placement centers. These centers do for the professional criminal what want ads, employment offices, and businessmen's luncheons do for legitimate business. Through contact with other criminals, professionals learn of jobs to be pulled and of openings in groups planning to pull them. Contacts of this type also enable the professional to keep abreast of the latest techniques, and to gather information regarding criminal opportunities. These centers tend to attract the low-status professional criminal; apparently the successful practitioner in crime does not go to the employment office.

## CHARACTERISTICS OF PROFESSIONAL CRIME

### SKILLS

Sutherland drew a sharp distinction between the professional and the amateur thief based upon their relative skills. Under his classification, a person might steal as a full-time occupation, but he would not be a professional if he lacked the comprehensive complex of technical skills, personal contacts, and knowledge necessary in order to make a good living at crime in comparative safety. Sutherland's professional thief was contemptuous of the

<sup>8</sup> For example, Martin's professional burglar estimated that he was in on \$250,000 worth of thieving over a 4-year period. Martin, *supra* note 3, p. 139. This contrasts with the "scores" made by big con-men which during the 1920's were reported to run to \$375,000. Maurer, "The Big Con," *supra*, note 1, pp.

26-30. At the other extreme, \$15,000 is said to be a better than average income for a pickpocket, as of 1955. Maurer, p. 38.

<sup>9</sup> This term was often encountered in Atlanta and San Francisco where it is most likely to be used to describe the activities of run-of-the-mill professionals, rather than the more successful ones.

amateur's crude techniques, low income, and inability to avoid arrest. He therefore avoided association with amateurs and excluded them from the complex of reciprocal expectations and services which characterized his own way of life. But even under this definition, the professional criminal's skills vary significantly in kind<sup>10</sup> and degree. The big-time jewel thief and the "ropers" and "insidemen" who contrive to extract thousands of dollars from wealthy victims in the big con game are at one end of the spectrum. At the other are petty thieves, short con operators, and pickpockets who, though technically competent, lack the techniques needed to make big scores consistently.

Clearly there is an even greater range in skills when all persons who work at crime on a relatively full-time basis are classified as professionals. Nevertheless even this group is, as a whole, a relatively competent one. Many of its members possess, in addition to particular skills, the ability to plan and carry out detailed operations, to manipulate people, to analyze problems and implement solutions. It is clear that professional crime represents the loss to society of the potential contributions of a capable group of people, as well as the channeling of their energies into destructive activities.

#### SPECIALIZATION

There is evidence that some individual professional criminals tend to specialize in a limited number of related rackets. Many exclude certain kinds of activities: thus some of the professional criminals who were interviewed in the course of the Commission's study said that they would not use violence. But in general the Commission's study indicated that professionals in the middle and lower status levels tend to be versatile.<sup>11</sup> Even the better professional criminal is not always free to follow his preferred line of work, since it may not be either profitable or safe at all times. Under these circumstances he may undertake activities at which he is not especially skilled.

#### GROUP ACTIVITY

Earlier studies described the relationship between professional criminals as relatively structured. Sutherland, in describing the professional thief of 40 years ago, and Maurer, in his treatment of professional confidence men and pickpockets, stressed the idea that professional criminals enjoy a sense of identity and solidarity and work within a set of well-defined norms and codes of loyalty, helpfulness, and honesty in dealing with one another.

The Commission-sponsored study, directed at a broader group of criminals, found that only the more successful members of this group could be so characterized. It found that the associations or gangs which run-of-the-mill professionals form to commit their crimes tend to be unstable, and that this instability results in part from the diversity of their activities. Different crimes require different kinds of personnel, amounts of financial backing, and types of fencing operations. Consequently, groupings and relations with loan sharks and fences may

change from operation to operation. Even the few relatively stable groups which the consultants heard about brought in other professional criminals for certain jobs, and some members of the group might hire out from time to time on other jobs.

The shifting, transitory pattern of most professional criminals' working relationships was found to be accompanied by the absence of any strong ethical codes. Few of the professional criminals interviewed, for example, seemed to feel bound by any "no ratting" rule. Typically they appeared to take it for granted that others would do whatever necessary to protect themselves—to avoid imprisonment or reduce a sentence—and that they, therefore, should do likewise. As one professional criminal commented: "The one who gets his story told first gets the lightest sentence." There was little resentment expressed about this. It was treated like the weather—a fact of life. Further, criminals expected to be cheated by their colleagues, or by most colleagues. Many of those interviewed reported having been cheated by fences and even by their partners in a particular venture. Victimization of one professional group by another is apparently also fairly common, limited only by fear of reprisal.

There were exceptions to this general pattern, however. Some professional criminals stated that they had worked with certain individuals whom they trusted completely. And relative stability was found among the really successful professional criminals in New York and Chicago. In Chicago, for example, there is a group of between 50 and 200 "heavy" professional thieves who concentrate on such criminal activities as burglary, robbery, and cartage theft. It is said that this group, or at least the core members of the group, are quite stable and quite highly organized, and apparently they exert a considerable amount of control over their own regular members, as well as over persons who work with them only on occasional jobs.

#### CHANGING CRIMINAL OPPORTUNITIES

As conditions in society change, certain criminal occupations become relatively unprofitable, and other opportunities develop. The nature of crime will tend to change accordingly. Criminal activity like legitimate business activity may respond to the market, to supply and demand curves, and to technological developments. Professional crime, guided by the profit motive, can be expected to be particularly responsive to such factors. One example is the reported decline in safecracking. This is apparently due in part to such factors as increased law enforcement surveillance and mobility, and improvements in the design of safes. Undoubtedly the fact that safes no longer play as important a role has also contributed to the decline—modern economic transactions involve the transfer of credits much more than the transfer of cash. Thus it may have become both more difficult and riskier to rob safes, and also less profitable. At the same time, more promising opportunities for crime have arisen. One of these is check-passing. The Commission's study

<sup>10</sup> A classification frequently encountered is the distinction between the "light" rackets in which stealing is accomplished by stealth or by manipulating the victim, and the "heavy" rackets in which force, or its threat, is used.

<sup>11</sup> A notable exception are pickpockets who are relatively unsuccessful members of the professional crime group, and yet are highly specialized.

learned that nearly every burglar nowadays is also in the check business. One professional burglar said that in one period of several weeks between burglaries he passed over \$20,000 of stolen checks. A generation ago burglars did not even look for checks to steal.

A good illustration of the effect of the development of a new market is auto theft and crimes relating to the automobile, such as auto stripping and auto "boosting" (stealing goods from parked cars), activities which are reported to be thriving in the cities surveyed. The Commission's study found also that there has been a rapid rise in recent years in home improvement and related frauds, a rise which corresponds roughly to the increase in privately owned homes. Some law enforcement officials think that in many cities these frauds currently constitute the most profitable source of income for professional criminals.

Professional criminals are also reported to be turning from robbing banks, picking pockets, and operating confidence games to other opportunities, but documentation for such new trends is scanty.

Careful research into changes in the general patterns of crimes committed by professionals and the factors that caused such changes would provide us with more insight into the nature of professional criminality and might provide a basis for designing better methods of crime prevention and control. It might also make it possible to begin to anticipate and plan for such changes.

## KEY ASPECTS OF PROFESSIONAL CRIME

The services of the fence and the loan shark appear to be essential to the operations of many professional criminals. Since a great many professionals may depend on a very few such figures, they may constitute a particularly vulnerable aspect of professional crime. The "fix" appears to be of similar importance to the success of professional criminality.

### THE FENCE

Nearly all professional theft is undertaken with the aim of selling the goods thereafter. Although the thief himself may retail his stolen merchandise,<sup>12</sup> he probably will prefer to sell to a fence. He thereby increases his safety by reducing the risk that he will be arrested with the goods in his possession, or that they will be stolen in turn from him. He also avoids the dangers associated with the disposal process itself. In addition, large quantities of goods which may be perishable or otherwise quickly lose their value, or for which there is a specialized demand, will require a division of labor and level of organization beyond the capacity of an individual thief operating as his own retailer. The professional thief thus needs a "middleman" in the same way and for some of the same reasons as the farmer, manufacturer, or other producer.

The types of thefts recorded by the Commission study staff in New York and Chicago suggest the presence of

big-time fences who can handle large quantities of specialized goods. For example, in Chicago there recently occurred a cartage theft of \$250,000 worth of merchandise and Green Stamps from a Sperry and Hutchinson warehouse and another cartage theft of copper metal valued at over \$400,000. To dispose of such quantities of specialized goods requires connections with commercial firms. Most likely a highly accomplished fence served as a middleman between the thieves and the eventual buyers.<sup>13</sup>

As an illustration of the level of efficiency which may be attained by professionals working in cooperation with fences, the Commission's study learned from the New York City police that within the space of approximately 1 month following the recent increase in that city's cigarette sales tax, an entire system for distributing bootlegged cigarettes had been set up and was operating smoothly. The out-of-State suppliers, the truckers, and both the wholesale and retail distributors had been organized, and the system was operating on a scale capable of handling full truckloads of untaxed cigarettes shipped in from the South.

Some fences engage in fencing as a supplement to their legitimate businesses, often on a more or less regular basis. The consultants learned of clothing and appliance dealers who regularly serve as outlets for stolen goods. The major outlets for stolen jewels in one of the cities studied were reported to be legitimate jewelry merchants. Other fences deal primarily or wholly in stolen goods, and are therefore professional criminals themselves.

Some narcotics pushers act as fences, taking stolen goods instead of cash for narcotics. While dealing with addicts is generally regarded as more dangerous than dealing with nonaddicts, it is also more profitable. The addict in need of a "fix" does not bargain well.

Little research has been done on fencing,<sup>14</sup> despite its central role in professional crime. More information is needed about the nature of the market for illicit goods and the extent to which demand for various types of goods affects the incidence of theft. More should also be learned about the relationship of legitimate and illegitimate markets. Little is known about the pattern of distribution of stolen goods. When stolen automobiles are excluded, only a very small proportion of the total amount of goods stolen is returned to its owners. The redistribution of goods through theft and resale might constitute a significant subsidy to certain groups in our society; its curtailment might have significant side effects which should be explored. Finally, it would be desirable to have more information about the organization and operations of large-scale fencing operations, to aid in the development of better methods of law enforcement.

### THE LOAN SHARK

The loan shark also performs a key function by providing professional criminals with capital and emergency funds. The literature of professional crime contains few references to loan shark activity. Both Sutherland and Maurer<sup>15</sup> describe a practice whereby mem-

<sup>12</sup> Most professional shoplifters are thought to bypass fences and sell directly to the public. See Mary O. Cameron, "The Booster and the Snitch" (Glencoe, Ill.: The Free Press, 1964), p. 57. Martin's burglar had considerable experience retailing the goods he had stolen (supra, note 3).

<sup>13</sup> See also John F. Lyons, "Lucrative Looting," Wall Street Journal, July 28, 1965, for an analysis of the role played by fences in the theft and distribution of large quantities of mercury and synthetic rubber.

<sup>14</sup> Jerome Hall's report, supra note 4, is the only systematic study of fencing published. Sutherland, Maurer, and Martin, however, provide some additional descriptive and analytic material (supra, notes 7, 1, and 3).

<sup>15</sup> Sutherland, supra note 7, pp. 31, 35-36, 111; Maurer, "Whiz Mob," supra note 2, pp. 137-138.

bers of a professional criminal gang establish their own emergency fund. Each member of the gang contributes an equal share to the fund which he may receive back if he leaves the gang. If he is arrested while working with the gang, he has access to as much of the fund as he needs for a bail bond, legal fees, or related expenses. This sort of arrangement appears to be an extension of the natural interdependence of a closely knit group and tends to reinforce the solidarity of the group.

The loan shark functions quite differently. He may meet professional criminals' needs for cash in emergencies, but his activity often has secondary effects which tend to be detrimental to his clients.

Professional criminals may turn to the loan shark to finance crimes which require extra amounts of capital—to buy the tools, or whatever may be needed for the operation, or to bribe public officials. The professional criminal may be willing to pay usurious interest rates (sometimes reported to be as high as 100 percent per week for highly risky loans) if he expects his activities to be particularly lucrative. He may also need emergency financing when apprehended, to pay bail and legal costs. To repay the money borrowed plus interest upon his release, the criminal will often engage in further criminal activities, often more risky than those he ordinarily undertakes. If rearrested, he must post bond again and incur additional legal fees. This pattern may be repeated a number of times before he is finally brought to trial. The high interest charged by the loan shark may thus itself precipitate criminal activity.

The interaction between loan sharking and professional crime doubtless is far more complicated than was discovered during the course of the Commission's brief study. The study staff was told that some "legitimate" businessmen provide loans to criminals occasionally. And there was some evidence that professional criminals regard loan sharking as a relatively safe and profitable racket, and that those who make a big score or otherwise accumulate enough capital frequently set themselves up as loan sharks. But further study is needed on these as well as other facets of the relationship between professional crime and the loan shark.

#### THE FIX

There is evidence that the professional criminal frequently bribes public officials to increase his security against law enforcement activity.<sup>16</sup> The fix may be applied in advance to forestall intervention by the police and thereby reduce a major occupational hazard of his profession. Or it may be used after the fact to alleviate the usual consequences of apprehension—to obtain reduced charges or a lighter sentence, or to arrange for preferential treatment. In some communities the professional must himself deal directly with the appropriate officials. In others there may be a local "fixer" who has connections with the party in power and who may be tied in with organized crime. Here the professional criminal need only deal with the fixer as a middleman.<sup>17</sup>

Maurer reports that in some cities there are several fixers, each handling the fix for a different type of a racket. Specialization attaches even in the world of bribery.

Attorneys, bondsmen, politicians, and other ostensibly legitimate persons may be fixers. A fixer may also be a fence, the insideman in a big con game, or a member of organized crime. Cash is the usual commodity used to purchase immunity, but sometimes a case may be fixed for credit or as a favor.

The extent of fixing today is difficult to document. The Commission's study, which did not focus on this aspect of professional crime, encountered little evidence of the sort of fixing described here. The fact that police, judges, and prosecutors probably are better paid and trained today may mean that individually they are less susceptible to bribery. The increased bureaucratization of police operations and personnel practices may also make policemen less subject to corruption from above. And the decline of the big city political machine may have contributed to a decline in organized fixing. On the other hand, professional criminals still operate with considerable success, and it seems likely that they need some protection to do so.

#### RELATIONS WITH ORGANIZED CRIME

Professional crime may or may not be carried on in structured groups. In some ways it can be loosely analogized to legitimate business activity. But its essence is not business; it is outright theft or theft-related conduct. Organized crime, on the other hand, tends to bear a closer resemblance to the operations of business. It involves thousands of criminals working in well-organized, highly structured operations engaged in activities involving the supplying of illegal goods and services—such as gambling, narcotics, and prostitution—to cooperative customers; it often involves infiltration into legitimate businesses and labor unions.

Regrettably, little is known of the nature and extent of the relationship between professional and organized crime. This is hardly surprising given the limited facts known about either activity. But it is apparent that a variety of working arrangements exist between professional criminals and organized crime, which are of substantial significance for both categories of crime. There is some evidence, for example, that the fences and loan sharks with whom professional criminals deal are frequently part of the organized crime operation. And there is some indication that organized crime exerts significant power and control over professional crime. The Commission's study staff was informed, for example, that in Chicago the syndicate occasionally provides the services of an arbitrator to settle disputes among the members of a large theft gang. And the syndicate apparently hires professional criminals, on occasion, to do particular jobs such as homicide. But organized crime may also be victimized by professionals. Martin's professional criminal frequently hijacked syndicate trucks and distilleries.

<sup>16</sup> See generally, Maurer, "The Big Con," *supra*, note 1, pp. 216-251; Sutherland, *supra*, note 7, pp. 118, 210-222.

<sup>17</sup> Martin's professional burglar found that: "With the exception of shooting the Mayor or the President, there isn't anything he can't straighten out. For

money, lots of money," Martin, *supra*, note 3, p. 247. However, it is also reported that "right towns" in which complete immunity can be purchased are becoming increasingly scarce.

## CONCLUSION

The professional criminal's energy and talents are devoted not merely to committing profitable crimes, but to avoiding the legal consequences of such activity. His methods range from simply taking full advantage of all rights accorded him by the system of criminal justice to actual corruption of the system. It is obvious that sophisticated methods of law enforcement are necessary to deal with the phenomenon of professional crime. A more sophisticated understanding of professional crime is a clear prerequisite.

Present knowledge about professional crime is clearly inadequate. The literature is limited in scope and may be outdated. The Commission's pilot study could obviously do little more than touch on issues deserving of further exploration. But even this brief study gave some indication of the potential that further research has for improved methods of law enforcement.

Some similarities, for example, have been noted between professional crime and ordinary business activity. Further study may lead to the application of the techniques of economic analysis, business, and marketing to the problem of diverting and channeling professional criminal activity. More information about the direction of future change in the types of crimes professionals tend to commit would help planners to build crime prevention components into new business devices and law enforcement agencies to allocate their resources more efficiently. Greater concentration on key figures such as the loan shark or fence may provide a greater return per law enforcement dollar and greatly inhibit professional criminal activity. Further research may produce sufficient information to justify allocation of a larger proportion of law enforcement resources to dealing with professional crime.

The development of more information about the skills and versatility of the professional criminal may also be

of direct use to law enforcement and correctional agencies. Correctional programs might take more account of the competence exhibited by the typical professional—with the purpose of channeling his existing capabilities into legitimate fields. The apparent versatility exhibited by professional criminals suggests that the traditional organization of police agencies into specialized squads—such as robbery, burglary, auto theft, and bunco—requires reconsideration. It suggests also the need for a much greater degree of communication between law enforcement agents with information on professional criminals. Detectives tend to be too reluctant to share their information sources with other detectives, or to supply information to any centralized intelligence unit which may exist. Also the traditional complaint orientation of police departments is not appropriate for dealing with persons who are engaged continuously, rather than episodically, in criminal activities.

Chicago provides one exception to the traditional pattern of police organization in relation to the problem of professional crime. In 1963 the Chicago Police Department established an intelligence unit, locally referred to as the C.I.U., which has the responsibility for gathering, and disseminating to other detectives, information about persons in the Chicago area who are known to be, or are highly suspected of being, regularly engaged in big-time professional crime. The members of this unit concentrate not on crimes, but on criminals. When a crime is committed that appears likely to have been committed by someone on whom they have a file, the C.I.U. tries to link their suspects to the crime. There is a different intelligence unit assigned to organized crime.

Other cities should experiment with the development of a similar intelligence function. By developing and sharing knowledge about the operations of professional criminals among different jurisdictions, it is likely that far greater success can be achieved in controlling professional crime.

# White-Collar Crime

*NOTE: The bulk of the work of this Task Force relates to so-called "street crime"—common law crimes of violence and theft. Because of limited time and resources, the Task Force has not been able to deal with "white-collar crime" comprehensively or in depth. Nonetheless, white-collar crime is an important part of the Nation's crime problem and the Task Force has therefore sought in this chapter to identify and briefly discuss some of the important issues. To assist it in preparing this chapter, the Task Force requested the two divisions of the Justice Department which have had the greatest experience with white-collar crime—the Antitrust Division and the Tax Division—to furnish background information. Papers that they prepared for the Commission's use are printed as attachments to this chapter. These materials were included to provide examples of two different kinds of white-collar crimes; their inclusion does not indicate that the Task Force believes that tax and anti-trust violations necessarily represent the dominant problems in this area.*

*A bibliography of the fairly extensive literature on white-collar crime was compiled for the Commission by Dorothy Campbell Tompkins of the Institute of Governmental Studies, University of California, Berkeley. This has been published separately and may be obtained from the Institute of Governmental Studies.*

The term white-collar crime was first popularized by Edwin H. Sutherland in 1939. Until the publication in 1949 of his pioneering study, "White Collar Crime,"<sup>1</sup> virtually all criminological literature dealt with ordinary crimes—crimes most prevalent among persons in the lower socio-economic classes. Donald R. Cressey, in his introduction to the 1961 edition of "White Collar Crime," observed that "the lasting merit of this book \* \* \* is its demonstration that a pattern of crime can be found to exist outside both the focus of popular preoccupation with crime and the focus of scientific investigation of crime and criminality."<sup>2</sup>

Sutherland defined white-collar crime as "crime committed by a person of respectability and high social status in the course of his occupation."<sup>3</sup> But the term white-collar crime has generally come to include crimes such as tax fraud, which are not necessarily committed either in connection with an occupation or by persons of "high" social status, but are as a general matter committed by the relatively well-to-do. This definition excludes so-

called street crimes, such as burglary, robbery or aggravated assault, which are occasionally, but not generally, committed by persons of means.

As applied to regulatory offenses, the scope of white-collar criminality has expanded in recent years. Until the late 19th century, the economic life of this country was largely unregulated, but over the years it became clear that business enterprise had to be regulated in order to protect both the public and business itself—to maintain standards of health and safety, to assist the poor and ignorant, to obtain decent housing and other necessities, and to maintain the economy at a high level of production. Today virtually every aspect of business life is regulated in some way. There are antitrust laws, food and drug laws, safety and health laws, licensing systems for different kinds of business, housing codes and a multitude of other regulatory statutes. Many of these regulatory laws are enforced, at least in part, by criminal sanctions.

As compared to the offenders described in chapter 5 of this volume, white-collar offenders, by definition, have enjoyed a variety of social and economic advantages. They have received better educations and are better equipped to earn their livings legitimately. Perhaps oversimplifying the distinctive characteristics of such offenders, Sutherland wrote in "Crimes of Corporations" in 1956:

"it is very clear that the criminal behavior of businessmen cannot be explained by poverty, in the usual sense, or by bad housing or lack of recreational facilities or feeble-mindedness or emotional instability. Business leaders are capable, emotionally balanced, and in no sense pathological."<sup>4</sup>

At the outset it is important to recognize the imprecision of the white-collar crime label both as applied to offenders and offenses. Crimes such as employee theft range from pilfering by truck drivers, stock-room personnel or retail salespeople to embezzlement by top executives. Cheating the government can include failure to report tips or other cash receipts and major tax or government contract frauds. And just as burglars range from the relatively successful professional in his 30's or 40's to the 13-year-old amateur from the slums, white-collar offenders include many different types of people.

<sup>1</sup> Sutherland, *White Collar Crime* (Dryden Press, Inc., 1949).

<sup>2</sup> Donald R. Cressey, "Foreword," in Sutherland, *White Collar Crime* (New York: Holt, Rinehart & Winston, 1961), p. xii.

<sup>3</sup> Address to the American Sociological Society, 1939.

<sup>4</sup> Edwin H. Sutherland, "Crimes of Corporations," in Albert K. Cohen, Alfred Lindesmith, and Karl F. Schuessler, *The Sutherland Papers* 96 (Bloomington: Indiana University Press, 1956).

This chapter will not seek to confront these difficult definitional problems—or even the more fundamental question whether white-collar crime is a valid or useful criminological concept. However, it will seek to explore some of the issues and problems confronting the criminal system in this area. It is important to emphasize that this chapter does not undertake to analyze the special issues raised by “strict liability” statutes—those regulatory laws imposing criminal liability without regard to knowledge of the violation or negligence on the part of the defendant.

## THE IMPACT OF WHITE-COLLAR CRIME

### EXTENT AND SCOPE

There is little systematic data available regarding the incidence of white-collar crime. There are, for example, no consolidated statistics comparable to the FBI's Uniform Crime Reports in the area of traditional crime. Many white-collar crimes are of relatively recent origin. Moreover, it is very difficult to obtain statistics about some types of white-collar crime. As noted in the attachments to this chapter it is extremely difficult to discover the existence of such crimes as antitrust violations and tax frauds.<sup>5</sup>

Such information as is available, though not systematically compiled, indicates that white-collar crime is pervasive in our society and causes enormous economic and social harm. Congressional investigations have turned up indications of widespread unethical and illegal behavior in various industries. Popular accounts tell of dishonest and unethical practices in the medical and legal professions, the television industry, and among morticians, drug companies and other businesses and professions.

These are corroborated by the few scientific surveys which have been undertaken. Sutherland's investigation of 70 of our largest corporations, published in 1948, suggests that law violation is prevalent in our large business enterprises. He examined the decisions of courts and regulatory commissions under the antitrust, false advertising, patent, copyright, and labor laws as they applied to corporations. During a 45-year period, he found that 980 adverse decisions had been rendered, of which 779 indicated that crimes had been committed. Every one of the 70 corporations had a decision against it and the average number was 14.0. Ninety-eight percent of the 70 corporations had at least four adverse decisions. About 60 percent of the 70 corporations had been convicted by criminal courts. They averaged approximately four convictions each.<sup>6</sup> A study of blackmarket violations during World War II revealed that approximately one in every 15 of the three million business concerns in the country had been punished for serious violations of price regulations. The evidence showed that the total number of violations was much larger than indicated by officially imposed sanctions.<sup>7</sup>

The “Reader's Digest” staff in 1941 sought to document by experimentation the level of white-collar crime in a study of automobile garages, radio repair shops and

watch repair shops. Investigators for the magazine disconnected a coil wire in an automobile, a relatively easily diagnosed problem, and then took the automobile to 347 garages in 48 states. Of these, 129 immediately noted the trouble, and either charged nothing or a nominal fee for the work. The remainder—63 percent of the garages—overcharged, inserted unnecessary parts, charged for work not done or for parts not needed, or took other similar action. Similarly, a radio in excellent working condition was taken to repair shops after one of the tubes had been loosened. Of 304 shops, 109 honestly identified the obvious difficulty, but the rest (almost two-thirds) treated it as a substantial repair problem. And finally, the investigators loosened the small screw that fastens the winding wheel on a watch, and then requested a number of shops to repair it. In almost half of the cases the jewelers charged for cleaning work not performed, and for parts not needed or used.<sup>8</sup>

Commissioner Cohen provided some insight into the amount of tax fraud by noting that in 1964, with the inauguration of dividend and interest reporting by banks and corporations to the taxpayer, there was a 45 percent increase in this type of income reflected on tax forms, and that 28 percent more income was collected from these sources.<sup>9</sup> Of course there is no way to determine how much of the unreported income in earlier years was merely overlooked and how much deliberately ignored on the assumption that the Government would be unlikely to discover the omission.

The most comprehensive survey of attitudes by business executives toward management and corporate practices showed that many believed that unethical conduct and criminal activities are widespread. The sample consisted of executives subscribing to the Harvard Business Review. Almost half of the respondents agreed with the statement: “The American business executive tends to ignore the great ethical laws as they apply immediately to his work. He is preoccupied chiefly with gains.” Four out of seven believed that businessmen “would violate a code of ethics whenever they thought they could avoid detection.”<sup>10</sup>

### COSTS

White-collar crime may cause several different types of harm. First, it may and often does cause serious financial losses, sometimes to a single individual or business and sometimes to the entire business community or consumer public. The exact financial loss to the Government caused by tax fraud is difficult to determine but undoubtedly enormous. Estimates of the amount of reportable income that goes unreported each year range from \$25 to \$40 billion.<sup>11</sup> Some of this is inadvertent, but undoubtedly a sizable amount is deliberate, criminal evasion. The financial loss to the public caused by a single conspiracy in restraint of trade may be untold millions in extra costs paid ultimately by the buying public. It is estimated that the cost to the public annually of securities frauds, while impossible to quantify with any certainty, is probably in the \$500 million to \$1 billion range. A conservative esti-

<sup>5</sup> Attachment A, p. 111; Attachment B, p. 113.

<sup>6</sup> Sutherland, *White Collar Crime*, supra n. 1, Chapter II.

<sup>7</sup> Clinard, *The Black Market* 36 (New York: Rinehart, 1952). See also Hartung, “White Collar Offenses in the Wholesale Meat Industry in Detroit,” 56 *American Journal of Sociology* 25 (1950). But see Lane, “Why Businessmen Violate the Law,” 44 *J. Crim., L., C. & P. S.* 151 (1953), which found relatively low rates of violation.

<sup>8</sup> These findings, first reported in the *Reader's Digest*, are presented in Riis and Patric, *The Repairman Will Get You If You Don't Watch Out* 53-184 (Doubleday, Doran & Co., Inc., 1942).

<sup>9</sup> Sheldon S. Cohen, “Morality and the American Tax System,” 35 *George Washington Law Review* 839, 840 (1966). Since January 1, 1962, \$6 million in previously unreported taxes has been realized from taxpayers who specifically indicated that they were paying because of fear of detection by the automatic data processing system. This system was not instituted nationwide for individual tax returns until January 1, 1967, but it received publicity prior to that time. Commissioner of Internal Revenue, Annual Report, 1966, p. 20.

<sup>10</sup> Raymond C. Baumhart, “How Ethical Are Businessmen?,” 39 *Harvard Business Review* 6-19, 156-176 (July-August 1961).

<sup>11</sup> See Attachment B, note 3. See also chapter 3, note 103.



mate is that nearly \$500 million is spent annually on worthless or extravagantly misrepresented drugs and therapeutic devices. Fraudulent and deceptive practices in the home repair and improvement field are said to result in \$500 million to \$1 billion losses annually; and in the automobile repair field alone, fraudulent practices have been estimated to cost \$100 million annually.<sup>12</sup> Individual white-collar criminals are sometimes responsible for losses that are quite beyond the scale of most traditional crime. Billy Sol Estes' \$30 million fertilizer swindle and De Angelis' \$125-\$175 million vegetable oil scandal are two notable examples.

While no reliable estimates can be made of the financial burdens produced by white-collar crime, they probably are far greater than those produced by traditional common law theft offenses—robbery, larceny and burglary. Such a simple comparison, of course, does not take into account the attendant evils usually related to the traditional offenses—the risk, threat, or occurrence of physical injury or psychological trauma.

But white-collar crime may also result in physical harm, or the risk of such harm. Death or serious injury may result from tainted products merchandised in violation of the Pure Food and Drug Act or local health laws, or from misconduct by doctors.<sup>13</sup> Building code violations may cause fire or other serious health hazards. Although offenses involving such risks constitute a small proportion of the total amount of white-collar crime, the potential number of victims of such conduct may be very high.

White-collar crime also does serious damage to our social and economic institutions—although it is extremely difficult to determine the extent of these harms. Thus crimes such as bribery and violation of conflict-of-interest statutes strike deeply at responsible, impartial government. And the damage done by a case such as the celebrated conspiracy of 29 electrical equipment companies to fix prices is not limited to the extra costs paid by their unsuspecting buyers and ultimately the general public. As Judge T. Cullen Ganey declared in sentencing the defendants: "This is a shocking indictment of a vast section of our economy, for what is really at stake here is the survival of the kind of economy under which America has grown to greatness, the free enterprise system."<sup>14</sup>

More broadly, white-collar crime affects the whole moral climate of our society. Derelictions by corporations and their managers, who usually occupy leadership positions in their communities, establish an example which tends to erode the moral base of the law and provide an opportunity for other kinds of offenders to rationalize their misconduct.

The President's Committee on Consumer Interests found that one in 30 of the letters it received from consumers throughout the country conveyed "an attitude of frustration, anger, and displeasure with 'the system.'"

"The most striking feature, in our opinion, is not the allegations of criminal fraud that occasionally have been made to us by correspondents. Rather, it is the sense of unfairness, of disregard of the individual by the organized business community, of

lack of effective recourse, and of a feeling that the marketplace is unethical."<sup>15</sup>

Such frustration and discontent with abusive practices may be an important factor underlying some forms of violent crime. The report of the McCone Commission, the Commission appointed by the governor to investigate the Watts riot, included the following:

"The Commission heard recurrent testimony of alleged consumer exploitation in south central Los Angeles: of higher prices being charged for food there than in other parts of town, of spoiled meat or produce or old bread being sold at the same price as fresh, of high interest rates on furniture and clothing purchases, of shoddy materials at high prices. Complaints were also registered to the effect that there is a bias against the curfew area in the practices of insurance companies and institutional lenders. In a related vein, a number of witnesses advanced the view that there was a vengeance pattern to the destruction of stores in the curfew area, that it was a retribution on merchants who were guilty of consumer exploitation, and particularly on Caucasians who were said to 'take from the area but put nothing back into it \* \* \*'"<sup>16</sup>

## WHITE-COLLAR CRIME AND THE CRIMINAL PROCESS

### EFFECTIVENESS OF CRIMINAL SANCTIONS

As chapter 5 indicates, most persons convicted of common law crimes are likely to be young and to have serious educational and vocational lacks which rehabilitation programs can help meet. Presumably such programs are far less significant and will often be irrelevant for the white-collar offender.

Furthermore, with respect to many kinds of white-collar offenders long periods of incarceration or supervision are not needed to protect society from further criminality. For example, there appears to be only a negligible amount of recidivism among those convicted of certain white-collar crimes. Thus of the 1,186 persons convicted of criminal tax fraud in 1963 and 1964, only 2 persons were repeat offenders.<sup>17</sup> On the other hand, among some classes of white-collar offenders, such as those guilty of cheating consumers, recidivism may be a serious problem.

There is, unfortunately, no hard evidence available regarding the deterrent effect of criminal sanctions. This was vividly illustrated when in a 1964 tax case the Justice Department was asked to submit a memorandum to the court justifying imposition of a 4-month jail term and a \$10,000 fine as a deterrent. The only significant data produced were figures indicating that recidivism among tax violators was minimal, and a case study from Israel which indicated that since 1956, when the government had adopted a program of criminal prosecutions for tax evasion, there had been a graphic increase in the amount

<sup>12</sup> For these figures, see generally chapter 3, which discusses the economic impact of crime.

<sup>13</sup> See Howard Whitman, "Why Some Doctors Should be in Jail," 132 *Collier's* 23-27 (Oct. 30, 1953).

<sup>14</sup> Judge Ganey quoted in Herling, *The Great Price Conspiracy* 195 (New York: Van Rees Press, 1962).

<sup>15</sup> Letter from Mrs. Esther Peterson, Special Assistant to the President for

Consumer Affairs, to James Vorenberg, Executive Director of the President's Commission on Law Enforcement and Administration of Justice, Mar. 25, 1966.

<sup>16</sup> Governor's Commission on the Los Angeles Riots, *Violence in the City—An End or a Beginning?* (Los Angeles: Office of the Governor, 1965), p. 62.

<sup>17</sup> Attachment B, p. 115. See also Robert E. Lane, "Why Businessmen Violate the Law," 44 *J. Crim., L., C. & P.S.* 151 (1953).

of income declared for taxation.<sup>18</sup> There is a clear need for further research into the effectiveness of criminal sanctions in this area. We need to know, for example, more about the comparative deterrent effects of prosecution, publicity, a jail sentence, a criminal fine, and civil damages. To this end, the IRS and the Justice Department recently engaged the National Opinion Research Center of the University of Chicago to conduct a survey of public attitudes toward the administration, enforcement and infringement of the tax laws.

Despite the lack of hard evidence, common sense notions about how people behave support the thesis that the condemnatory and deterrent aspects of criminal sanctions are likely to be peculiarly effective in the white-collar area. Persons who have standing and roots in a community, and are prepared for and engaged in legitimate occupations, can be expected to be particularly susceptible to the threat of criminal prosecution. Criminal proceedings and the imposition of sanctions have a much sharper impact upon those who have not been hardened by previous contact with the criminal justice system. Moreover, white-collar crimes as a class are more likely than common law crimes to be preceded by some deliberation; there is therefore more often an opportunity to calculate the risk objectively.

It appears further that jail sentences, however short, would constitute particularly significant deterrents for white-collar crime. The imposition of jail sentences may be the only way adequately to symbolize society's condemnation of the behavior in question, particularly where it is not on its face brutal or repulsive. And jail may be the only sanction available which will serve as an adequate deterrent.

These impressions are supported by the opinions of those who have had experience with the enforcement of the tax and antitrust laws.

"No one in direct contact with the living reality of business conduct in the United States is unaware of the effect the imprisonment of seven high officials in the Electrical Machinery Industry in 1960 had on the conspiratorial price fixing in many areas of our economy; similar sentences in a few cases each decade would almost completely cleanse our economy of the cancer of collusive price fixing and the mere prospect of such sentences is itself the strongest available deterrent to such activities."<sup>19</sup>

The Department of Justice believes that imprisonment may often be the appropriate penalty for a clear-cut antitrust violation, such as price fixing. The attached paper points out that criminal fines or civil damages may be inadequate for a number of reasons: present statutory maximums often make criminal fines trivial for corporations<sup>20</sup> in proportion both to their ability to pay and to the profits resulting from the criminal violations; in a number of States corporate executives may be lawfully reimbursed by the corporation for fines imposed on them; and since discovery of criminal violations of

the antitrust laws is very difficult, even substantial civil penalties may not constitute adequate deterrents.<sup>21</sup>

Significantly, the Antitrust Division does not feel that lengthy prison sentences are ordinarily called for. It "rarely recommends jail sentences greater than 6 months—recommendations of 30-day imprisonment are most frequent."<sup>22</sup>

In tax cases, the Justice Department also considers criminal sanctions, and jail sentences in particular, of significant value as deterrents. It is the Tax Division's policy to recommend jail sentences for all defendants convicted of tax fraud whenever the court requests a recommendation.<sup>23</sup> James V. Bennett, former Director of the Federal Bureau of Prisons, has taken the position that the effort to deter misconduct by imposing relatively harsh penalties, while often a feeble thing in regard to traditional crime, "has had a most benign effect on those who do not like to pay taxes."<sup>24</sup>

But it is clear that the criminal law is not an appropriate means of dealing with all kinds of white-collar misconduct. Since white-collar misconduct usually does not involve an act which, like robbery, burglary or rape, is of a simple and dramatic predatory nature, it is inevitable that one of the critical and difficult issues is determining when the violation is clear-cut enough to warrant use of society's ultimate method of control. A great deal of business is now subject to regulations whose interpretation is not at all clear. The language of the Sherman Act, for example, is extremely broad and abstract, and has been subject to varying administrative and judicial interpretations. As pointed out in the attached paper, the Antitrust Division's solution has been to seek criminal sanctions only where there has been an intentional violation of clear and established rules of law. Where misconduct does not constitute such a violation, the Antitrust Division pursues civil remedies in place of criminal sanctions.

But the law is often adequately unambiguous. The offenders in the *Electrical Equipment* cases were, for example, quite aware that their activities were in violation of the law. As one of the violators testified:

"[I]t was considered discreet to not be too obvious and to minimize telephone calls, to use plain envelopes if mailing material to each other, not to be seen together traveling, and so forth \* \* \* not leave wastepaper, of which there was a lot, strewn around a room when leaving."<sup>25</sup>

The list of executives in attendance at meetings was referred to as the "Christmas card list," and the meetings as "choir practice."<sup>26</sup> The executives filed false travel vouchers in order to conceal their visits to the cities in which meetings were held.<sup>27</sup>

Aside from the question of ambiguity of the violation, it is important to recognize that a decision to use criminal sanctions involves costs and disadvantages which must be analyzed against the gains to be achieved and the alternative methods available to seek compliance. As discussed above, against many types of white-collar of-

<sup>18</sup> Government brief, *United States v. Dugan* (Dist. Ct. Mass., 1964), U.S. Department of Justice files 5-36-2843.

<sup>19</sup> Spivack (Director of Operations, Antitrust Division, U.S. Department of Justice), "Antitrust Enforcement, A Primer," 37 Conn. B. J. 375, 382 (1963).

<sup>20</sup> Between 1890 and 1955 the Sherman Act provided for a fine not to exceed \$5,000. This amount was raised to \$50,000 in 1955.

<sup>21</sup> See attachment A, p. 112. See also Alan M. Dershowitz, "Increasing Community Control Over Corporate Crime: A Problem in the Law of Sanctions," 71 *Yale L. J.* 280 (1961).

<sup>22</sup> See attachment A, p. 112.

<sup>23</sup> See attachment B, n. 14.

<sup>24</sup> James V. Bennett, "After Sentence—What?" 45 *J. Crim., L., C. & P.S.* 537 (1955).

<sup>25</sup> U.S. Senate, Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, 87th Cong., 1st Sess., 1961, "Administered Prices Hearings," pt. 28, p. 17395 [hereinafter cited as *Hearings*].

<sup>26</sup> *Id.*, pt. 27, p. 17100.

<sup>27</sup> *Id.*, pt. 27, p. 16760.

fenders application of criminal sanctions is likely to be highly effective in terms of deterrence. But this "economy" of sanction does not argue for an indiscriminate increase in the use of criminal sanctions. Among the economic and social costs involved in using criminal sanctions are the loss of services or serious curtailment of the usefulness of highly productive members of society, and the danger that greatly increased use of the criminal law would dilute its condemnatory effect. And there are many situations in which use of criminal sanctions may not be the most effective means of obtaining compliance with the law. Thus it is apparent that use of the withholding tax scheme has proved an extraordinarily efficient and effective method of preventing tax fraud. This is of course true in other areas of the law as well. Increased use of locks may be far more effective in reducing burglary and auto theft than an increase in police patrol. But the threat of criminal sanctions will often be an economical way to obtain compliance. In the tax area, for example, 80 million income tax returns are filed annually. It would be impractical to audit all of these and investigate all cases in which there was some reason for suspicion. The Tax Division audits only 4 percent of all returns filed.<sup>28</sup> And the withholding tax scheme, while highly effective, can only ensure that income earned in the course of some regular employment is reported. The Government must therefore depend to a great extent on the deterrent effect of the threat of criminal sanctions.

Careful thought must be given to determining those areas in which use of criminal sanctions is appropriate and in which other means of enforcement will suffice. And sound prosecutorial discretion must be exercised in deciding which cases, among those that might technically involve criminal violations, should be selected for prosecution.

#### PRACTICAL PROBLEMS WITH THE USE OF CRIMINAL SANCTIONS

There are practical obstacles to enforcement of the laws relating to white-collar crime because of factors peculiar to this kind of criminality.

As noted previously, it is often extremely difficult even to discover the existence of white-collar crimes; it is similarly difficult to secure evidence of criminal guilt. White-collar crime may not stand out as unusual conduct when committed as would, for example, theft, burglary or assault. It may involve acts of omission rather than commission, which are less likely to be observed or noticed. It is often committed in the privacy of a business office or home. In addition, there may be no single victim or group of victims to complain to law enforcement authorities. Or victims may be unaware at the time of the offense that they have been victimized. Victims of consumer fraud are but one example. Moreover, the crime itself may be difficult to identify. It is often committed in the course of ordinary business activity and may not be significantly distinguishable from noncriminal business conduct. Especially where finan-

cial offenses are involved, the crime may be so technical that discovery is possible only after detailed and lengthy audit or economic analysis by specially trained law enforcement personnel with expertise in fields such as accounting and economics. Careful scrutiny of a huge mass of data for weeks or months may be necessary to produce the required evidence of criminality. A complicated security fraud investigation, for example, may involve several years of investigation by a team of law enforcement personnel.

A pervasive problem affecting enforcement is the fact that white-collar crime is often business crime and business crime is often corporate crime. Where corporate defendants are involved, the only criminal sanction available is the fine. As noted previously, fines may be inadequate as deterrents for a variety of reasons. There are also serious practical problems in imposing sanctions upon corporate employees. It is very difficult to obtain the conviction of the true policy formulators in large, complex corporations. The top executives do not ordinarily carry out the overt criminal acts—it is the lower or middle management officials who, for example, attend price-fixing meetings. Under traditional doctrines of complicity, to hold a superior responsible he must be shown actually to have participated in his subordinate's criminal activities, as by ordering the conduct or encouraging or aiding in its performance. It is very difficult to obtain evidence of such participation. Difficulties of proof have prevented the prosecution of top management in many Sherman Act cases.<sup>29</sup>

#### RESISTANCE TO THE USE OF CRIMINAL SANCTIONS

As important as the practical obstacles to effective law enforcement is society's reluctance to impose criminal sanctions upon the white-collar offender. Thus despite the apparent effect of the *Electrical Equipment* cases, in which seven individual executives received and served jail sentences, since that case no antitrust defendant has been imprisoned. In seven cases since then, involving 45 individual defendants, prison sentences were imposed, but in each case the sentence was suspended. During this time the Government has recommended that, out of 58 cases in which individual defendants were charged with criminal violations, prison sentences be imposed but suspended in seven cases, and imposed and served in 27 cases. The recommendations covered 105 individual defendants.<sup>30</sup> Similarly, Marshall Clinard's study of a variety of rationing and other controls during the second World War revealed that the sentences imposed on OPA violators after conviction were relatively mild.<sup>31</sup>

While little is known of the public attitude toward white-collar crime, it is apparent that the present concern with crime is not directed at white-collar crime but at "crime on the streets." As one executive convicted and sentenced to jail in the *Electrical Equipment* conspiracy said:

"[O]n the bright side for me personally have been the letters and calls from people all over the country,

<sup>28</sup> See Attachment B, p. 114.

<sup>29</sup> Dershowitz has recommended imposing upon corporate executives a duty, enforceable by criminal sanctions, to exercise reasonable care in preventing acquisitive crime within the area of corporate business under their control. Alan M. Dershowitz, *supra* n. 21.

<sup>30</sup> See Attachment A, p. 112 and n. 35.

<sup>31</sup> Marshall Clinard, "Criminological Theories of Violations of Wartime Regulations," 11 *Amer. Soc. Rev.* 258, 261 (1946).

the community, the shops and offices here, expressing confidence in me and support. This demonstration has been a warm and humbling experience for me."<sup>32</sup>

But one attempt to measure public reactions to a form of white-collar crime—violations of the Federal Food, Drug and Cosmetic Act—indicated that the public would treat offenders more severely than the courts, although not as severely as persons guilty of such crimes as larceny and burglary. Consumers were asked to judge cases of food law violation in terms of how they would punish the offender. Six actual cases were selected, representing three types of violation—misbranding, distasteful but not physically harmful adulteration, and physically harmful adulteration. Fifty-eight percent of the consumers felt that penalties should have been more severe than the actual court decisions, and yet within the maximum penalty provided by the Federal law, a one-year prison sentence on first conviction. Twenty-two percent of the sample chose penalties equal to or less harsh than the one actually imposed, while almost 20 percent felt that the violators should receive a prison term longer than a year.<sup>33</sup>

The very characteristics which make white-collar criminals particularly deterrable may make it difficult to obtain the sanctions necessary to deter. They generally have families, an established place in the community, and a spotless record. They often occupy managerial or executive roles in their business and a leadership position in their community.

In the *Electrical Equipment* cases the defendants included several vice presidents of the General Electric Corporation and the Westinghouse Electric Corporation. They were described by a newspaper reporter as "typical business men in appearance, men who would never be taken for lawbreakers."<sup>34</sup> Several were deacons or vestrymen of their churches. One was president of his local Chamber of Commerce, another a hospital board member, another chief fund raiser for the Community Chest, another a bank director, another director of the taxpayer's association, another organizer of the local little league.

The highest paid executive to be given a jail sentence was a General Electric vice president, earning \$135,000 a year. He was married, and the father of three children. He had served in the Navy during the second World War, rising to the rank of lieutenant commander, was director of the Schenectady Boy's Club, on the board of trustees of a girls' finishing school, and was a member of the Governor's Temporary State Committee on Economic Expansion in New York.

Obviously there is resistance to subjecting defendants who are performing useful functions in society to criminal sanctions and especially to prison sentences. Clinard's study of OPA violators found that one reason for the light sentences imposed was "the fact that the offenders seldom had a criminal past or other circumstances which would warrant a severe sentence. As the judges on occasion stated from the bench, they 'would not make criminals of reputable businessmen.'"<sup>35</sup> On the other hand Judge Skelly Wright, in considering the question of whether an

income tax violator ought to be sentenced to jail, took the position that "the only real purpose of an income tax sentence is its deterrent value. Unless we use the income tax sentence as a deterrent, we are overlooking one of our responsibilities as judges."<sup>36</sup>

In addition to the standing of the offenders, there are a number of aspects of white-collar offenses that may encourage public and official reluctance to use criminal sanctions, as well as provide rationalizations for the violators themselves. Thus Cressey's study of embezzlement found rationalization to be an important factor in offenders' patterns of misconduct. They distinguished embezzlement sharply from robbery or theft. He found, for example, that independent businessmen who converted "deposits" which had been entrusted to them because of their business positions, convinced themselves "either (a) that they were merely borrowing the money which they converted, or (b) that the funds entrusted to them were really theirs."<sup>37</sup> It has been argued that use of criminal sanctions to enforce much of the law in this area is inappropriate because the conduct proscribed is "morally neutral."<sup>38</sup> The soundness of some of the regulatory laws that have grown up in recent decades is a subject of continuing debate. And the very fact that they are so recent in comparison with the laws prohibiting such conduct as larceny and assault makes it unlikely that they will enjoy similar acceptance for some time. Many of the defendants in the *Electrical Equipment* cases argued that their behavior, while technically criminal, had really served a worthwhile purpose by "stabilizing prices." They frequently combined this altruistic interpretation with an attempted distinction among illegal, criminal, and immoral acts, expressing the view that what they had done might have been designated by the statutes as criminal, but either they were unaware of such a designation or they thought it unreasonable that acts with admirable consequences should be considered criminal. The fact that the line between legitimate and illegitimate behavior is sometimes fuzzy and seems occasionally arbitrary does not help in obtaining popular support for the law. Thus the fine line between legal tax avoidance and illegal evasion may make it hard for the violator himself or others to accept the appropriateness of criminal sanctions even where the violation is not close to the line.

But most white-collar crime is not at all morally neutral. Most fraud involves preying upon the weak and ignorant; violation of food and drug laws may cause death or serious injury; embezzlement is, very simply, a form of theft; tax fraud involves cheating the Government and, indirectly, other taxpayers.

Reluctance to see criminal sanctions used in the white-collar area derives also from the fact that there is often no particular victim, or group of victims. The harm is not as apparent, and certainly not as dramatic. Where loss is spread throughout society, the harm to any particular individual is minimal. As Sanford H. Kadish has pointed out,

"it is possible to reason convincingly that the harm done to the economic order by violations of many of

<sup>32</sup> Schenectady & Union-Star, Feb. 10, 1961.

<sup>33</sup> Donald J. Newman, "Public Attitudes Toward a Form of White Collar Crime," 4 *Social Problems* 228, 230, 231 (Jan. 1957).

<sup>34</sup> New York Times, Feb. 7, 1961, p. 1, p. 26, col. 3.

<sup>35</sup> Marshall Clinard, "Criminological Theories of Violations of Wartime Regulations," 11 *Amer. Soc. Rev.* 258, 263 (1946).

<sup>36</sup> Wright, "Sentencing the Income Tax Violator, Statement of the Basic Problem," delivered before the Sentencing Institute for the Fifth Circuit, 30 *F.R.D.* 185, 302, 304-305 (1962).

<sup>37</sup> Cressey, *Other People's Money* 102 (The Free Press: Glencoe, Ill., 1953).

<sup>38</sup> Sanford H. Kadish, "Some Observations on the Use of Criminal Sanctions in Enforcing Economic Regulations," 30 *U. Chi. L. Rev.* 423, 435 (1963).

these regulatory laws are of a magnitude that dwarf in significance the lower class property offenses. But the point is that these perceptions require distinguishing and reasoning processes that are not the normal governors of the passion of moral disapproval, and are not dramatically obvious to a public long conditioned to responding approvingly to the production of profit through business shrewdness, especially in the absence of live and visible victims."<sup>39</sup>

Moreover, where corporate misconduct is involved, the offenders—and particularly the offenders against whom evidence of guilt can be obtained—act as part of a corporate hierarchy and, ordinarily, follow a pattern of corporate behavior. Individual responsibility is therefore reduced—the offenders are often following orders from above, either explicit or implicit. Moreover, the fact that acts are performed to further the interests of the corporation, and not merely the offenders' personal interests, helps to rationalize misconduct. Thus in the *Electrical Equipment* cases, personal explanations for the acts were, for the most part, sought in the structure of corporate pressures. The defendants almost invariably testified that they came new to a job, found price-fixing an established way of life, and simply entered into it as they did into other aspects of their job. This is illustrative of a pattern that Senator Everett Dirksen of Illinois, during the subcommittee hearings, labeled "imbued fraud."<sup>40</sup> There was testimony that, if one employee refused to engage in price-fixing, the responsibility would simply be delegated to another. Prior to imposing sentence in the *Electrical Equipment* cases, Judge T. Cullen Ganey criticized the corporations as the major culprits, but he did not excuse the offenders:

"they were torn between conscience and an approved corporate policy, with the rewarding objectives of promotion, comfortable security, and large salaries. They were the organization or company men, the conformist who goes along with his superiors and finds balm for his conscience in additional comforts and security of his place in the corporate setup."<sup>41</sup>

And in his study of embezzlement Cressey found that offenders rationalized on the basis "that 'everyone' in business in some way or other converts or misapplies deposits so that it is not entirely wrong."<sup>42</sup> Criminal conduct that accords with such an accepted "system" and is in response to such pressures is not unique to white-collar offenders, as the Commission's work on juvenile delinquency, organized crime and professional crime indicates.

There is strong evidence that many white-collar offenders do not think of themselves as criminals. Cameron's study of middle-class shoplifters who had stolen from a large department store in Chicago gave some indication of the potential educative effect of the use of criminal sanctions. Shoplifters generally do not think of themselves as thieves, Cameron points out, and "even when arrested, they resist strongly being pushed to admit their behavior is theft. Again and again store people explain to

pilferers that they are under arrest as thieves, that they will, in the normal course of events, be taken in a police van to jail, held in jail until bond is raised, and tried in a court before a judge and sentenced." Interrogation procedures at the store are directed specifically and consciously toward breaking down any illusion that the shoplifter may possess that his behavior is merely regarded as "naughty" or "bad."

"In the course of this investigation, it becomes increasingly clear to the pilferer that he is considered a thief and is in imminent danger of being hauled into court and publicly exhibited as such. This realization is often accompanied by a dramatic change in attitude and by severe emotional disturbance."<sup>43</sup>

\* \* \* \* \*

"Because the adult pilferer does not think of himself, prior to his arrest, as a thief and can conceive of no in-group support for himself in that role, his arrest forces him to reject the role \* \* \* [and] is in itself sufficient to cause him to redefine his situation."<sup>44</sup>

And Cressey found that "among the violators interviewed, the accountants, bankers, business executives and independent businessmen all reported that the possibility of stealing or robbing to obtain the needed funds never occurred to them, although many objective opportunities for such crimes were present."<sup>45</sup>

Application of criminal sanctions in this area raises some of the most delicate and perplexing problems confronting the criminal justice system. The sensitivity of successful members of society to the threat of criminal prosecution is indicative not only of the potential success of criminal sanctions in deterring misconduct, but of their potentially destructive effect upon the offenders. Criminal sanctions may help to educate the public to realize the seriousness of misconduct which is not on its face abhorrent, yet their indiscriminate use in areas where public opinion has not crystallized may seriously weaken the condemnatory effect of the criminal law. Imprisonment may be unnecessary for purposes of rehabilitation and incapacitation, although very effective as a deterrent.

Our goal should be to achieve an "economical" level of criminal sanctions, recognizing that in establishing such a level account must be taken of such intangibles as strengthening public support for the regulatory, revenue or other underlying legislative purpose sought without weakening the criminal law; balancing the effectiveness of criminal sanctions against alternative methods of social control; and maintaining some sense of fair treatment among different classes of offenders touched by the criminal system.

This chapter is not an assessment of white-collar crime in America. The data to make such an assessment are not available today, and procedures to develop such data have not been developed. Furthermore, white-collar crime as a conceptual classification does not permit close, searching

<sup>39</sup> Id. at 436.

<sup>40</sup> Hearings, pt. 27, p. 16773.

<sup>41</sup> New York Times, Feb. 7, 1961, p. 26.

<sup>42</sup> Cressey, *supra* n. 37 at 102.

<sup>43</sup> Mary Cameron, *The Booster and The Snitch* 162 (New York: Free Press, 1965).

<sup>44</sup> Id. at 165.

<sup>45</sup> Cressey, *supra* n. 37 at 140.

analysis. It includes too many different types of offenders and offenses.

Here as elsewhere our present system operates to a great extent in the dark in seeking improvements. We rely largely on our basic notions of fairness and common-sense expectations about how certain classes of people will react to the threat of criminal penalties. The enormous stake our society has in the fair and effective operation of its tax system has led to some close analysis of what results in compliance, but even here there is no general agreement about what the levels and form of enforcement should be. Rather than dealing with a single concept of white-collar crime, we need to study different kinds of offenders and offenses separately to see what they do and

do not have in common with each other. We need to know whether an apparently permissive approach to business crimes in fact encourages street crime through disrespect for law, desire for revenge, or other motives, since no valid determination of the economical level of enforcement can be made without such information on secondary effects. We need enlightenment on such crucial questions as the extent to which a criminal conviction unaccompanied by jail is likely to be an effective deterrent. On the basis of such information it will become possible for public officials and the public itself to confront, as they have not yet done, the perplexing issues in dealing with this group of crimes and offenders.

### Attachment A

## CRIMINAL ENFORCEMENT BY THE ANTITRUST DIVISION \*

The Antitrust Division of the United States Department of Justice has concurrent jurisdiction with the Federal Trade Commission for enforcement of the four basic antitrust statutes.<sup>1</sup> Criminal sanctions are provided only for violations of the Sherman Act,<sup>2</sup> and only the Department of Justice has authority to prosecute criminal actions under this statute. Sections 1 and 2 of the Sherman Act state that contracts and combinations in restraint of trade and acts and attempts to monopolize trade are unlawful and that persons who engage in such prohibited conduct "shall be deemed guilty of a misdemeanor, and, on conviction thereunder, shall be punished by fine not exceeding fifty thousand dollars, or by imprisonment not exceeding one year."<sup>3</sup> While the Sherman Act, by its terms, provides criminal penalties as the primary sanctions, the Department may proceed against violations of the Act by civil or by criminal actions or by both. At the end of fiscal year 1966 the Department was conducting 590 major investigations. At the end of that year there were pending 115 civil cases and 18 criminal cases.<sup>4</sup> In 1966, 32 civil cases were filed and 12 criminal cases were filed; in 1965, 33 civil cases were filed and 10 criminal cases were filed. During the years 1960 to 1966, the number of criminal cases filed varied from a high of 32 to a low of 10. In the same period the number of civil cases varied from a high of 41 to a low of 32. Despite the greater number of civil cases, the Department believes that criminal prosecutions are an essential part of an

effective antitrust enforcement program in the United States.<sup>5</sup> The Department believes that criminal prosecutions serve an important function in educating the public to an awareness of the serious nature of antitrust violations and in deterring future violations of the antitrust laws. The unique quality of the criminal proceeding is the moral stigma fixed on the defendants by indictment, arraignment and criminal sentences. The Department believes that the public in general becomes far more aware of antitrust violations subject to criminal prosecution, and potential violators are more effectively deterred by fear of the intangible consequences of criminal penalties.

### OBJECTIONS TO CRIMINAL ANTITRUST PENALTIES

The prohibitions of the Sherman Act are broadly stated. Interpretation of this statute has varied the scope and nature of these prohibitions. Thurman Arnold, former head of the Antitrust Division, once said, "antitrust policy touches fields and boundaries which recede as you approach them and disappear each time you try to stake them out. Definiteness and precision in this area have been impossible even for the courts."<sup>6</sup> Vagueness in the legal definitions of the prohibited acts might raise problems of fairness, or even constitutionality in proceeding

\*Submitted to the President's Commission on Law Enforcement and Administration of Justice by the Antitrust Division, U.S. Department of Justice.

<sup>1</sup> The Sherman Act, 26 Stat. 209-10 (1890), 15 U.S.C. §§ 1-7, the Clayton Act, 38 Stat. 730-40 (1914), 15 U.S.C. §§ 12-27, FTC Act, 52 Stat. 111-17 (1938), 15 U.S.C. §§ 41-58, and the Robinson-Patman Act, 49 Stat. 1526-28 (1936), 15 U.S.C. §§ 13, 21(a).

<sup>2</sup> A rarely invoked section of the Robinson-Patman Act provides criminal sanctions for willful price discrimination. 49 Stat. 1526 (1936), 15 U.S.C. § 13(a).

<sup>3</sup> Sherman Act, 26 Stat. 209 (1890), 15 U.S.C. §§ 1-3, as amended.

<sup>4</sup> Inasmuch as civil cases last several times as long as most criminal proceedings, the figures for cases pending at the end of the fiscal year overstate the ratio of civil to criminal litigation.

<sup>5</sup> Cf., Spivack, Director of Operations, Antitrust Division, "Antitrust Enforcement: A Primer," 37 Conn. B.J. 375, 380-83 (1963).

<sup>6</sup> Speech delivered Apr. 28, 1938, quoted in 30 A.B.A. Antitrust Section at 30 (1952).



criminally. The Supreme Court has held that the Sherman Act is not unconstitutionally vague.<sup>7</sup> But an indictment in a particular case might unfairly attack conduct not known to the defendants to be unlawful. The solution of the Antitrust Division to this problem of potential unfairness has been to lay down the firm rule that criminal prosecutions will be recommended to the Attorney General only against willful violations of the law, and that one of two conditions must appear to be shown to establish willfulness. First, if the rules of law alleged to have been violated are clear and established—describing *per se* offenses—willfulness will be presumed. The most common criminal violation of the antitrust laws is price fixing; upwards of 80 percent of the criminal cases filed charge conspiracies to fix prices. The Supreme Court held more than 30 years ago that price fixing was a *per se* violation of the law—one for which no justification or defense could be offered. *United States v. Socony-Vacuum Oil Co.*<sup>8</sup> Second, if the acts of the defendants show intentional violations—if through circumstantial evidence or direct testimony it appears that the defendants knew they were violating the law or were acting with flagrant disregard for the legality of their conduct—willfulness will be presumed.

It has been argued that criminal enforcement of the antitrust laws is inappropriate because these antitrust prohibitions are morally neutral.<sup>9</sup> Debate continues on the wisdom of merger policy and resale price maintenance, but few protest the proscriptions on conspiracies to set prices and allocate markets. In fact, general criticisms of criminal sanctions in antitrust which were once common<sup>10</sup> seem to have subsided since the epic of the *Electrical Equipment* cases. Those who would defend business from criminal prosecution do not often rely on arguments on the merit of practices condemned as *per se* violations. Where criminal sanctions are sought, the Department believes as a former Attorney General stated: "We are talking about clear-cut questions of right and wrong. I view the businessmen who engage in such conspiracies in the same light as I regard the racketeer who siphons money off the public in crooked gambling or the union official who betrays his union members."<sup>11</sup>

A third problem faced by antitrust criminal enforcement derives from the corporate environment in which the defendants act. Criminal antitrust acts are committed for the benefit of the corporation. Top management of a corporation is theoretically responsible for the acts of the corporation. But it is not always possible to indict top executives of a corporation because it is not always possible to obtain evidence of the knowledge and complicity of top officials.<sup>12</sup> Lower or middle management officials against whom clear evidence may be obtained because of attendance at meetings may contend that it is unfair to prosecute them for acts done in compliance with orders or innuendos from top management. Wherever possible, the Department indicts the high executives of a corporation implicated in a criminal conspiracy. But the Department does not accept the justification of subordinates that they knowingly violated federal law in deference to corporate instructions.

## THE NATURE OF ANTITRUST CRIMINAL VIOLATIONS

Price fixing is a broad term which has been applied to at least three types of conspiratorial activity to eliminate competition between sellers of a particular product. In its most common form, competing sellers meet and agree to sell their products at a price mutually agreed upon. An agreed upon price will usually be higher than the price which would prevail under competitive conditions. Another common form of price fixing is bid rigging, in which competitors decide among themselves which company shall prevail at a closed bid contract and at what price. Contracts will be awarded to the participating companies according to some agreed upon formula. In 1966, 12 criminal cases were filed and all 12 alleged some form of price-fixing activity; in 1965, 7 of 10 criminal cases filed alleged some form of price fixing. From 1960 to date, 133 criminal cases have been filed charging price fixing (in the same period 157 civil cases were filed in which price fixing was one element of the violations charged). Price fixing is a common and continuing criminal problem.

That violators are aware of the illegality of their price-fixing activity can often be inferred from their efforts to preserve secrecy. In the *Electrical Equipment* cases, executives carefully destroyed notes and papers after price-fixing meetings to preserve secrecy. An elaborate coded system was developed under which contract bids were allocated among conspirators according to the phases of the moon. The executives filed false travel vouchers to make it appear they had not been in cities where meetings were held. (Interestingly, the false travel vouchers never claimed amounts due for transportation greater than the cost of travel to the cities actually visited.) Testimony further revealed an awareness of guilt. "I didn't expect to get caught and I went to great lengths to conceal my activities so that I wouldn't get caught," testified one of the defendants in the *Electrical Equipment* cases.<sup>13</sup>

The Department believes that the enormous publicity given the *Electrical Equipment* cases had a salutary effect in the termination of ongoing price fixing activities and the deterrence of others.<sup>14</sup> "No one in direct contact with the living reality of business conduct in the United States is unaware of the effect the imprisonment of seven high officials in the Electrical Machinery Industry in 1960 had on the conspiratorial price fixing in many areas of our economy; similar sentences in a few cases each decade would almost completely cleanse our economy of the cancer of collusive price fixing and the mere prospect of such sentences is itself the strongest available deterrent to such activities."<sup>15</sup> But there is still a great deal of price-fixing activity. Let us consider a typical case.

On March 10, 1964, five criminal cases were filed alleging price fixing between six corporations selling between 75 and 90 percent of the pressure pipe consumed in the Western States. Sales of pipe are largely made through closed, and supposedly competitive, bidding. But the

<sup>7</sup> See *Nash v. United States*, 229 U.S. 373 (1913).

<sup>8</sup> 310 U.S. 150 (1940). See also *United States v. Trenton Potteries*, 273 U.S. 392 (1927).

<sup>9</sup> See Kadish, "Criminal Sanctions for Economic Regulations," 30 Univ. Chi. L. Rev. 423, 435-40 (1963).

<sup>10</sup> See, e.g., Cahill, "Must We Brand American Business by Indictment as Criminal?" 30 A.B.A. Antitrust Sec. 26(1952); Hayard, "Are Big Businessmen Crooks?" Atlantic Monthly, Nov. 1961, 57.

<sup>11</sup> Remarks of Attorney General Robert F. Kennedy, "Vigorous Antitrust Enforcement Assists Business," before the Economic Club of New York, Nov. 13, 1961.

<sup>12</sup> See Herling, "The Great Price Conspiracy" 144-65.

<sup>13</sup> Testimony of Executive before Kefauver Committee, U.S. Senate, Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, 87th Cong., 1st Sess., 1961, "Administered Prices," pt. 28, p. 17396.

<sup>14</sup> See "Remarks of Robert L. Wright," former First Assistant, Antitrust Division, at The Sentencing Institute, "Jail Sentences in Antitrust Cases," 37 F.R.D. 183-84 (1964).

<sup>15</sup> Spivack, Director of Operations, Antitrust Division, "Antitrust Enforcement: A Primer," 37 Conn. B.J. 375, 382 (1963).



defendants in these cases, according to the Government's allegations, worked out arrangements for the allocation of contractor bids among themselves. One of these conspiracies may have dated back as far as the late 1940's; others appear to have lasted for 9 years, in one case, and 11 years in another. Several hundred million dollars of pipe was sold through rigged bids for use in public construction projects and private according to the evidence available to the Department. The conspiratorial activity of defendants, taking place through hundreds of meetings, was conducted at hotels and motels throughout the west and by conversations on telephone lines outside the business offices of the corporations. After a particular contract had been designated to one conspirator, the other companies would submit scattered higher bids to conceal the conspiracy.<sup>16</sup> Over the opposition of the Government, the court permitted all defendants to enter pleas of *nolo contendere*.<sup>17</sup>

The second most common criminal action proceeds against predatory monopolization. Attempts to monopolize by predatory conduct such as persistent below cost pricing to destroy a competitor, coercion of suppliers of customers of a competitor, or systematic boycotts in order to exclude a competitor may be criminal, for these acts are all *per se* violations of the antitrust laws.<sup>18</sup>

Only occasionally do criminal cases arise for violations other than price fixing or predatory monopolization. Other *per se* offenses on which criminal charges might be based are combinations to boycott in order to exclude or to drive out a competitor and agreements by competitors to allocate customers or territories in order to bring about price increases.

## PROCEEDINGS IN ENFORCEMENT

It is extremely difficult to discover evidence of criminal violations. There are four principal sources of information leading to criminal prosecution. A civil investigation of the Department may lead to evidence of criminal conspiracy. Disaffected employees or executives of conspirators may make disclosures to the Department of Justice. Federal purchasing agencies are required to report to the Department of Justice incidents of the submission of uniform bids,<sup>19</sup> and many States submit such information voluntarily. Sometimes these submissions lead to the discovery of criminal price fixing through analysis of bidding patterns. A final source of information is provided by the complaints of competitors and customers of the corporations engaged in criminal conduct.

The Department is authorized to conduct grand juries where there is cause to believe a criminal violation exists. Subpoenas may be issued to corporations requiring their disclosure to the grand jury of documents bearing on the subject of the investigation. Executives of corporations under investigation may be required to testify before the grand jury, but receive immunity from prosecution on the matters to which they testify. Upon the completion of

an investigation, the grand jury may be requested to hand up indictments in accordance with its findings.

After criminal prosecution has been begun, the critical moment in such antitrust proceedings comes at the time of pleading. In the vast majority of antitrust cases, defendants seek to plead *nolo contendere*. This is true for three reasons. Defendants believe that judges will impose lesser sentences after pleas of *nolo* than after guilty pleas or convictions. Defendants believe that less public stigma attaches subsequent to pleas of *nolo*. But most important of all—for corporate defendants—the statutory presumption in favor of subsequent treble damage claimants arising after judgment in the Government's favor does not attach where judgment is founded on pleas of *nolo contendere*.<sup>20</sup>

The Department of Justice may or may not oppose pleas of *nolo*.<sup>21</sup> A decision to oppose *nolos* in a particular case turns on three factors. First, the Department makes a judgment on the gravity of the violations charged in the indictment, including consideration of the size of the corporate defendants, the impact on the economy of the offenses charged, the longevity of the conspiracy, the effectiveness of the conspiracy and the flagrancy and consciousness of guilt of the participant. Second, the Department evaluates the risks and costs of delay in prosecution. In most cases the preponderance of the expense to the Department of criminal litigation has been incurred by the time of pleading.<sup>22</sup> But certain cases lend themselves to inordinate delay during trial, and antitrust defendants often seek as much delay as possible. Delay may prejudice the Department's case because of the increasing staleness of the evidence and the possibility that certain witnesses may die or forget critical testimony. The third factor to be considered is the posture of potential treble damage claimants. The questions are whether there are treble damage claimants with provable claims and with claims in an amount sufficient to justify undertaking litigation, whether such plaintiffs will be willing to undertake litigation against corporations who may be their traditional suppliers, and whether potential plaintiffs may have access to evidence which will enable them to prove their cases in the absence of the statutory presumption of section 5(a) of the Clayton Act.

In any event, present policy of the Antitrust Division is to agree not to oppose *nolo* pleas only in the event that defendants promise to fulfill two conditions. The defendants must state in open court or in writing to the court that they understand that pleas of *nolo* are equivalent to pleas of guilty for purposes of the criminal action and expose the defendants to sentences as severe (including jail sentences) as those which could be imposed after pleas of guilty. And they must state that they will not publicly represent that they, individuals or corporations, were not guilty of the offenses charged, except in litigation arising out of the same circumstances. The Department insists on these two conditions in order to mitigate the ill effects of *nolo* pleas in reducing the deterrent effect and in obstructing public awareness of the existence of violations of the antitrust laws.<sup>23</sup>

<sup>16</sup> This information has been made public by a court order of the Circuit Court of Appeals for the Ninth Circuit, *U.S. Industries, Inc. v. United States District Court*, 345 F.2d 18 (9th Cir. 1965), cert. den., 382 U.S. 814 (1965), permitting treble damage claimants access to the Government's recommendation on sentencing which reviewed the evidence which would have been introduced if the case had been tried.

<sup>17</sup> See n. 34 infra, for discussion of sentences imposed in this case.

<sup>18</sup> See *United States v. Minnesota Mining & Mfg. Co.*, 249 F. Supp. 594 (E.D. Ill. 1966) which included price-fixing counts as well as attempts to monopolize.

<sup>19</sup> Executive Order 10936 (Apr. 24, 1961) requires the Department of Justice to compile and publish annual reports on Identical Bidding in Public Procurement. Five such reports have been transmitted to the President and Congress.

<sup>20</sup> See 15 U.S.C. § 16(a); *City of Burbank v. General Electric Co.*, 329 F. 2d 825 (9th Cir. 1964).

<sup>21</sup> See testimony of Donald F. Turner before Subcommittee on Antitrust and Monopoly of Senate Judiciary Committee on S. 2512, July 15, 1966. The Department favors legislation which would make *nolo* presumptive in treble damage litigation, although one anticipated effect would be a substantial reduction in *nolo* pleas.

<sup>22</sup> See letter from Donald F. Turner, Assistant Attorney General, Antitrust Division, to the Harvard Law Review, Nov. 5, 1965, quoted in note, "Antitrust *Nolo* Pleas," 79 Harv. L. Rev. 1475, n. 59.

<sup>23</sup> In the past the Department has been greatly disturbed by the practice of corporate public relations departments which issue press releases subsequent to disposition of criminal charges stating or giving the impression that the corporation had pleaded *nolo contendere* in order to avoid the delays and expense of litigation although such litigation would have vindicated the defendants.

The fact is that judges, although vested with discretion to accept or reject pleas of *nolo*,<sup>24</sup> almost invariably permit pleas of *nolo* to be entered. Between July 1, 1959 and July 1, 1965, *nolo* pleas were accepted in every case in which the Government did not oppose the plea, and were accepted in 96 percent of the cases in which the Government opposed the plea of *nolo contendere*.<sup>25</sup> Although the acceptance of *nolo* pleas terminates the litigation, remarkably few opinions in explanation of the acceptance of such pleas have been written by district courts<sup>26</sup> even when the Government has opposed the plea.<sup>27</sup> The Department believes that the courts which have accepted *nolo* pleas for the reason that it would be improper to benefit treble damage plaintiffs<sup>28</sup>—have erroneously interpreted the legislative history of section 5 (a) of the Clayton Act.<sup>29</sup> The better view, the Department believes, was advanced in the opinion of Judge Weinfeld in *United States v. Standard Ultramarine and Color Co.*<sup>30</sup> Judge Weinfeld held that it was the intent of Congress in section 5(a) to aid private plaintiffs in order to increase the sanctions against antitrust violations, and that trial judges, to be consistent with this purpose of deterrence ought to consider the effect on possible treble damage litigation in deciding whether to accept offered pleas of *nolo*.

The statutory limit on fines in sentences to a defendant under the Sherman Act is \$50,000. Multiple counts may be charged where separate conspiracies are found and the maximum fine may be charged for each count in which a particular defendant is found guilty. Nonetheless, the statutory ceiling makes fines in criminal cases trivial for major corporate defendants.<sup>31</sup> While fines to individuals may be substantial relative to an individual's ability to pay, in a number of States individual executives may be lawfully reimbursed by the corporation for fines paid out in antitrust cases.<sup>32</sup> In light of the possible insignificance of criminal fines the Department believes that imprisonment may be an appropriate penalty where willful violations have been established. Discovery of criminal violations of the antitrust laws is highly uncertain. Rational calculators of the profitability of price fixing might not be deterred by the prospect of even substantial civil penalties. But the moral stigma of the criminal process—

and the possibility of incarceration—will deter many executives even if the gains appear great and risks of apprehension slight. In the *Electrical Equipment* cases seven individual executives received and served jail sentences. The imposition of jail sentences in those cases appeared to have enormous effect on the attitudes of the public and of businessmen towards antitrust violations. Editors and commentators long discussed the implications of the cases and the significance of the violations as described by Judge Ganey in imposing sentences. "This is a shocking indictment of a vast section of our economy, for what is really at stake here is the survival of the kind of economy under which America has grown to greatness, the free enterprise system."<sup>33</sup> However, since the *Electrical Equipment* cases, no antitrust defendant has been imprisoned.<sup>34</sup> The Government has recommended that prison sentences be imposed but suspended in seven cases and that prison sentences be imposed and served in 27 cases. The recommendations covered 105 individual defendants in these cases.<sup>35</sup> In seven cases, involving 45 individual defendants, prison sentences were imposed and suspended but, to repeat, in no case during this period did the courts require prison sentences to be served.

The factors which the Department considers in deciding whether to recommend imprisonment are to some extent the same factors considered in deciding whether pleas of *nolo* should be opposed. The nature of the acts charged in the indictments including the size, impact, effectiveness, longevity and willfulness of the criminal conduct principally determine the position which the Department will take. In addition, the Department considers the ability of an association or corporation to pay a fine or the ability of an individual to serve a term of imprisonment—meaning his health and age.

The Department rarely recommends jail sentences greater than 6 months—recommendations of 30-day imprisonment are most frequent. In recent years some judges have imposed and suspended jail sentences; the Department considers this trend salutary.<sup>36</sup> In appropriate cases the Department will continue to recommend the imposition of jail sentences to be served<sup>37</sup> because of the profound deterrent and educational effect of such criminal treatment.

<sup>24</sup> F.R. Cr. P., 18 U.S.C. Rule 11.

<sup>25</sup> Letter from Donald F. Turner, Assistant Attorney General, Antitrust Division, to the Harvard Law Review, Nov. 5, 1965, quoted in 79 Harv. L. Rev. 1475, 1480 (1966).

<sup>26</sup> "Nolo may have been commonly accepted in antitrust cases either because the judges disagreed with the spirit of the laws and thought conduct violating them was not very bad or because they thought the conduct was not morally wrong apart from its violation of the law." 79 Harv. L. Rev. 1475, 1477.

<sup>27</sup> Apparently only 16 opinions disclosing reasons for the acceptance or rejection of *nolos* have been written. See note, "Antitrust Nolo Pleas," 79 Harv. L. Rev. 1475, 1480 (1966).

<sup>28</sup> The effect of § 5(a) of the Clayton Act is to make a victory in a Government case (or a plea of guilty) presumptive proof of a violation in a subsequent treble damage action by a private party.

<sup>29</sup> See, e.g., *United States v. Safeway Stores, Inc.*, 20 F.R.D. 451 (N.D. Tex. 1957).

<sup>30</sup> 137 F. Supp. 167 (S.D.N.Y. 1955).

<sup>31</sup> See Columbia Journal of Law and Social Problems, "Antitrust Criminal Sanctions," Vol. III, No. 2, p. S-9, n. 16 (1966).

<sup>32</sup> See, e.g., 8 Del. Code Ann. § 122(10); N.Y. Bus. Corp. Law § 723(b); Note, "Liability Insurance for Corporate Executives," 80 Harv. L. Rev. 648 (1967);

Note, "Indemnification of Corporate Officials for Fines and Expenses Resulting from Criminal Antitrust Litigation," 50 Geo. L. J. 566 (1962).

<sup>33</sup> Judge Ganey quoted in Herling, "The Great Price Conspiracy" 195.

<sup>34</sup> In the price-fixing case discussed above as a typical example (see *supra*, at 9) based on facts strikingly similar to the charges in the *Electrical Equipment* cases (see Smith, "The Incredible Electrical Conspiracy," *Fortune*, part 1, Apr. 1961, p. 132; part 2, May 1961, p. 161), relatively light sentences were imposed. The Government recommended jail sentences for 17 individual defendants, varying from 1 month for one defendant to 6 months for 10 defendants. The court imposed no actual or suspended sentences. In one case the Government recommended maximum fines of \$50,000 against each of the corporate defendants; the court imposed no actual or suspended sentences. In no case did the judge impose fines against corporations in an amount greater than 10 percent of the fines recommended by the Government. The Government recommended fines of up to \$10,000 (the statutory maximum was \$50,000) against five individuals. The court imposed a fine of \$1,500 on one of these individuals, \$1,000 on ten defendants, \$500 on five defendants and \$250 on one defendant.

<sup>35</sup> Out of 58 criminal cases terminated by sentencing in the years 1962-66, the Government made sentencing recommendations in 51 cases.

<sup>36</sup> Remarks of Robert L. Wright, former First Assistant, Antitrust Division at the Sentencing Institute, "Jail Sentences in Antitrust Cases," 37 F.R.D. 183 (1964).

<sup>37</sup> See *United States v. McDonough Co.*, 1959 Trade Cas. ¶ 69,482 (S.D. Ohio 1959) where imprisonment followed *nolo* pleas.

## CRIMINAL TAX FRAUD\*

"The purpose of penalties inflicted upon persons who attempt to defraud the revenue, is to enforce the collection of duties and taxes. They act *in terrorem* upon parties whose conscientious scruples are not sufficient to balance their hopes of profit." *Dorscheimer v. United States*, 7 Wall. (74 U.S.) 166, 173 (1868).

We demand compliance with tax laws for an intensely practical reason: Taxes support the Federal Government. In 1966, taxpayers filed more than 104 million tax returns and paid over \$128 billion in taxes.<sup>1</sup> Almost 94 cents of each budget dollar came from income, estate, gift, and excise taxes. The Federal income tax alone produced more than 80 percent of budget receipts.

To induce compliance, Congress has crafted a finely calibrated scale of sanctions, ranging from interest on unpaid tax liability, to statutory additions to tax, to civil and criminal penalties. The civil penalties can add from 5 to 100 percent to the amount of unpaid taxes due. Criminal penalties include felonies and misdemeanors punishable by fine or imprisonment or both. More than 10 separate criminal statutes protect the income tax alone.

### THE OFFENDER

Our system of self-assessment and the sheer number of taxpayers make criminal tax fraud<sup>2</sup> a unique white-collar crime. Each taxpayer computes his tax on the basis of facts which he sets out in his return. Annually, some 68 million individuals have an opportunity to commit tax fraud, while few have, for example, the opportunity to embezzle money from a bank.

Criminal tax fraud is committed not mainly by the famous or even by the infamous. The popular impression that celebrities or gamblers and racketeers are the usual subjects of income tax prosecutions is a distortion of publicity. Gamblers and racketeers account for fewer than 10 percent of such prosecutions, and celebrities are not a visible statistic. If there is a bright line of tax evasion, it divides the self-employed—whose compensation is not subject to withholding and whose opportunity for under-reporting income is thereby increased—from the employee. In 1965, almost two-thirds of those prosecuted for income tax fraud were self-employed. Heading the list of prosecutions by occupation were the medical, legal, and accounting professions (20 percent) followed by the

real estate, building and construction trades (6 percent) and farmers (4 percent).

### THE OFFENSE

The nature of tax fraud creates unusual difficulties of proof. The crime is usually committed in the privacy of the home or office, without eyewitnesses or physical traces. While many white-collar crimes of misrepresentation have victims who may provide evidence—e.g., competitors, consumers, investors, stockholders—tax fraud has none. The inferences required to prove a tax fraud case must commonly be drawn from events largely independent of the commission of the crime and within control of the offender (increased net worth and expenditures or bank deposits in excess of declared and available resources). In combination, these factors pose formidable obstacles not only to proof of the commission of the crime but also to knowledge of the existence of the crime.<sup>3</sup>

### SELECTION, INVESTIGATION AND PROSECUTION

The selection and investigation of criminal tax fraud cases is done within the 58 District Director's offices of the Internal Revenue Service throughout the United States. Within those offices, the Intelligence Division is responsible for conducting investigations, through its special agents, into possible criminal violations of most internal revenue laws.

Every criminal tax fraud case begins with a lead. Most leads, of course, are obtained from the audit of tax returns. But leads also come from the Internal Revenue Service's data processing centers, from other governmental units, from items appearing in the press, from informants, and from sources developed by Intelligence itself. The leads are evaluated by the chief of the Intelligence Division who determines if a preliminary investigation is

\*Submitted to the President's Commission on Law Enforcement and Administration of Justice by the Tax Division, U.S. Department of Justice.

<sup>1</sup> Annual Report of the Commissioner of Internal Revenue, 1966, pp. 10, 11, 14.

<sup>2</sup> The discussion of criminal tax fraud in this paper is limited to income tax crimes which account for the bulk of criminal prosecutions handled by the Tax Division. There are few estate and gift tax prosecutions. And the Criminal Division handles prosecutions of most excise tax violations (alcohol, tobacco, narcotics, firearms, wagering, coin-operated gambling and amusement machines tax).

<sup>3</sup> Estimates of the amount of reportable income that goes unreported each year range between \$30 and \$40 billion. The first figure is an adjusted estimate derived from table 7, U.S. Congress, Joint Economic Committee, *The Federal Tax System: Facts and Problems* (G.P.O. 1964). The second figure is a projection from the estimated \$25 billion unreported in 1957. Harrington, "Improving Income Tax Reporting," 2 Tax Revision Compendium 1461 (G.P.O., 1959).

warranted. After that investigation, he then decides whether the facts developed call for a full-scale fraud investigation.

The selection of leads to investigate is guided by the desire for uniform enforcement of compliance with the tax laws in all occupations, income groups, and geographic areas. The limited number of agents, however, prohibits strict uniformity. In the 4-year period 1963 through 1966, for example, the number of special agents ranged from 1,691 to 1,721. Preliminary investigations totaled less than 9,000 per year and full-scale investigations around 2,000.<sup>4</sup> In that same period, the number of income tax returns filed increased from 73 million to 80 million, of which, in 1966, about 4 percent or 3 million were audited.<sup>5</sup> Because every possible case cannot be investigated, the Intelligence Division concentrates on the more aggravated individual cases and on categories of low-compliance taxpayers where prosecution would be most effective in deterring similar violations.

The decision to invoke the criminal process does not rest with the investigator. The odds are 16 to 1 that the case he investigates will not ultimately be prosecuted. Each case that he recommends for prosecution will be reviewed by at least 12 people as it passes through the district and regional levels of the Internal Revenue Service to the Department of Justice, Tax Division, in Washington, and then back to the local level for further review and prosecution by a United States Attorney.<sup>6</sup>

At each of the four levels—district, regional, national, local—the standard of prosecution is the same: whether the evidence is sufficient to indicate guilt beyond a reasonable doubt and whether a reasonable probability of conviction exists. At each level, the taxpayer may obtain a conference. There, the taxpayer is informed of the nature and basis of the charge against him and has an opportunity to make any explanations or to present any evidence he thinks might affect the Government's decision to prosecute. Conferences are held for information rather than for settlement purposes. A criminal tax fraud case will not be settled in return for payment of taxes due, interest, and civil penalties. However, if prior to the investigation or threat of investigation of a criminal tax fraud case, the taxpayer makes a voluntary disclosure and seeks to correct his errors, that fact will be given some weight in deciding whether to prosecute.

## THE SIFTING PROCESS

The 2,000 cases that enter the review process after full-scale investigation are sifted through each level with the result that about 600 to 700 emerge as cases commenced in the District Courts.<sup>7</sup> After investigation, the special agent determines whether prosecution is warranted. His decision is reviewed by his group supervisor and by the chief of the Intelligence Division. The criminal aspects of the case are closed if the decision against prosecution is unanimous. Otherwise, the case is transferred from the District Director's office to the Regional Office for review by the Assistant Regional Commissioner for In-

telligence. He may recommend further investigation, no prosecution or prosecution. If the latter, the case is forwarded to Regional Counsel and is reviewed by an attorney, a technical advisor and the Assistant Regional Counsel. If they recommend prosecution, the case is transferred to the Department of Justice, Tax Division.

The Justice attorney to whom the case is assigned may also request further investigation or recommend for or against prosecution. His decision is reviewed by the Assistant Section Chief and by the Chief of the Criminal Section, Tax Division. Depending upon the nature of the case and the recommendations of the staff attorneys, the case may also be reviewed by the Second Assistant and by the Assistant Attorney General for the Tax Division. If the Department recommends against prosecution, the case is transferred to Chief Counsel's office, Internal Revenue Service, which may refer the case to Regional Counsel for closing or to the Department of Justice for reconsideration. If the Department recommends prosecution, the case is transferred to the appropriate United States Attorney's office for prosecution. There, a final review is given the case by an attorney and by the United States Attorney or his representative. The United States Attorney's office may advise the Department of Justice that the case should not be prosecuted, but final authority for prosecution rests with the Department.

The extensive review process is largely attributable to the uncertainties surrounding the existence and commission of criminal tax fraud. But comprehensive review also assures taxpayers that indictments for criminal tax fraud, which may seriously affect one's reputation, are not obtained haphazardly. And it assures the Government of a higher percentage of successful prosecutions, thereby increasing their deterrent effect. In 1966, the conviction rate for criminal income tax offenses was 97 percent.<sup>8</sup> Most defendants plead guilty or *nolo contendere* (*nolo* pleas are accepted over the Justice Department's continuing objection). In cases actually tried, the conviction rate is about 64 percent.<sup>9</sup>

## SENTENCING

Sentencing practices for defendants convicted of income tax evasion vary widely from district to district and from judge to judge. When 54 Federal judges were polled to determine what sentence they would impose on a hypothetical defendant convicted of income tax evasion, they divided almost evenly between incarceration, on the one hand, and probation or fine, on the other.<sup>10</sup> An Internal Revenue Service study of sentencing for income tax fraud for the years 1946 through 1963 shows that the percentage of prison sentences to convictions ranged from zero in South Dakota and 3 percent in the Western District of Virginia to 88 percent in the Western District of Washington and 93 percent in the Western District of Tennessee. In all districts during that period, imprisonment was imposed in only 38 percent of the cases. And of the 593 defendants convicted of criminal income tax fraud in 1966, 40 percent received prison terms.

<sup>4</sup> Annual Report of the Commissioner of Internal Revenue: 1963, pp. 23, 26, 50; 1964, pp. 20, 23, 46; 1965, pp. 29, 34, 66; 1966, pp. 29, 34, 68.

<sup>5</sup> Annual Report of the Commissioner of Internal Revenue: 1966, p. 14, 23.

<sup>6</sup> The Tax Division has supervised such prosecutions nationwide for over 30 years to maintain uniform policies and procedures in the handling of criminal income tax cases. Between 15 and 20 percent of the cases that go to trial are tried by attorneys from the Tax Division; the remainder are tried by the United States Attorneys.

<sup>7</sup> Annual Report of the Director of the Administrative Office of the United States Courts, 1966, p. 212.

<sup>8</sup> Annual Report of the Attorney General, 1966, p. 31.

<sup>9</sup> Few income tax evasion cases are dismissed. For 1966, cases against 9 percent of the defendants were dismissed. Annual Report of the Director of the Administrative Office of the United States Court, 1966, p. 224. Most dismissals result from frailty of proof which develops after criminal proceedings have begun, for example, death of a witness, newly discovered evidence overlooked by the investigating agents. Occasionally, dismissal results from the court's determination, after hearing, that a defendant is mentally or physically incompetent to stand trial and is unlikely to recover.

<sup>10</sup> Seminar and Institute on Disparity of Sentences for Sixth, Seventh and Eighth Judicial Circuits, 30 F.R.D. 401, 429-430, 505 (1962).

Terms of less than one year were imposed on 80 percent of those imprisoned.<sup>11</sup>

Some of the traditional purposes of sentencing—isolation, rehabilitation—have little application to the typical individual convicted of income tax evasion. Most offenders have no prior record of conviction and do not require isolation from society for its protection. Moreover, severe sentences are not required to rehabilitate the offender. Statistics of the Department of Justice suggest that there is a negligible amount of recidivism. Of the 1,186 persons convicted of criminal tax fraud in 1963 and 1964, only two persons were repeat offenders. The ignominy of indictment, prosecution and conviction rather than the particular type of sentence imposed discourages the ordinary defendant from repeating his crime.

The purpose of sentencing for income tax crimes is to deter others from committing the same offense. As a general matter, the principle of deterrence may be of

doubtful validity, but it has been regarded as particularly effective for crimes, such as tax fraud, where rational considerations are predominant.<sup>12</sup> The threat of jail has “a most benign effect on those who do not like to pay taxes.”<sup>13</sup> Accordingly, it is our policy to recommend jail sentences for defendants convicted of criminal tax fraud.<sup>14</sup> We follow this policy in the hardest case—where the defendant is a community leader with an otherwise spotless record who has already suffered the disgrace of conviction for income tax evasion. As Judge Skelly Wright has remarked:

“\* \* \* no jail sentence can add to that punishment in any degree. So we say then, why send such a man to jail? And I say to you the answer is that the only real purpose of an income tax sentence is its deterrent value. Unless we use the income tax sentence as a deterrent, we are overlooking one of our responsibilities as Judges.”<sup>15</sup>

<sup>11</sup> Annual Report of the Director of the Administrative Office of the United States Courts, 1966, p. 224.

<sup>12</sup> Gerhard O. W. Mueller, “Punishment, Corrections and the Law,” 45 Neb. L. Rev. 58, 77 (1966).

<sup>13</sup> James V. Bennett (former Director of the Bureau of Prisons), 45 J. Crim. L., C. & P.S. 537.

<sup>14</sup> No sentence recommendation is made by the Department of Justice unless the court so requests. This is in recognition of the fact that sentencing is an exclusively judicial prerogative. However, when recommendations are requested by the court, it is our policy to recommend imposition of a jail sentence in addition

to a fine. The payment of the civil tax liability plus a fine and suspended sentence or probation does not ordinarily constitute a satisfactory disposition of a criminal tax case. Prior to sentencing we present to the court a full statement of facts, including amount of tax evaded, the means by which the fraud was perpetrated, the past criminal record of the defendant, and any other information which the court may consider important in imposing sentence.

<sup>15</sup> Wright, “Sentencing the Income Tax Violator, Statement of the Basic Problem,” delivered before the Sentencing Institute for the Fifth Circuit, 30 F.R.D. 185, 302, 304-305 (1962).

# Riots and Crime

It is tempting to describe the riots that flared up in the ghettos of some 20 cities during the summers of 1964, 1965, and 1966 as "senseless." It is also unenlightening. To be sure, there were respects in which the riots made little sense. Few of the policemen or white passersby whom the rioters assaulted were people against whom they had specific personal grievances. The great majority of the casualties of the riots—the dead, the injured, and the arrested—were rioters.<sup>1</sup> Some of the property the rioters destroyed belonged to them or their neighbors; a poignant journalistic vignette from the Watts riot in Los Angeles was a description of a man woefully gazing at a gutted drycleaning establishment to which he had entrusted seven pairs of trousers. The riots changed the attitude of some Americans toward the civil rights movement from sympathy to antipathy.<sup>2</sup> And of course there is no sense to the idea—in the doubtful event that anyone seriously entertains it—that sporadic outbursts of frenzy and violence can solve complicated social problems.

However, to say that the riots were unplanned, undisciplined, unled, and incoherent is not to say that they expressed nothing and signified nothing.<sup>3</sup> They expressed the general hostility many Negroes feel toward white people. They expressed the particular hostility many Negroes feel toward the police and toward ghetto merchants and businessmen. They expressed the outrage many Negroes feel at the conditions in which they must live. They expressed the increasing refusal by Negroes to accept further delay in being granted full participation in the social, economic, and political development of the Nation. They expressed the increasing conviction of Negroes that legal methods of protest have not accomplished enough fast enough. They signified that the ghettos of American cities are a threat to the peace and safety of all of America. They signified that the need to abolish ghettos is urgent, and that the time is short.

Unmistakably, then, the riots were social protest of a sort—a criminal sort. Thousands of acts of assault, of arson, of theft, of vandalism are what a riot is. Putting an end to a riot is a police problem. Almost every riot was touched off by an encounter between the police and a Negro.<sup>4</sup> The majority of those encounters were essentially commonplace or even trivial;<sup>5</sup> in many of them the police were responding to a complaint by a Negro;

in most of them the police acted, at least to begin with, with prudence and propriety. In short, an integral element in every riot was strain between the police and members of the Negro community. Finally, it cannot be a coincidence that riots take place in just those neighborhoods where there is the greatest amount of everyday crime.<sup>6</sup> This is not to say, of course, that rioters and everyday criminals are the same people—though in some instances they may be. The point is that anger, violence, despair, and cynicism prevail in the Negro ghettos of America and these conditions contribute both to everyday crime and to protest riots.

The Task Force did not attempt to gather data of its own about the riots. Studying in detail only one riot, let alone 20, is a monumental project, as can be inferred from the many months and the thousands of dollars spent, and the thousands of words of findings and testimony produced by the McCone Commission's inquiry into the Watts riot. The Task Force did not have the time or the manpower to conduct such studies, which, in any case, would have duplicated in some ways the work of others; it has relied for its facts on the more or less exhaustive official reports that were made in almost every city in which a riot occurred, on journalistic accounts of the riots, and on the background literature about the ghetto and Negro life and culture. Nor was it possible for the Task Force to undertake a systematic analysis and evaluation of the findings now being reported in the literature on recent riots. Instead, the Task Force tried to develop an impression of the way criminal acts are precipitated in riot situations and relied primarily on the extensive descriptions of the Watts riot. It quickly became apparent that existing data do not come close to providing a complete description or explanation of the riots, or of any one riot, of course. Doubtless no data could completely describe or explain an event that is the product of the passions of so many people. What the available information does provide is a number of suggestive clues to the nature and meaning of riots, and to the measures that might prevent their recurrence or spread. The ensuing brief discussion of riots concentrates on those clues, with the purpose of stimulating both immediate action to prevent future riots and long-range research into what riots are and what they mean.

<sup>1</sup> For example, of the 34 fatalities in the Watts riot 26 were shot by police or National Guard, indicating that they were active participants (looting, burning, running road blocks, etc.).

<sup>2</sup> Over a 2-year period the Gallup poll added the question "Do you think the Johnson administration is pushing integration too fast?" The percentage of respondents, in the national sample, who answered "yes" follows:

	Percent
February 1964 (before the first riot).....	30
April 1965.....	34
August 1965.....	40
July 1966.....	46
September 1966.....	52

<sup>3</sup> Evidence of the widespread participation in the riots is cited below, note 23.

<sup>4</sup> The two Chicago riots of 1965 are among the few not started by a police-citizen incident.

<sup>5</sup> Although in a few cases (Harlem 1964, Cleveland, Atlanta, San Francisco 1966) the precipitating incident was serious—a Negro boy shot by a patrolman—the majority of precipitating incidents were routine police actions. For example, in Philadelphia in 1964 the incident was an attempt by the police to remove an intoxicated woman from a vehicle blocking an intersection.

<sup>6</sup> Precise arrest rate figures comparing the riot areas with other Negro and white areas are not available. All of the riot areas, however, were Negro ghettos and had crime rates much higher than the city as a whole.

## HISTORICAL BACKGROUND <sup>7</sup>

Violent racial conflict is not a new phenomenon in America. Perhaps the most atrocious riots that ever occurred in this country were the 1863 draft riots in New York. For about 4 days white mobs controlled much of the city, during which they looted stores, burned Negro dwellings, and beat or lynched those Negroes they got their hands upon.<sup>8</sup> Before the State militia restored order there were about 2,000 casualties. The draft riots are notable for more than their extreme savagery. They were the archetype of most of the racial clashes that took place before the summer of 1964. They occurred during a time of national tension and anxiety, the Civil War. They occurred at a time when Negroes appeared to be on the verge of making a major social advance, emancipation. They were a response by predominantly working class white citizens to a requirement that they assist this Negro advance by making personal sacrifices and by serving in the Army. They consisted of offensive action by white mobs against the persons of Negroes, and defensive action by Negro mobs and individuals against the persons of whites, with looting and property destruction as by-products of those actions. They were not confined to any one part of the city, but involved raids and incursions, attacks and counterattacks. They lasted longer than they might have because of the reluctance of officials to invoke full military or police force against them promptly, and because of the more or less open sympathy of many members of the military or the police with the rioters. They were, in sum, actions by members of the majority against the presumably threatening minority.

All the bloodiest riots of the 20th century, until Watts, conformed to this pattern.<sup>9</sup> The very bloodiest took place in East St. Louis, Ill., on July 3 and 4, 1916, during the First World War, slightly a week after the first American troops landed in France; 39 Negroes and 9 whites were killed, hundreds of people were injured or wounded, and 244 buildings, mostly Negro homes, and 44 railroad cars were destroyed by fire. This riot was the culmination of a long period of racial tension provoked by a massive influx of southern Negroes into East St. Louis, and their subsequent use as strikebreakers in some of the city's aluminum and steel plants. The incident that precipitated the riot was the shooting of two plainclothes detectives as they drove through the Negro district of the city in an unmarked car on the night of July 2. The blood-stained car was displayed in front of the police station the following morning. An angry crowd gathered, and soon broke into bands of roving toughs, armed with stones, clubs, and guns. These bands assaulted Negroes on the streets, and set fire to more than 200 homes in "Black Valley," a Negro slum; snipers shot the residents as they attempted to flee the flames, and the efforts of firemen to save the houses were resisted by the mobs. The rioting continued for 24 hours, largely because the 12 National Guard companies that were sent to put it down were late in arriving; there were strong indications that this tardiness was due to their sympathy with the rioters.

Twenty-three Negroes and 15 whites were killed, and more than 500 people were injured, in the course of the riot that raged in Chicago from July 27 to August 2, 1919, at the depth of the economic depression that accompanied the country's transition from a wartime to a peacetime economy. Chicago's Negro population had increased by almost 150 percent since 1910, and there was acute competition both for jobs and for housing; no new housing, of course, had been built during the war. The trouble started on July 27 at a southside beach, one end of which was used by whites, the other by Negroes. A brawl broke out as the result of the alleged crossing of the imaginary dividing line by some Negroes. It escalated rapidly. A Negro boy who had drifted opposite the white beach was stoned, and presently he drowned; whether or not he had been hit by a stone was never determined. The Negro bathers became enraged, and as the news of the drowning spread to a nearby Negro neighborhood, they were joined by hundreds of other Negroes. A policeman who refused to arrest a white man the Negroes charged with the boy's death was attacked. A Negro was shot by another policeman, also a Negro. That night the rioting spread to other sections of the city, and continued sporadically until the end of the week. It was aggravated by a transit strike that began Monday night and that forced both whites and Negroes to walk to and from work through hostile neighborhoods. Throughout the week bands of both whites and Negroes roamed the streets searching for and attacking stragglers of the other race. In the Loop gangs of white servicemen attacked Negroes. On the southside a gang of Negroes attacked an apartment house, and the police fired into the crowd and killed four of its members. There were automobile forays, ambushes, and rooftop sniping. The National Guard was not put into action until Wednesday, although it had been ready for action on Monday. The rioting was finally ended conclusively on Friday by a heavy rainstorm.

Between the early evening of June 20, 1943 (also a Sunday) and the early morning of June 22, 24 Negroes and 9 whites were killed, and 933 people were injured in a riot in Detroit. Once again, the general background was wartime. Large numbers of Negroes had come to the city to work in the defense plants, with the resulting pressure on housing. Federal regulations prescribed equal employment standards in defense industries, and so Negroes were being upgraded in their jobs. The tension was so obvious that a year earlier *Life* magazine had published a feature article about it, entitled "Detroit is Dynamite." Characteristically enough, the riot started at the Belle Isle Amusement Park with a fight whose precise nature never was discovered. Within an hour, rioting was taking place in many parts of the city. Negroes began looting white-owned stores in the Paradise Valley ghetto. Whites attacked Negroes emerging from all-night movie theaters in the downtown district. The next evening the pattern of raids, ambushes, and sniping began to take shape. The Detroit police were unable to handle the situation; several well-documented accounts indicate that they were unwilling to because of their prowhite sympathies. The Governor had been reluctant to call in the

<sup>7</sup> The description and interpretation of the draft riot is derived from Lawrence Lader, "New York's Bloodiest Week," *American Heritage*, 10:44-49, June 1959. The description and interpretation of the other riots are derived from Joseph Boskin, "A History of Race Riots in Urban Areas, 1917-1964," a report prepared for the McCone Commission, 1966. See also Allen D. Grimshaw, "A Study of Social Violence: Urban Race Riots in the United States" (unpublished Ph. D. thesis, University of Pennsylvania, 1959).

<sup>8</sup> As an example of the riot's violence and brutality, a white mob attacked, looted, and burned a Negro orphan asylum.

<sup>9</sup> Watts was not the first of the intraghetto riots, as will be seen. It was, however, the first high-casualty riot in the new pattern.



National Guard, but by midnight Monday he was compelled to, and order was quickly restored.

Those three riots were the most violent of a dozen or more that followed similar courses during the first half of this century. While many factors contributed, they seemed to be the outcome of white resistance to social and economic progress by Negroes, and Negro response to that resistance. It is accurate to call them race riots. Their basic design was the infliction of personal injury by whites on Negroes and by Negroes on whites. People and homes were the important targets. However, there were two major riots during this period, the 1935 and 1943 riots in America's oldest, most famous Negro ghetto, Harlem in New York City, whose design was considerably different. They foreshadowed the ghetto riots of 1964, 1965, and 1966.<sup>10</sup>

Neither of the Harlem riots was precipitated by an interracial clash on some piece of neutral ground, or by a white attack on Negroes. Both were set off by law enforcement incidents in the ghetto itself. On the afternoon of March 19, 1935, near the bottom of the great depression, a Negro boy was caught shoplifting in a five-and-ten-cents store. He was taken by store employees to the back of the store for questioning and to await the arrival of the police, but when he became hysterical he was released through a back door into an alley. However, the shoppers in the store believed that he was being beaten, and their anger and alarm were heightened by the grim coincidence that a hearse happened to be parked in the alley. Within a half hour there was a large and vociferous picket line in front of the store. A crowd assembled to watch. A policeman arrested a picketer, and the crowd began throwing rocks and bottles at the police. By early evening, several thousand Negroes were roaming around Harlem breaking store windows. Looting began after dark, and continued until the police restored order late the next day. Foodstores were a particular target of the looters. There was much hunger in Harlem at the time; 70 percent of the population was on relief. In addition there was much resentment over the unwillingness of white merchants to employ Negroes.

On the evening of August 1, 1943, a Negro soldier was shot and wounded by a white policeman in a Harlem hotel lobby. A false rumor that the soldier had been shot in the back and killed spread through the neighborhood. A crowd gathered in front of the hospital where the wounded man had been taken. No one bothered to tell the crowd the true state of affairs, and it soon rampaged up the street, smashing store windows. Presently looting began. By dawn a stretch of 40 city blocks was under attack. By the following night, when the New York and the military police restored order, 1,234 stores had been looted. Almost all were white-owned. Of course, the large majority of Harlem stores were (and are) white-owned, but the best evidence available about the selection of stores to attack is that in 1943 the looters spared whatever Negro-owned stores there were. Several hundred people were injured more or less seriously in each of the Harlem riots, but by comparison with race riots like those in East St. Louis, Chicago, and Detroit,

fatalities were few—two Negroes and two whites in 1935 and five Negro looters in 1943—and property damage was great—it ran over \$5 million in 1943. These riots were confined to the ghetto, and commercial establishments and the goods in them, rather than persons or homes, were the chief targets of the rioters.

The seven riots that astonished America during the summer of 1964 conformed in almost all respects the Harlem pattern,<sup>11</sup> although in all of them there was the additional element of furious mob hostility toward the police. Each one was precipitated by a police incident, only the first of which was serious; in New York by the fatal shooting of a 15-year-old Negro boy by an off-duty police lieutenant; in Rochester 6 days later by the attempt of a policeman to arrest a drunk and disorderly Negro adolescent at a street dance; in Jersey City the following week by the arrest of a Negro couple for disorderly conduct; in Paterson and Elizabeth a week after that by similar arrests; in the Dixmoor area just south of Chicago 3 days later by the arrest of a Negro woman for stealing a bottle of gin from a liquor store; in Philadelphia 2 weeks later by an altercation that arose between a policeman and a Negro couple whose car had stalled in the middle of a busy intersection. There were few fatalities: The boy in New York and four people in Rochester, three of whom were civilian defense workers who were killed when the helicopter from which they were observing the movements of the mobs, got out of control and crashed. Property damage was extensive, particularly in New York (541 shops damaged), Rochester (204), and Philadelphia (225).

## WATTS

The 5-day riot that began on Wednesday, August 11, 1965, in the South Central Los Angeles ghetto (the area of which the Watts neighborhood is a small part) has probably been more carefully examined than any riot that has ever occurred. The McCone Commission, appointed by the Governor of California to make a general report on the riot, held 60 formal hearings during which it received sworn testimony from 80 witnesses, it interviewed 90 of those arrested during the riot; and it opened an office in the riot area so that members of its staff could interview local residents.<sup>12</sup> The Bureau of Criminal Statistics of the California Department of Justice made a detailed statistical study of the 3,927 people arrested during the riot.<sup>13</sup> The California National Guard prepared a systematic account of its activities during the riot.<sup>14</sup> Two members of the staff of the Los Angeles Times, which won a Pulitzer Prize for its reporting of the riot, wrote the book, *"Burn, Baby, Burn,"* describing the neighborhood, the events of the riot, and a number of the participants in it.<sup>15</sup> Under a grant from the Office of Economic Opportunity, the Institute of Government and Public Affairs of the University of California, Los Angeles, has surveyed the extent of Negro participation in the riot, and Negro and white opinion of the riot and of its causes. Though the Institute's report has not yet been completed, the Com-

<sup>10</sup> This interpretation of the differences between the race riots and the ghetto riots is based on a paper submitted to the Commission by Robert M. Fogelson, "The 1960's Riots: Interpretation and Recommendations," 1966.

<sup>11</sup> The riots of 1965 and 1966 also followed the new Harlem pattern.

<sup>12</sup> The Governor's Commission on the Los Angeles Riots, "Violence in the City—An End or a Beginning" (Los Angeles: Office of the Governor, 1965).

<sup>13</sup> State of California, Department of Justice, Bureau of Criminal Statistics, "Watts Riot Arrests" (Los Angeles: California State Printing Office, 1966).

<sup>14</sup> California National Guard, "Military Support of Law Enforcement During Civil Disturbances" (Sacramento, 1966).

<sup>15</sup> Jerry Cohen and William F. Murphy, "Burn, Baby, Burn: The Los Angeles Race Riots, August 1965" (New York: E. P. Dutton & Co., Inc., 1966).

mission's staff has had the opportunity to read those chapters that have been drafted.<sup>16</sup>

The Watts riot was, of course, different from the other riots of the last three summers in several ways; no two riots are exactly alike. The most striking difference was its extreme violence and destructiveness. Thirty-four people were killed and 1,032 injured. Two hundred buildings were burned to the ground and 720 more looted or damaged; the total property loss was estimated at \$40 million.<sup>17</sup> The resources of the Los Angeles Police Department, the Los Angeles Fire Department, the Los Angeles County Sheriff's Department, and the California Highway Patrol were so overtaxed that 13,400 troops of the California National Guard were finally committed to controlling the riot.

However, there is no evidence that Watts lasted so long and caused so much damage because the Los Angeles ghetto is unique. What was unique in Los Angeles was a conjunction of topographical, organizational, jurisdictional, and operational circumstances that made controlling the riot exceptionally difficult. The area in which rioting occurred is big (46.3 square miles) and flat, and so preventing the riot from spreading required a large number of men. The Los Angeles Police Department had only about 5,000 officers to police a city that is the country's largest in area and second largest in population. Three-quarters of the riot area is in the city of Los Angeles and the rest is in Los Angeles County, which is under the jurisdiction of the county sheriff, and the two departments had done an insufficient amount of joint planning to meet a major emergency. In addition both city and State authorities hesitated for about 2 days to seek the help of the National Guard; when the Guard was deployed, some 52 hours after the first rioting began, the situation rapidly improved, although another 2 days were needed to restore order completely. In short, an examination of how and why the Watts riot became a disaster and other riots did not is of great significance from the point of view of law enforcement and riot control, and of possibly less significance from the point of view of understanding the causes of riots and of preventing them. For the latter purpose, considering the similarities between Watts and other riots, rather than the differences, is more to the point.

South Central Los Angeles does not look any more like Harlem than the Sunset Strip looks like Times Square, but in that the conditions of life there compare unfavorably in all essential respects with those in the rest of the city, it is a typical ghetto.<sup>18</sup> The density of population is greater. The unemployment rate is higher. The average income is lower. The housing is in worse repair. The average educational achievement is less. The crime rate is higher. The hostility toward the police is greater. And, perhaps the crux of the matter, those residents who have the means and the desire to move to better neighborhoods have only limited opportunities to do so, a fact of which they must be acutely aware; in 1964 the voters of California overwhelmingly repealed by referendum a State fair housing law. It is not too fanciful to compare a district like South Central Los Angeles to a

heap of inflammable material that has been carelessly left, out of sight and mind, in an obscure corner of a cellar or an attic; the feeblest, most random spark can ignite it, and sometimes does.

Certainly the spark that ignited Watts was feeble and random.<sup>19</sup> At about 7 p.m. on August 11, a day on which the temperature reached 94°, a Negro driving a pickup truck in a portion of South Central Los Angeles that is outside the city limits called the attention of a white California highway patrolman to the reckless way in which an old gray Buick was being driven north (toward the city limits) on Avalon Boulevard. The patrolman followed the Buick on his motorcycle and determined that it was going 50 miles an hour in a 35-mile-an-hour zone. He turned on his red light and siren, pulled alongside the car and ordered the driver to the curb. The driver, a 21-year-old Negro named Marquette Frye, obeyed at once and without demur. He was evidently drunk and he did not have a driver's license. The patrolman told him he was under arrest and radioed for his backup officer and a transport car to come and help him place Frye in custody. Both arrived promptly. Meanwhile 20 or 30 passersby and residents of nearby buildings had gathered to watch the scene, apparently purely for entertainment. There was no sign of trouble. The patrolman was friendly and polite. Frye was good humored, even jocular.

Suddenly the situation changed. Vociferously and belligerently Frye refused to get into the transport car. The officers attempted to handcuff him. He resisted. The spectators became sullen and hostile. The officers radioed for more help. Frye's stepbrother, who had been riding in the car, and his mother, who owned the car and who had hastened to the scene when a neighbor told her what was happening, came to Frye's assistance. More highway patrolmen and members of the Los Angeles Police Department arrived. The size of the crowd increased. Frye was forcibly subdued, and put in the car. The spectators who by then numbered several hundred, hurled abuse at the police, who by then numbered about 50. Finally the police, with the three Fries as prisoners, managed to disengage themselves from the crowd and leave the scene, under a shower of rocks and bricks and bottles. In the course of doing so they made another arrest, of a young woman who, according to the police, was spitting and cursing at them and, according to herself, was doing nothing more than talking and giggling. She was a barber and was wearing her professional smock, which gave rise to an impression that the police had manhandled a pregnant woman; a report of this instance of "police brutality" spread through the ghetto area, and as it spread it became a rumor that the police had beaten and kicked Frye's pregnant mother. The crowd did not disperse after the police left. On the contrary, it stayed on Avalon Boulevard, which is a main thoroughfare through South Central Los Angeles, and bombarded passing motorists with whatever missiles were available. Meanwhile angry groups began assembling in other parts of the ghetto. The riot was on.

What is most suggestive—and alarming—about the events that began the Watts riot is the chain of accident

<sup>16</sup> Institute of Government and Public Affairs, "Los Angeles Riot Study," unpublished report prepared for the Office of Economic Opportunity (Los Angeles: Institute of Government and Public Affairs, University of California, 1966). Hereinafter referred to as the UCLA survey.

<sup>17</sup> Joseph Boskin, *supra* note 7, pp. 10-25.

<sup>18</sup> Evidence supporting the following comparisons are provided in the reports of the UCLA survey.

<sup>19</sup> Jerry Cohen and William F. Murphy, *supra* note 15.

and chance. The highway patrolman, responding to a complaint by a Negro citizen, had more than sufficient cause to arrest Frye, and he went about his business with efficiency and propriety. The act for which Frye was arrested, driving drunkenly and recklessly on a main city thoroughfare, could not possibly be interpreted as either a harmless lapse or as a gesture of protest, conscious or unconscious, against white oppression. Frye was not an agitator or a militant; there is not even reason to believe that he was an especially aggrieved young man. The people who first gathered to watch the scene were not looking for trouble, but for amusement. The particular police force against which there was the most antagonism in South Central Los Angeles was not the California Highway Patrol but the Los Angeles Police Department. If the highway patrolmen doing what they did could precipitate a catastrophe like Watts, it is surely safe to say that almost anything might have precipitated it. South Central Los Angeles was ready and willing—and perhaps even eager—to run amok.

#### WHO RIOTED?

That the Watts riot was a general outbreak in which all kinds of people took part—not just agitators or adolescents or criminals or new arrivals in town or the unemployed or “riff-raff”—is indicated by all the available information about the participants. The California Department of Justice’s statistical analysis of those arrested in connection with the riot makes this case strongly.<sup>20</sup> Of the 3,927 people arrested by the Los Angeles Police Department, the Los Angeles Sheriff’s Office, the Compton and Long Beach Police Departments, and the California Highway Patrol the large majority, of course, were Negro men and boys; 3,609 were Negroes and 3,409 were males. But beyond these unsurprising figures there are some surprises. The rioters, to the extent that those arrested were a cross section of those who rioted, were not mostly adolescents or young adults. Only 556 were legally juveniles (under 18), while 2,111 were over 25; 602 were over 40. They were not predominantly people with serious criminal histories; 1,113 had no arrest records at all, and of the adults, 965 of those who had been arrested previously had not been convicted. At the other end of the spectrum, 363 adults had served prison terms on criminal convictions, and 52 juveniles had a record of institutional commitment. Considering the fact that a Negro male who grows up in a slum has something like a 75-percent chance of being arrested during his lifetime,<sup>21</sup> these figures strongly suggest that the Watts rioters were drawn from all parts of the community.

This suggestion is reinforced by the socioeconomic information that the California Department of Justice was able to extract from the presentence reports that were made on 1,057 adults who were convicted of various offenses in connection with the riot. Of these, 987 were

convicted in superior court, which means that they were charged with (though not necessarily convicted of) felonies. Of these 1,057, 410 were married and living with their spouses; 110 owned their own homes; 720 had completed at least the 10th grade; 656 were employed; 389 had incomes of \$300 a month or more; 790 had lived in Los Angeles County for 5 years or more. To be sure, this does not present a picture of affluence or education or stability. If it did it would present a most inaccurate picture of South Central Los Angeles. However, these data go far toward refuting the notion that the rioters were predominantly “riff-raff.”

The results of the UCLA survey point in the same direction.<sup>22</sup> They indicate that roughly 20 percent of the Negroes in the area actually did participate more or less actively in the riot, and that the general impression in the area was that many more people than that took part; more than 50 percent, by consensus. A more detailed breakdown of the circumstances of those who reported to interviewers that they were active fail to show significant differences between them and those who were inactive, in respect to place of origin, length of residence in Los Angeles, degree of education, importance of religion in childhood, or self-classified social class. For example, 28.6 percent of those who said they were lower class were active; 20.4 percent of those who said they were working class; 23.5 percent of those who said they were middle class, and 15.7 percent of those who said they were upper class. Findings of this sort are not conclusive, of course. For one thing they are based on information volunteered after the riot and not on direct observation at the time of the riot; for another, precise questions about kinds of riot activity could not be asked because the interviewers could not guarantee the interviewees immunity from prosecution. They do not *prove* that the rioters were a fairly representative cross section of the males in the community, but they do suggest it.

A final indication that the riot was not the work of a tiny extremist or criminal minority is the reaction to the riot that the UCLA interviewers found among the Negroes in the area.<sup>23</sup> More than half, 57.9 percent, said that its long-run effects would be favorable; 83.9 percent said that whites were now more aware of Negro problems; 64.4 percent said the victims of the riot deserved being attacked; 61.9 percent said the riot was a Negro protest; 9.9 percent even said that “everyone” in the area supported the riot. In sum, the riot was looked upon favorably by many people from every section of the community, an attitude that again suggests that participation in it was probably representative.

#### THE “LOGIC” BEHIND WATTS

It appears that the riot was associated with a general sense of grievance among the residents of South Central Los Angeles.<sup>24</sup> What is difficult to establish is to what extent—if at all—it was associated with any specific

<sup>20</sup> In the words of the California Department of Justice report, *supra* note 14, p. 37:

The persons arrested were obviously only a portion of those who participated in the rioting and looting that occurred. Whether or not the arrested persons represent a typical cross section of the unknown total of persons involved is not certain. There may be some reason to believe that the arrested persons are a fair sample on the grounds that in the turmoil of the moment and the tremendous pressures under which the police were operating, the selectivity normally exercised by the police might have been fairly well randomized and those arrested and booked were actually a valid cross section of the total group.

<sup>21</sup> Marvin E. Wolfgang, “Crime and Race Conceptions and Mis-Conceptions” (New York: Institute of Human Relations Pamphlet Series, No. 6, 1964), p. 31.  
<sup>22</sup> UCLA survey, *supra* note 16. (The figures cited come from the as yet unpublished volumes of this survey.)

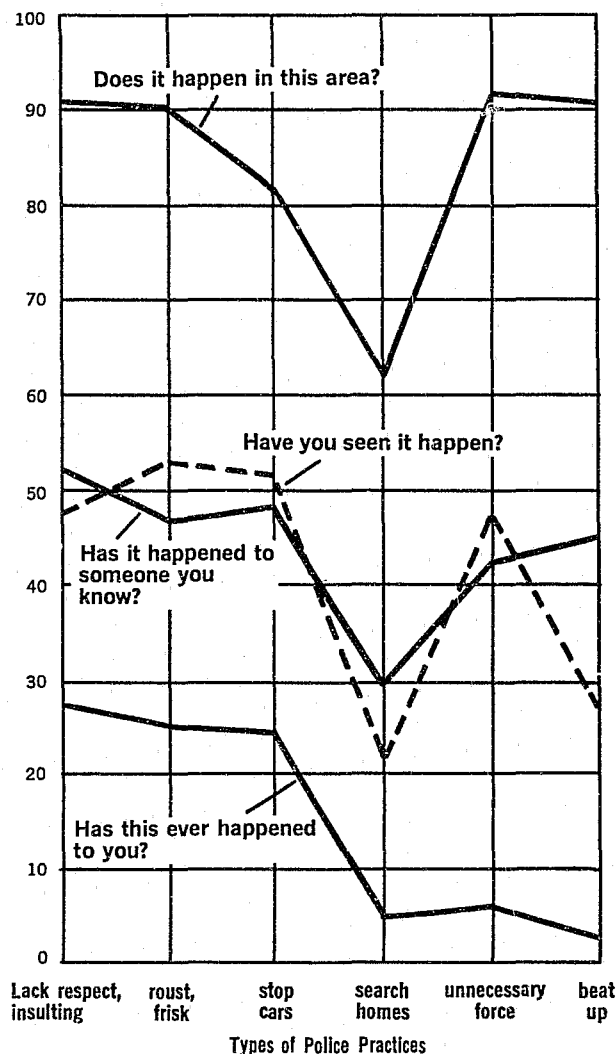
<sup>23</sup> The fact of widespread participation among residents of the poorly organized Negro ghettos is strong evidence against a “conspiracy” theory. There is evidence (see Fred C. Shapiro and James W. Sullivan, “Race Riot New York, 1964” (New York, 1964), pp. 186-189; Assistant U.S. Attorneys Reports, “Chicago, July 22, 1966” (Washington: Office of the Attorney General, 1966); and Jerry Cohen and William F. Murphy, *supra* note 15, pp. 105-106), that extremist groups tried to inflame the riot, but there is no convincing evidence that these groups initially planned or afterwards directed them. After a thorough study of the 1964 riots the FBI, in its “Report on the 1964 Riots” (Washington: Federal Bureau of Investigation, 1965) reported that “aside from the actions of minor organizations or irresponsible individuals there was no systematic planning or organization of any of the city riots” (p. 9). The lack of such planning in the past does not, of course, preclude future attempts at instigation.

<sup>24</sup> UCLA, *supra* note 16.

grievance or grievances. In this connection both the events of the riot itself and the information accumulated by the UCLA survey are ambiguous. Take the relationship between the riot and police-community relations. The police were a principal target of the rioters. They were, from beginning to end, cursed, stoned, and sniped at. A sheriff's deputy was killed and 90 policemen were injured. The UCLA survey shows that there is an almost universal belief in the area that the police misbehave toward Negroes, as shown in figure 1. For example, in response to a question about whether the police use

**Figure 1.—**  
**Affirmative Responses to Questions on Certain Types of**  
**Police Practices by a Sample of 586 Negroes from Watts**

Percent responding 'YES'



SOURCE: "Los Angeles Riot Study," Institute of Government and Public Affairs, University of California, Los Angeles (Unpublished Report Prepared for the Office of Economic Opportunity, 1966).

insulting language, some 90 percent answered that it happens in the area; more than half said that it had happened to people they knew; slightly less than half said they had seen it happen, and almost 30 percent said that it had happened to them. On the question of whether the police beat up people in custody, more than 90 percent, again, said it happens in the area; almost half said it had happened to people they knew; some 30 percent said they had seen it happen, and about 5 percent said that it had happened to them. This would imply widespread grievances against the police.<sup>25</sup> Furthermore, the survey showed that those who answered affirmatively questions about police misbehavior were more likely to have been active in the riot than those who answered negatively. On the basis of this data it appears that police brutality—or anyway a popular impression that the police are brutal—was a principal cause of the riot.

However, there are other data that make this conclusion considerably less convincing. For one thing, although the UCLA surveyors found almost no one who believed that firemen performed their duties in a manner that discriminated against Negroes, firemen who tried to put out fires set by the rioters were also subjected to fierce stoning and sniping.<sup>26</sup> Transparently innocent and harmless motorists—teenage couples and mothers with children—on their way through the riot area before effective roadblocks had been set up, were savagely assaulted. When the UCLA surveyors asked open-ended questions along the lines of "What is your biggest complaint about this neighborhood?", mistreatment by the police was seldom mentioned compared with poor physical conditions in the neighborhood, economic discrimination, inadequate schools, parks and transportation facilities, and a number of other matters. However, other questions such as "What caused the riot?" elicited a sizable (21 percent) citation of police mistreatment.

Similarly, the fact that the great majority of the buildings looted and damaged or destroyed by the rioters were white-owned stores demonstrates pretty clearly that white storeowners are not popular in South Central Los Angeles, but it does not necessarily demonstrate that they are more unpopular than, say, white landlords or for that matter white schoolteachers.<sup>27</sup> Given the choice among burning down or looting the house he lives in, the school his child attends, or the appliance or liquor store he does business with, even the most furiously aggrieved man will probably choose the store. The best evidence seems to be that the targets of the riot were "selected" in the sense that they were the kinds of white-owned property that were the most lucrative or least inconvenient to attack.

In summary, the Watts riot appears to have been caused by no one set of people or conditions or grievances. It was a manifestation of a general sense of deep outrage, outrage at every aspect of the lives Negroes are forced to live, outrage at every element of the white community for forcing (or permitting) Negroes to live such lives. According to 56.1 percent of the Negroes interviewed in the course of the UCLA survey, the riot had a "purpose." This purpose, according to more than half of those who

<sup>25</sup> There are indications in the National Guard report, *supra* note 14, and in Jerry Cohen and William F. Murphy, *supra* note 15, that the National Guard were less subject to continual attack than were the police.

<sup>26</sup> A total of 136 firemen suffered injuries and 1 was killed, according to the official report of the Los Angeles Police Department.

<sup>27</sup> See Jerry Cohen and William F. Murphy, *supra* note 15, for an account of the selectivity in choosing targets and the implications of the actions of Negro storeowners in hastily erecting signs such as "Negro-owned," "blood brother," and "blood."

said there was one, was to express (in the survey's words) "hostility, resentment, revenge." As has already been noted almost two-thirds of the Negroes interviewed said the victims had deserved the attacks upon them. If the quality of life for so many Americans in Los Angeles, and undoubtedly in other cities as well, is such that they are filled with hostility, resentment, and a desire for revenge, there may be more cause for surprise over how few riots there have been than over how many. And in any case it is surely intolerable for hundreds of thousands, or millions, of Americans to have cause to feel that way, whether or not they riot.

Perhaps the most revealing finding of the UCLA survey was that another 41 percent of the Negroes who said the Watts riot had a purpose described that purpose as being (in the words of the survey again) to "gain attention, let them know, rather than simply to express hostility. In other words, the riot was not only an expression

of hostility, but a cry for help. The implication is evident that many Negroes believe that if only the white community realized what the ghetto was like and how its residents felt, the ghetto would not be permitted to exist. Responding to this belief in the capacity of American institutions to be fair that accompanies the immense Negro resentment against the ways in which they have not been, is America's best hope, not merely of preventing riots, but of realizing its own ideals.

Doing such things as punishing police misconduct, providing decent housing and schooling, ending job discrimination and so forth are essential, but the problem goes deeper than that. The ghetto itself, with all the shameful economic, social, political, and psychological deprivation it causes, must be done away with once and for all. The riots have "let America know" that this is what must be done. Now America must do it.

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# Criminal Statistics—An Urgently Needed Resource\*

Over 30 years ago a distinguished Commission appointed by the President of the United States to study crime and propose measures for its control reported serious deficiencies in essential information at the national level. Calling "accurate data \* \* \* the beginning of wisdom," the Wickersham Commission recommended development of a "comprehensive plan" for a "complete body of statistics covering crime, criminals, criminal justice, and penal treatment" at the Federal, State, and local levels and the entrusting of this plan at the Federal level to a single agency.<sup>1</sup>

Had this recommendation been adopted, the present Commission would not have been forced in 1967 to rely so often on incomplete information or to conclude so frequently that important questions could not be answered.

Given the importance of sound data to both crime control and public understanding, it is hard to believe that such basic facts as the trend of juvenile delinquency, the percent of crimes committed by professional criminals, or the likelihood of recidivism are beyond the capacity of our present statistical resources. In some respects the present system is not as good as that used in some European countries 100 years ago. There are no national and almost no State or local statistics at all in a number of important areas: the courts, probation, sentencing, and the jails.<sup>2</sup> There are important deficiencies in those statistics which are collected. There is no reliable measure of the extent of organized crime and no satisfactory test for police performance. In short the United States is today, in the era of the high speed computer, trying to keep track of crime and criminals with a system that was less than adequate in the days of the horse and buggy.

In other areas our society has not been so cavalier about the need to obtain the information basic to the solution of social problems. Millions of dollars and hundreds of highly trained statistical personnel are employed annually in the collection of information about the population, the economy, the Nation's health, education, and various other facets of our society. Budget estimates for 1967 for current major Federal statistical programs total \$124 million; 1967 estimates for the Bureau of the Census and the Bureau of Labor Statistics alone total over \$15 million each, while 12 other Federal statistical programs each

spend more than \$2 million annually.<sup>3</sup> This dwarfs completely the present Federal expenditures for criminal statistics totaling less than \$800,000 annually.<sup>4</sup>

Adequate statistical programs are of enormous importance. Without the highly sophisticated and detailed system of economic statistics now available, the striking progress of the last few years in the management and control of the economy would not have been possible. Newly developed statistical programs for health (\$9.3 million)<sup>5</sup> and education (\$7.6 million) are expected to contribute significantly to the accomplishment of national goals in those areas.

If a serious effort to control crime is to be made, a serious effort must be made to obtain the facts about crime. Safe streets require knowledge of what is happening in our streets, who is causing the trouble, what happened there before, and many other facts. A much improved national criminal statistical program is urgently needed today in order to:

1. Inform the public and responsible governmental officials as to the nature of the crime problem, its magnitude, and its trend over time.
2. Measure the effects of prevention and deterrence programs, ranging from community action to police patrol.
3. Find out who commits crimes, by age, sex, family status, income, ethnic and residential background, and other social attributes in order to find the proper focus of crime prevention programs.
4. Measure the workload and effectiveness of the police, the courts, and the other agencies of the criminal justice system, both individually and as an integrated system.
5. Analyze the factors contributing to success and failure of probation, parole, and other correctional alternatives for various kinds of offenders.
6. Provide criminal justice agencies with comparative norms of performance.

\*This chapter was prepared in conjunction with the Task Force on Science and Technology.

<sup>1</sup> U.S. National Commission on Law Observance and Enforcement, "Report on Criminal Statistics" (Washington: U.S. Government Printing Office, 1931), pp. 3, 6 (hereinafter cited as Wickersham Statistics Report).

<sup>2</sup> The Administrative Office of the Courts publishes statistics for the Federal courts and for Federal probation, and some individual States have good statistics regarding some parts of the criminal justice system.

<sup>3</sup> Office of Statistical Standards, Bureau of the Budget, "Statistical Reporter," December 1966, pp. 93-100. This total includes both current programs and current expenditures for periodic programs such as the census. Census expenditures go up sharply in the decennial years.

<sup>4</sup> The principal Federal expenditure for crime statistics is that involved in the Uniform Crime Reports. Expenditures for fiscal year 1966 totaled \$573,000. Per-

sonnel involved include 4 special agents and 73 clerks. The Children's Bureau of the Department of Health, Education, and Welfare spends about \$65,000 annually and employs approximately six persons in the collection of statistics concerning delinquency. The Department of Justice centrally, the Bureau of Prisons, and the Bureau of the Census all collect modest amounts of crime data, but the activity is too small to be accounted for separately and is included in general expenditures. About seven persons are employed by the Administrative Office of the Courts in its statistical program but no figures are available concerning expenditures and these personnel spent only part time on criminal as opposed to other court statistics. Overall, it seems clear that less than \$800,000 is expended annually in the Federal criminal statistics program.

<sup>5</sup> Department of Health, Education, and Welfare, "Origin, Program and Operation of the U.S. National Health Survey" (Washington: U.S. Government Printing Office, 1965), Series 1, No. 1.

7. Furnish baseline data for research.
8. Compute the costs of crime in terms of economic injury inflicted upon communities and individuals, as well as assess the direct public expenditures by criminal justice agencies.
9. Project expected crime rates and their consequences into the future for more enlightened government planning.
10. Assess the societal and other causes of crime and develop theories of criminal behavior.

## A NATIONAL CRIMINAL STATISTICS PROGRAM

Answers to these and other important questions require strong criminal statistical programs at all levels of government—local, State and national. While State and local needs are in many ways the most important, the quickest and the surest way to promote such data is through a strong national program. Moreover, there is a very strong need for national data in itself.

The need for national data was recognized as long ago as 1870 when the Congress made it the duty of the Attorney General to collect statistics of crime from the States.<sup>6</sup> While this program and those begun by the Federal Government in 1907 and 1933<sup>7</sup> to collect criminal judicial statistics failed because of their inability to secure the necessary cooperation from the State and local agencies, the need which they were established to fill remains.<sup>8</sup>

Including the Wickersham Commission study of 1931 and the study of Professor Lejins for this Commission,<sup>9</sup> at least four major governmental studies of national criminal statistical needs have been made in the last 35 years.<sup>10</sup> Each of these studies concluded that there was a critical need for a strong, effective Federal statistical program.

All four of these studies of criminal statistical needs concluded that an effective program required the establishment of a single Federal criminal statistical agency which would bear the main responsibility for the program.

The Wickersham Commission offered three reasons for its recommendation of a single agency: (1) that it was necessary to secure unity of treatment throughout the whole criminal justice system, (2) that a single agency was more likely to bring about improvements in methods of gathering, compiling, organizing, and interpreting data, and (3) that a single agency would be more economical.<sup>11</sup>

Experience has demonstrated the soundness of these arguments. The present system under which each of a number of different Federal agencies collect some information from the State or local agencies most closely related to it has not secured unity of treatment. It has

failed to provide coverage of many of the most important criminal justice agencies. It has even failed to provide intelligent treatment of statistics concerning Federal crimes. In short it has not worked well and is unlikely to do so. For the future it promises the least return for the greatest expense, particularly as its operation would be on a scale insufficient to take maximum advantage of modern high speed equipment.<sup>12</sup> Without the benefit of any overall direction, it encourages the continued collection of information after it is no longer needed, and delays the development of new information as it is required. However it might be improved, continuation of the present decentralized system is therefore the least desirable of all the possible alternatives for developing a Federal statistical program.

Whether a central Federal statistical agency should have sole responsibility for criminal statistics at the national level or should share this responsibility to some degree with other Federal agencies depends at least in part upon whether the Federal Government should collect State and local data directly from operating agencies or only from a State statistical bureau which has checked and can vouch for their accuracy.

Each State is responsible for crime control within its own borders—defining crimes, setting up penalties, and establishing its own administrative structure for the enforcement of criminal law. Accurate information on the full extent of crime in the United States must therefore come from 50 highly independent and separate systems of criminal justice, in addition to the District of Columbia and the Federal jurisdictions.

For the most part this information must be obtained voluntarily. A local agency may withhold data because its record would compare unfavorably with other agencies or simply because it does not care to file. Even where the local agency is cooperative, it often does not keep the records desired itself or lacks adequate resources to file the necessary reports. If the reports are filed they may or may not be accurate and are sometimes deliberately misleading.

The difficulties inherent in dealing with thousands of different agencies over which there is no Federal control led the Wickersham Commission to recommend that the Federal Government deal only with State statistical bureaus.<sup>13</sup> Because of their position within the State criminal justice structure, these bureaus could, it was felt, require the maintenance of necessary records and could through training and the monitoring of programs insure the quality of the information reported.

On paper this looks like an excellent system. The success which the California Bureau of Criminal Statistics has had in producing uniform, high quality statistics is a good indication of its potential. Except for California, however, the State statistical bureaus upon which such a system depends do not exist.

<sup>6</sup> Section 12, Act of June 22, 1870, ch. 150, 16 Stat. 164, states: "That it shall be the duty of the Attorney General to make an annual report to Congress, including the statistics of crime under the laws of the United States, and, as far as practicable, under the laws of several States." The portion of this section concerning the statistics of crimes involving State laws was deleted by the Act of March 3, 1873, ch. 238, sec. 1, 17 Stat. 578. The Act of June 11, 1930, ch. 455, 46 Stat. 554, 5 U.S.C. 340, provides the authority under which the Federal Bureau of Investigation publishes the Uniform Crime Reports. Some data concerning crime or criminals were included in the census from 1850 on. State statistics "of crime, of prosecution and of penal treatment go back in New York to 1829 and in Massachusetts to 1832." Wickersham Statistics Report, p. 8. The very first meeting of the National Police Association in 1871 adopted a resolution declaring the necessity to "procure and digest statistics for the use of police departments." See also Louis Robinson, "History and Organization of Criminal Statistics in the United States" (Boston: Houghton Mifflin, 1911); Louis Robinson, "History of Criminal Statistics, 1908-1933," *Journal of Criminal Law and Criminology*, 24: 125-139, May-June, 1933.

<sup>7</sup> Harry Alpert, "National Series on State Judicial Criminal Statistics Discontinued," *Journal of Criminal Law and Criminology*, 24: 181-188, July-August 1948.

<sup>8</sup> For a review of previous Federal collection efforts, see Ronald H. Beattie, "Problems of Criminal Statistics in the United States," *Journal of Criminal Law and Criminology*, 46: 178-186, July-August 1955. For a general history of criminal statistics, see Thorsten Sellin and Marvin E. Wolfgang, "The Measurement of Delinquency" (New York: John Wiley & Sons, 1964), pp. 7-70.

<sup>9</sup> See Peter Lejins, "National Crime Data Reporting System: Proposal for a Model," appendix C.

<sup>10</sup> Committee on Government Statistics and Information Services, "Federal Collection of Criminal Statistics," prepared in 1934 for the Attorney General; and Harry Shulman, "The Reporting of Criminal Statistics in the United States," a 1964 study for the Bureau of the Budget. Also see generally Ronald H. Beattie, "Sources of Statistics on Crime and Correction," *Journal of the American Statistical Association*, 54: 582-592, Sept. 1959; Donald R. Cressey, "The State of Criminal Statistics," *National Probation and Parole Association Journal*, 3: 230-241, July, 1957.

<sup>11</sup> Wickersham Statistics Report, pp. 14-15.

<sup>12</sup> See, for example, the Report of the Task Force on the Storage of and Access to Government Statistics, Carl Kayser, Chairman (Bureau of the Budget, mimeo, October 1966), pp. 2-13.

<sup>13</sup> Wickersham Statistics Report, pp. 7, 88.



While almost all States collect some criminal statistics, this collection is usually fragmented among various agencies whose statistics are not compatible with each other. More importantly, in most States there is no systematic method of monitoring or improving the quality of data received from operating agencies.

It seems clear that any State which is serious about limiting crime and improving its criminal justice system should establish a centralized criminal statistics bureau with the funds and authority necessary for it to be effective. The Uniform Criminal Statistics Act, promulgated by the Commissioners on Uniform State Laws in 1946<sup>14</sup> but adopted to date only in California,<sup>15</sup> is one effective way of beginning this. The Federal Government should do all it can to promote and encourage such development, including the providing of funds and expert assistance. Even with increased Federal funding, however, it seems unlikely, in the absence of some step such as requiring an effective statistics bureau as a condition of Federal assistance, that a large number of such bureaus will come into being any time soon.

This poses sharp problems for the development of the Federal statistical program. National statistics must either wait until there is operating in every State a bureau which can collect and check the local statistics or the Federal Government must itself attempt to perform these functions, knowing that this is likely to be less effective. The need is too great, however, to delay development for the length of time necessary to create a fully operating system of State bureaus. Federal collection should not be limited to State statistical bureaus. It should make use of such bureaus where they exist, and work for the development of new ones, but rely in the meantime on development of alternative methods of collecting and monitoring statistics directly from the operating agencies.<sup>16</sup>

Paralleling its recommendation that statistics be collected only from State bureaus which could vouch for their accuracy, the Wickersham Commission recommended that the central Federal agency for criminal statistics be solely responsible for all statistical operations and that it be divorced from all operating responsibilities. In conjunction with the recommendation concerning State statistical bureaus, this recommendation was designed to eliminate completely the possibility of statistical manipulation, which the Wickersham Commission had observed frequently at the State and local levels, particularly among the police agencies.<sup>17</sup>

In the absence, however, of State statistical bureaus with whom such a central agency could deal, it seems undesirable to centralize all Federal collection in a single agency. Collection from State and local agencies can in some instances be better made by the Federal agency most often in touch with such agencies. In the absence of some new collection technique centralization would be

particularly unwise for those Federal collection programs which are already established and which depend upon relationships between Federal and State agencies which have taken many years to develop.

## A NATIONAL CRIMINAL JUSTICE STATISTICS CENTER

A National Criminal Justice Statistics Center should have clear statutory and executive branch authority to oversee and coordinate all Federal criminal statistical programs, including both the collection of statistics from the States and the collection of data relating specifically to Federal crimes.<sup>18</sup> This authority should be formalized in such a way—through budget review powers or otherwise—as to insure that it exists in fact as well as in theory.

Insofar as existing Federal programs of collection from the States are operating satisfactorily or could be brought up to a satisfactory performance by improvements, the Center should continue the present arrangements. Where an existing Federal program requires a major overhaul, however, the Center should be free to take over responsibility for collecting information in the hands of State and local agencies itself, if that appears desirable. Individual Federal agencies with collection programs would continue to disseminate information in accordance with the needs of the criminal justice agencies which they serve. The Center would have free access to all data collected by other agencies, including terminal linkups, and would coordinate data storage as well as collection and dissemination. The Center would itself be expected to publish comprehensive statistics covering the whole criminal justice system.

The desirability of divorcing statistical programs from operating agencies and the clear need for relating crime statistics to demographic data and statistics concerning other social problems, such as mental health, poverty, education, and housing, might argue for creating the National Criminal Justice Statistics Center in the Bureau of the Census or as an independent agency.<sup>19</sup>

There are more advantages to having such a Center located within the Department of Justice, however. There through full integration with Federal programs of assistance to States and localities, it could take maximum advantage of the inducement that these programs offer local agencies to cooperate with its collection program and could at the same time offer the maximum aid to the planning process required for effective crime control. Because many of the Federal agencies with which the Center will need to work are located within the Department of Justice, location there will also be helpful in securing the cooperation necessary for an effective program. Mere creation of the Center will not itself, how-

<sup>14</sup> The Uniform Criminal Statistics Act is contained in 9 Uniform Laws Annotated (1957), p. 356. It was approved by the American Bar Association as well as the Uniform Commissioners on Uniform State Laws. A prior act was promulgated in 1937 but was withdrawn in 1943 as obsolete. It had been adopted by South Dakota. The present act contains 6 sections: § 1 establishes the bureau, § 2 establishes the position of director requiring that he have "statistical training and experience" and a "knowledge of criminal law enforcement and administration and of penal and correctional institutions and methods," § 3 directs the bureau to collect data, prescribe records to be kept by operating agencies, tabulate and analyze data, and cooperate with Federal statistical programs, § 4 requires officials of all operating agencies to maintain records as prescribed, furnish data as required, and allow inspections, § 5 requires the bureau to furnish the governor with an annual written report, and § 6 authorizes the director to withhold the salary of any State or local official refusing to supply information to the bureau. See also Thorsten Sellin, "The Uniform Criminal Statistics Act," *Journal of Criminal Law and Criminology*, 40: 679-700, March-April 1950.

<sup>15</sup> California Penal Code secs. 13,000-13,030. This act is a modified form of the Uniform Act.

<sup>16</sup> Two of the foremost authorities, Ronald H. Beattie, Chief, Bureau of Criminal Statistics, California Department of Justice, and Thorsten Sellin, Professor of

Sociology, University of Pennsylvania, asked to comment on the Task Force proposal indicated the view that there would never be an adequate national statistical system until the States establish criminal statistical bureaus. Even where State bureaus exist, it may still be necessary to have direct reporting from local units in order to meet publication deadlines. This does not mean, however, completely bypassing the State bureau.

<sup>17</sup> Wickersham Statistics Report, pp. 36-39, 52-57. See also Sam Bass Warner, "Crimes Known to the Police—An Index of Crime?" *Harvard Law Review*, 45: 307-334, December 1931.

<sup>18</sup> The Safe Streets and Crime Control Act of 1967, S. 917, 90th Cong., 1st sess., sec. 405 provides that "the Attorney General is authorized \* \* \* (b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement and criminal justice in the several States." The National Health Survey Act is set forth in 42 U.S.C. sec. 304. Neither of these Federal acts provides powers as strong as the Uniform Criminal Statistics Act, see note 14, supra.

<sup>19</sup> See, for example, the Wickersham Statistics Report, pp. 17, 89. Professor Peter Lejins also indicates some of the reasons for not locating the Center within the Bureau of the Census (appendix C).

ever, bring about the degree of cooperation needed at all levels of government. That will require strong support from the Attorney General, particularly during the formative period of the Center. In establishing the Center, care should of course be taken to insure the proper degree of independence from operating responsibility and from any taint of manipulation for political or ideological purposes.

To assist the Center in the exercise of its leadership role and in achieving necessary coordination there should be a Criminal Statistics Council chaired by the director of the Center and composed of representatives of those Federal agencies which collect criminal statistics, those agencies which are major users of criminal statistics, and other Federal statistical agencies, such as the Bureau of the Census, with which the work of the Center should be closely meshed.

The Center should also have a strong advisory group of nongovernment experts and representatives of State and local criminal justice and statistical agencies to provide advice and communication and to serve as a sounding board for Center plans.

The Center and the national criminal information system discussed in chapter 11 of the Commission's general report and chapter 6 of the Science and Technology Task Force Report should cooperate fully with each other but be entirely separate organizations. The information system will be at the heart of operations, answering questions such as whether a particular car is stolen or a particular offender wanted. The statistical system, on the other hand, should for the most part be divorced from operations so that it may assist in evaluating how operations are being conducted and may give an unbiased view as to what the real crime situation is.

The principal responsibilities of a National Criminal Justice Statistics Center should be:

- ☐ To insure the collection of adequate statistics from the various agencies of the criminal justice system, Federal, State, and local, including both those for which such statistics are now collected and those for which new series must be begun;
- ☐ To work for improvement in the accuracy, completeness, and usefulness in these agency statistics;
- ☐ To promote and assist in the development of adequate statistical systems at the State and local levels;
- ☐ To conduct surveys, censuses, and special studies in areas not covered by agency statistics or where some independent check of agency statistics is desirable;
- ☐ To evaluate and disseminate the statistics collected; and
- ☐ To investigate on a continuing or a periodic basis the need for various kinds of criminal statistics and establish an overall plan for their collection, analysis, and dissemination. This function would include the development where necessary of new statistical indicators and standards, designed to bring into better focus the various crime problems and the work of the various agencies of the law enforcement and criminal justice system.

In order to promote comprehensive planning for the system as a whole, the Center should be organized along functional lines rather than around the various agencies of the criminal justice system (police, courts, etc.). Thus, the Center might have four operating divisions:

1. An agency statistics division to collect agency statistics from other Federal agencies and from local and State agencies where the Center was the primary collection agency;
2. A technical assistance division to give aid to State and local systems;
3. A survey, planning, and analysis division to perform those functions;
4. A public dissemination division.

#### INVENTORY OF NEEDED DATA

Crime statistics provide operational information for the agencies which produce them, inform governmental officials and the public concerning crime, provide raw material for research, provide indicators of the social health of the society, and serve numerous other purposes.

No statistical system can hope to answer regularly all the questions which might legitimately be asked either about crime or about the criminal justice system. Some priorities must therefore be established as to the questions which are most important and the kinds of data needed to answer these questions.

Areas which are particularly important at the national level are those which bear on the public understanding of crime, especially as developed by the mass media; those which relate to crime problems, such as organized crime, which are clearly national in scope; and those which are necessary to make comparisons between various regions and localities. Research is another area which requires a broad statistical base. Much of the information necessary for research must of course come from special studies and compilations. Research of necessity, however, relies on regular statistical series for insights as to profitable areas for exploration, for data to compare time periods longer or geographic areas wider than those covered by any particular study and for many other purposes. Many present and past research efforts, particularly at the national level, have failed because of incomplete or faulty statistical resources.<sup>20</sup>

Studies of the Commission and others have identified many different kinds of data needs. The Commission has not, however, made a survey of present and potential users of data. This should be done before any final inventory of data needs is compiled. Such a survey should include the agencies of the criminal justice system, Federal, State, and local; legislators and other governmental officials; and nongovernmental users such as the press, scholars, and librarians, etc. Particular attention should be paid to the needs of government and nongovernment officials who are responsible for crime prevention and crime-prevention related programs. Respondents would be asked to in-

<sup>20</sup> Statistical correlation, for example, of crime rates for cities or States with social characteristics which fail to take reporting changes into account inevitably have distortion in their findings. See also Ronald H. Beattie, "Criminal Statistics

in the United States—1960," *Journal of Criminal Law, Criminology, and Police Science*, 51: 49-65, May-June 1960.

dictate the items of information they regard as the most important and how often such items were needed.

Based upon the survey and the Center's own study, information requirements would be classified as to the frequency of need: (1) annually or more often, (2) every 3 years, (3) every 10 years (to be collected through decennial census), or (4) one-time collection or no fixed time. Information should also be classified as to whether it is already being collected or not, and if not, whether it could be obtained by modifying an existing program, by a sample survey, or by establishing a new, comprehensive statistical series. Because modern techniques often make it possible to secure greater accuracy and detail at lower cost through sampling than through universal collection, particular attention would be paid to information which could be obtained by sampling.

#### DATA CONCERNING THE CRIMINAL JUSTICE SYSTEM

There are many data needs concerning the criminal justice system. Each of the agencies of the system is itself a vital institution in our society with its own functions, problems, and statistical needs. Data is needed to understand its workload, know the kinds of people with whom it deals, evaluate how effectively it performs its functions and to describe fully its operations. For many of the criminal justice agencies, data is also needed about the institution itself, how many and what kind of people it employs, with what kind of training, what its budget is, and many other such items.

Beyond the need for data concerning the individual criminal justice agencies and their work, there is also an urgent need for information concerning the criminal justice system as a whole. The delay involved in the criminal justice process, for example, may look quite reasonable from the viewpoint of each separate agency but wholly unreasonable from the viewpoint of the individual person forced to run through the whole system. There are, in addition, various points in the system where similar functions are performed by different agencies, parole and probation, for example. Only through knowledge of the whole system can performance regarding these kinds of functions be evaluated.

Knowledge of the whole system is particularly important insofar as the offender is concerned. Because each step in the process is critical, each step in the process is like the link of a chain. If any one is unfair or weak, the whole chain is unfair or weak. It is therefore important to be able to trace his path through the whole system.

From the viewpoint of fairness or of the control of crime, the ultimate question is not whether a particular institution performed its function properly and well, but how the whole system performed. If the courts convict the innocent or the correctional institutions fail to reform the guilty, the efficiency and the courtesy of the police matter a great deal less.

Two overriding problems exist insofar as the collection of statistics concerning the criminal justice system: (1) the lack of a common method of classification among the

various criminal justice agencies and jurisdictions, and (2) the need for a satisfactory method of collection.

#### Uniform Classification

To be useful at all statistics must involve the counting of comparable units. Today, however, when a single individual commits several offenses, the police normally count the number of offenses, and the prison the individual committed to its care. The court count, however, depends largely upon whether the prosecutor decided to bring one case or several. In California the taking of valuables from a locked car is defined as burglary but in Virginia the offense is larceny.<sup>21</sup> Penalties for the offense are different as are the methods of prosecution, and the philosophies and organization of the institutions which will be in charge of the offender.

With these kinds of widely varying situations, it is easy to see why the development of uniform definitions and methods of recording has not proceeded further. The system used in police statistics, for example, was developed only after a detailed State-by-State study that took over 2 years to complete<sup>22</sup> and which after more than 30 years of operation requires continual monitoring by the FBI.

The development of a uniform classification system is essential, however, both for the system as a whole and for those components of the system for which no statistical collection is now being made. The development of uniform units of measurement which will allow a single offender to be followed through the whole system is particularly important.

During the course of development, attention will also need to be paid to the development of methods for presenting information concerning the whole criminal justice system in an integrated way. California now reports some information in a way that makes the path through the criminal justice system clear as shown in figure 1. It is working on a model which will allow such reporting for its entire system.<sup>23</sup>

Developing a national model will be considerably harder than the development of models for individual States. Without it, however, it will be difficult to make the interstate comparisons which are needed so that each State may learn from the experience of others. The illustrative model in chapter 1 of the Commission's general report represents a good beginning,<sup>24</sup> and with the development of uniform classification systems would be helpful in creating a national model.

#### Collection

Many of the problems related to collection would, as discussed earlier, be solved with the development of State statistical bureaus. A major objective of the Center should therefore be the promotion of State bureaus which can be responsible for adequate statistical programs within their jurisdictions.

This promotion could take the form of Federal financial assistance, technical assistance in establishing such

<sup>21</sup> Compare California Penal Code § 459 with Virginia Code §§ 18.1-86 through 18.1-89.

<sup>22</sup> See International Association of Chiefs of Police, Committee on Uniform Crime Reports, "Uniform Crime Reporting" (New York: J. J. Little and Ives, Co., 1929).

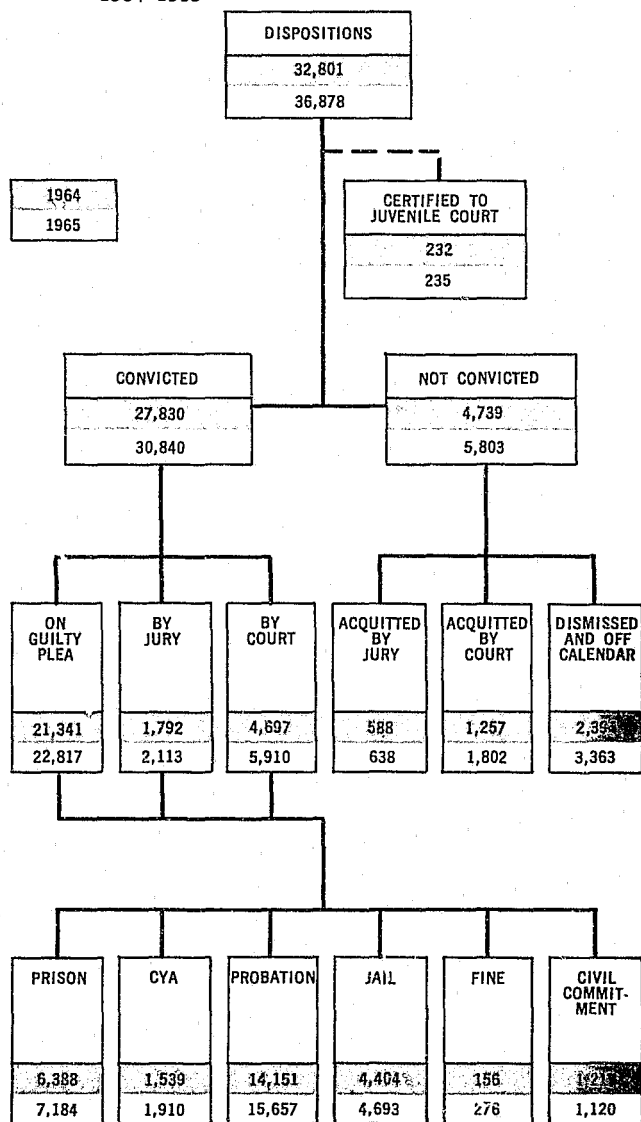
<sup>23</sup> State of California, Bureau of Criminal Statistics, "Crime and Delinquency in California" (Sacramento: Bureau of Criminal Statistics, 1965), pp. 13, 31-32.

The criminal career record system now being established by the New York State Identification and Intelligence System will, in addition to its operational usefulness, provide some capability for following individual offenders through the system.

<sup>24</sup> President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society" (Washington: U.S. Government Printing Office, 1967), pp. 8-9 (hereinafter cited as President's Commission, General Report).

**Figure 1. FELONY DEFENDANTS PROCESSED****CALIFORNIA SUPERIOR COURTS**

1964-1965



SOURCE: Bureau of Criminal Statistics, "Crime & Delinquency in California, 1965" (Sacramento: Bureau of Criminal Statistics), p. 64.

a bureau or merely encouragement to do so. Similar promotion of local systems and programs for individual criminal justice agencies would have important benefits both for completeness of reporting and the quality of data. In connection with these efforts the Center should consider the development of a training program for statistical personnel and should do what it can to encourage the development in the universities of academic courses in criminal statistics.

<sup>25</sup> The Wickersham Commission recommended that collection agencies be paid a small sum for each report submitted rather than have the Federal Government bear the larger cost of collecting the statistics itself (Wickersham Statistics Report, pp. 46, 52). Professor Lejins, appendix C, suggests adequate staff support and a system of matching funds to enable the various State agencies to participate in the national statistics program.

<sup>26</sup> The Wickersham Statistics Report, pp. 44-46, discusses the development of national mortality statistics.

<sup>27</sup> President's Commission, General Report, pp. 25-27. A field staff of some sort is essential if this function is to be performed properly.

<sup>28</sup> Sampling for quality control is used when the expense and time involved are too great to permit each item to be checked. A sample of the data received

These long-range efforts will eventually be very important. In the meantime the Center will be faced with the difficult, practical problems of collection and monitoring. Not very much is known about how this can best be done, and development of a good system will require much work and experimentation.

Among the best of the ideas which warrant investigation is the development of model record forms which might be supplied to agencies and which agencies would find useful in their own operations and in statistical analysis of their experience and achievement. These forms could be designed for automatic scanning by modern electronic data processing equipment, thus facilitating more precise, speedy, and economical record keeping and accounting. The development of prompt and useful feedback information has proved in other statistical programs not only to be a powerful incentive to good reporting but also an important benefit of the whole statistical program.

Payment of small Federal subsidies has been suggested to help defray the costs of collection and reporting.<sup>25</sup> This has proved useful in some other Federal statistical programs.<sup>26</sup> Conditioning Federal assistance upon the submission, on a continuing basis, of adequate statistics to the Center is another idea worthy of investigation.

In addition to the problem of securing reports in the first instance from the many thousand independent agencies which make up the criminal justice system, reliable statistics depend in large part upon a careful system for auditing and checking reports to insure conformity to the uniform classification system.<sup>27</sup> Where State criminal statistical bureaus which have the authority and capacity to do this exist, the Center should rely upon them. The California Bureau of Criminal Statistics has been particularly successful in this kind of activity. To the extent that this burden falls on the Center, it should attempt to develop new techniques for monitoring. Sampling for quality should be a regular procedure along with the more familiar routine of checking for accuracy and looking into those cases where a discrepancy appears from the face of the report.<sup>28</sup>

Providing full statistical information concerning each important aspect of the criminal justice system is one of the principal functions of the Center. It will require improvement of the existing collection programs and the beginning of wholly new collection programs for some criminal justice agencies.

### *Present Data Collection Programs*

(1) *Police Statistics.* The most important single source of information concerning crime at the national level, both as to the extent of crime and the characteristics of criminals, is, as indicated in chapter 2, the national police statistics compiled by the FBI and published annually as "Crime in the United States, Uniform Crime Reports."<sup>29</sup> Begun in 1930 this series has a history of significant improvement over time. Particularly important improvements were made in 1958 following detailed study

can be checked further for accuracy and some idea of the percent of error can be derived. The St. Louis police department has developed an excellent system of quality control based on an audit by independent experts. See chapter 2, note 89, *supra*. For a general discussion of quality control methods and procedures, see Clifford W. Kennedy, "Quality Control Methods" (New York: Prentice-Hall, Inc., 1948); and Statistical Research Group, Columbia University, "Sampling Inspection" (New York: McGraw-Hill, 1948). See also Herman H. Fasteau, J. Jack Ingram, and Ruth H. Mills, "Study of the Reliability of Coding of Census Returns," Proceedings of the Social Statistics Section, American Statistical Association Annual Meeting, September 1962, pp. 104-111.

<sup>29</sup> Hereinafter cited as "UCR."

of the entire system by a special advisory panel.<sup>30</sup> Commission studies suggest a number of future improvements, many of them in directions in which the Bureau has already been moving.

From the beginning, the series has been very successful in securing a high degree of reporting for offenses known to the police for cities and, since 1958, for the country as a whole. This has been entirely through voluntary cooperation, since the FBI has no compulsory jurisdiction over the local and State agencies involved.

Voluntary cooperation has worked less well in the case of arrest statistics and other data. UCR arrest statistics are useful for the data they give as to what kinds of people commit different kinds of offenses and as to the relationship between the number of offenses committed and the number solved. These statistics are much less useful than they might be, however, because they are available for only part of the country.

Since demographic information is, except for decennial census years, normally available only for the country as a whole, it is not possible to calculate offense rates by characteristics of the offender, such as age, sex, race, and the like, without an estimated national total for arrests.<sup>31</sup>

Without such a national total it is also difficult to calculate accurately the trend of arrests from year to year.<sup>32</sup> Because the number of reporting departments and the departments which submit reports change from year to year, the only way that the trend of arrests can usually be measured is by comparing data from those departments reporting in both years concerned. Departments representing a population of 115 million reported in both 1964 and 1965. The departments reporting in both 1960 and 1965, however, totaled only 80 million in population.<sup>33</sup> The trend shown for comparable places is useful information but may not always be the same as the national trend.

The kind of information which is dependent upon estimated national totals for arrests is important to an understanding of crime, including such essential matters as the number and rate of arrests, the rate of juvenile arrests, the ratio of juvenile to total arrests, the ratio of arrests to offenses known to the police, and other critical facts. Increasing the number of units reporting or making them representative enough through sampling to allow calculation of total national estimates is therefore a very important action.<sup>34</sup>

Table 1 indicates the principal items of information now collected through the UCR and the extent of places reporting useable figures for each.

The type of information indicated in table 1 is on the whole very good. It has been supplemented within recent years by a number of highly useful special reports covering individual crimes. Some improvements in coverage or presentation suggested by Commission studies are indicated below:

- ☐ That arrest data be collected and presented so that it may be cross-tabulated for age, sex, place, race, and type of crime. Under the present system of-

Table 1.—1965 Uniform Crime Reports

	Number of reporting units	Estimated population (millions)
Offenses known to the police.....	8,000	178.3
Arrests, number and rate, by population groups.....	4,062	34.1
Arrests by age.....	4,062	134.1
By race.....	4,043	125.1
By sex.....	4,062	134.1
Arrest trends, 1964-65.....	3,355	115.0
Arrest trends, 1960-65.....	1,882	86.2
Offenses known and percent cleared by arrest.....	3,404	115.6
Offenses cleared by arrest of persons under 18 years of age....	3,227	104.8
Disposition of persons formally charged.....	1,781	57.8
Police disposition of juvenile offenders taken into custody....	2,877	95.1
Offenses known, cleared, persons arrested, charged and disposed of.....	1,657	56.6
Offenses analysis, trends 1964-65.....	646	75.4
Type and value of property stolen and recovered.....	646	75.4
Full-time police department employees.....	4,767	142.0

NOTE: The estimated 1965 population for the United States as a whole was 193,818,000.

fenders may be compared with the place and type of crime by either age, race, or sex but not by a combination of these.<sup>35</sup> Changes in reporting and presentation would allow the more detailed analysis to be made;

- ☐ That, as recommended in chapter 2 of the General Report,<sup>36</sup> the present index of reported crime be broken into two wholly separate parts, one for crimes against persons and one for crimes against property, and that consideration be given to the development of other indices.
- ☐ That the method of counting arrests be clarified. Present methods of counting arrests confuse to some degree (1) the number of criminal events, (2) the number of criminals, and (3) the frequency of arrest for a single offender. Particular problems are posed by cases involving multiple offenders and those in which a single offender has committed a number of offenses.
- ☐ That further study be given to developing a definition of suburban areas that does not overlap with other classifications in the presentation;<sup>37</sup>
- ☐ That further efforts be made by both the UCR and the Census Bureau to bring UCR and census classifications into accord with each other or that some easy method of translating one into the other be developed;<sup>38</sup>
- ☐ That the UCR undertake to publish either as a regular feature or by special supplement the revisions which it makes annually in many of its critical historical figures;<sup>39</sup>
- ☐ That the UCR indicate the number, kind, and percentage of reporting units each year which it must omit from the national trends;<sup>40</sup>
- ☐ That, in addition to the rate of offenses per 100,000 of the total population now published, the UCR regularly publish rates for specified types of offenders (juveniles, males, etc.) and that the difference between victim and offender rates be clearly labeled.<sup>41</sup>

<sup>30</sup> See "UCR, 1958," Special Issue.

<sup>31</sup> Data are sometimes available in other years for some places but not on any systematic basis.

<sup>32</sup> See appendix D, "The Prediction of Crime from Demographic Variables: A Methodological Note."

<sup>33</sup> "UCR, 1965," pp. 110-111. See chapter 2, note 67 supra.

<sup>34</sup> By far the easiest and cheapest way to obtain a total national estimate is through sampling. It is highly likely that the present extent of reporting is more than adequate for the creation of such a sample. Investigation of this possibility should be a matter of priority. Whether a sampling system is instituted or not, however, it is desirable that there be full reporting for as many places as possible. Much of the utility of arrest data lies in the ability to compare data from one place to another. The most sensible system may well be some mixture of sampling and full reporting, such as a sample for the national total and full

reporting for all cities over 100,000 population. This issue was considered by the UCR Consultant Committee, "UCR, 1958," Special Issue, pp. 17-18, 39-40. The Committee recognized the value of sampling but recommended that an attempt be made to secure full coverage. Since that time coverage for arrest data generally has grown from 30 to 70 percent of the population, but it seems clear that anything like full coverage is at least some years away.

<sup>35</sup> See generally appendix D.

<sup>36</sup> See President's Commission, General Report, p. 31.

<sup>37</sup> See "UCR, 1965," table 6, pp. 94-95, particularly note 1.

<sup>38</sup> Some of the classification problems are discussed in appendix D. Other such problems also exist.

<sup>39</sup> Ibid. See also appendix E.

<sup>40</sup> Ibid.

<sup>41</sup> See "New Ways of Looking at Crime," discussed below.

- That the UCR publish each year some data ranking cities by the rate of crime for various individual crimes.<sup>42</sup> While there is some danger that such rankings would create overreaction in high crime areas, such rankings would almost certainly create useful additional pressures on high crime areas to reduce the amount of crime, encourage research into the causes of differences in crime rates among cities, and promote the development of more sophisticated measures of comparing crime among areas. Because it would also create danger of statistical manipulation by high crime rate cities, it would increase the need for rigorous monitoring of the statistics reported. Readers should continue to be cautioned, as now, about the many factors involved in crime rate variations, particularly about the fallacy of attributing all such differences to the police.

(2) *Prison Statistics.* These are collected by the Bureau of Prisons of the Department of Justice and published annually as the "National Prisoner Statistics." This series was begun in 1926 and was handled by the Bureau of the Census until 1950.<sup>43</sup> It is a voluntary reporting program which has achieved complete coverage. Information covered now includes the number of persons handled by State and Federal prisons and correctional institutions but does not include information concerning jail or other short-term penal institutions. While this is an excellent series in many respects, it could be improved by an increase in staff and funds. Several types of information, such as prison personnel and types of crimes committed by the inmates, have had to be dropped from the series because their inclusion caused time delays in the publication of the series.

Coverage should be extended to provide more complete information on the prior history of the inmates, their sentences and their crimes, the correctional programs in different correctional institutions, the length of actual incarceration versus the length of sentence, any crimes or major disciplinary actions taken with respect to an inmate while incarcerated, transfers from one security level institution to another, and termination of custody either by completion of the sentence or by parole.

One major problem with the present series is that it now includes much data that are not comparable. Because some States send misdemeanants to prison while others send only felons, the types of prisoners which the series include are different from State to State. Further work is obviously needed to establish a better method of uniform classification. The Children's Bureau of the Department of Health, Education, and Welfare publishes annual statistics on juvenile institutions and from time to time publishes special reports.<sup>44</sup> A new classification system needs to be developed for these statistics also.

(3) *Juvenile Court Statistics.* These are collected by the Children's Bureau and published as "Juvenile Court Statistics." Begun in 1940 this series covers the number

of delinquency cases, of dependency and neglect cases, and of special proceedings. Delinquency cases are classified by sex and place of occurrence and to some degree by reason for referral, manner of handling, and disposition. Some traffic offense information is also included. The series is based in part on a national sample of juvenile courts (494 out of an estimated 2,700 having jurisdiction in juvenile matters in 1965<sup>45</sup>) and in part on special reports from selected localities. Because many cases of delinquency are not referred to court, this series cannot properly be used as an index of delinquency.

While the information which is included within these reports is useful in a very modest way, the reports lack the detail and completeness required for the serious study of delinquency. There are no data at all regarding the age or race of the delinquents. Most of the detailed information in the report does not come from the national sample, apparently because it is not maintained by the reporting units. Of the country's 30 largest cities asked to submit data on reasons for referral and disposition, only 19 responded in usable form in 1965. Missing were such cities as New York, Chicago, and Philadelphia. The maximum age limits of the courts which did report varied considerably, from 16-year-olds to 21-year-olds.<sup>46</sup>

Needs include (1) a better system of classification, (2) an expansion of information conveyed, (3) an increase in the percentage of reporting from solicited units, and (4) more developed reporting on the part of many local units. A great deal more information with regard to the courts themselves is also needed, such as the number and background of judges (for example, half now lack college degrees), and the extent to which the courts have access to psychiatric help.

#### *New Data Collection Programs*

While decision concerning format, coverage, and frequency of collection should await completion of the inventory, Commission studies indicate that, at a minimum, some type of program should be started in the following areas:

(1) *Pretrial Statistics.* While the work of the courts is subjected to constant scrutiny, the decisions of the charging authorities are almost never evaluated except in ad hoc cases of great notoriety. Yet the number of persons arrested but released without being charged by the police, or charged by the police but released by the prosecuting authorities, exceeds by far the number of persons who are released by the courts.<sup>47</sup> These decisions may have enormous effects on crime in the community. Without statistical information, however, it is impossible even for the authorities to know what the effects are. And without such information, the community is often in the dark even about such matters as what the policies of the authorities are.

Statistics concerning the pretrial aspects of the criminal justice system are therefore a significant gap in our present

<sup>42</sup> Rankings might be published both for cities and Standard Metropolitan Statistical Areas. For most purposes, metropolitan areas are a preferable statistical unit. The rate of crime, however, is often reported more consistently within a single police jurisdiction.

<sup>43</sup> From 1926 to 1947, the series was known as "Prisoners in State and Federal Prisons and Reformatories."

<sup>44</sup> Dept. of Health, Education, and Welfare, Children's Bureau, "Institutions Serving Delinquent Children" (Children's Bureau Statistical Series, Washington: U.S. Government Printing Office, annual publication); see also the Children's Bureau, "Personnel and Personnel Practices in Public Institutions for Delinquent Children, 1958-1965" (Washington: U.S. Government Printing Office, 1966).

<sup>45</sup> Department of Health, Education, and Welfare, Children's Bureau, "Juvenile Court Statistics—1965," Children's Bureau Statistical Series, No. 85, (Washington: U.S. Government Printing Office, 1966), p. 7; and information supplied by the Children's Bureau.

<sup>46</sup> Ibid.

<sup>47</sup> See, e.g., President's Commission on Law Enforcement and Administration of Justice, "Task Force Report: The Courts" (Washington: U.S. Government Printing Office, 1967), p. 132, table 4; State of California, Bureau of Criminal Statistics, "Crime and Delinquency in California" (Sacramento: Bureau of Criminal Statistics, 1965), pp. 24 (table I-6), 53-55.



knowledge which should be filled by the development of a more complete statistical program. These statistics should cover: (1) the work of prosecuting attorneys, (2) grand juries, (3) bail, and (4) detention. Where the police are the charging authority, this aspect of their work should also be included. Few of these statistics are now maintained even at the local level. The chief problems in attempting their collection are the number of different agencies involved—the prosecutor, the grand jury, the courts, and the jails; and the fact that these institutions are generally very small units. Data from prosecuting attorneys are particularly important.

(2) *Court Statistics.* The criminal court is a central institution to our system of justice, for it is charged with determining whether there was an offense, what kind of an offense, and whether the person charged was the offender. There are today, however, no national criminal judicial statistics, the series begun in 1932 by the Bureau of the Census having been discontinued in 1946.<sup>48</sup> Such statistics are essential for any real understanding as to how well the criminal court system is working. In addition to pretrial information, they should cover the number of offenders standing trial, the charges, the plea, the type of trial, the type of representation and disposition. They should also cover the sentencing process, including the use of presentence reports. A special section should be devoted to the delay involved in the judicial process from time of arrest. The statistics should cover misdemeanors as well as felonies.

(3) *Probation Statistics.* In modern correctional systems the best risks among offenders are often given suspended sentences or placed on probation rather than sent to prison. There is a continuing need to know how well this type of treatment protects the public and rehabilitates the criminal, as opposed to other types of treatment. Information needed includes the number of offenders placed on probation; their characteristics, including their prior criminal history; the time or length of probation; the conditions and the extent of supervision; the number of revocations because of the commission of other crimes; and the number of violations of other probation conditions. While collecting this type of information may be difficult because many probation officers are attached to individual courts, it is, nevertheless, very important. Some beginnings toward a uniform reporting system are already being made.<sup>49</sup>

(4) *Jail Statistics.* Jail often plays an important role in the beginning of a serious criminal career. Many more people are exposed to it than to any other type of penal or correctional institution. Yet, jails are the most antiquated and the least rationally operated part of the entire system. Except for the limited amount of information provided by the census,<sup>50</sup> virtually no information regarding jails is collected at either the local, State, or national level. Information which is needed includes the number of

prisoners, the sentences under which they serve, and the type of treatment they receive. If modernization is to take place, information is also needed about the institutions themselves, the facilities they provide and the kinds of people who staff them.

Jail statistics are also needed as a part of pretrial statistics because persons awaiting trial are sometimes held there, too often in contact with convicted offenders. The statistics should indicate whether those being detained for trial are held separately or not.<sup>51</sup>

(5) *Parole Statistics.* Parole is a critical stage in the correctional process. Nationally, the number of persons on parole during 1965 was roughly 173,000.<sup>52</sup> Good decisions regarding who should be paroled, the effectiveness of the parole system, the workload involved and other important questions depend upon adequate statistical information. Studies show that even within a single system previous experience factors rapidly become obsolete and that there is therefore a need for continuous information feedback.<sup>53</sup> One of the greatest problems in effective parole decisionmaking has been the lack of reliable statistical information. To remedy this defect the National Parole Institutes conducted a feasibility study of a uniform parole reporting system for the President's Committee on Juvenile Delinquency and Youth Crime under a grant from the Office of Juvenile Delinquency and Youth Development. This study demonstrated that a uniform system is both feasible and desirable. Thirty-three States are now participating on a voluntary basis in further development under a 3-year grant from the National Institutes of Mental Health.<sup>54</sup> Emphasis is being placed on formulation of procedures, standardization of definitions, and collection of cohort statistics.

(6) *Juvenile Statistics.* Whether criminal statistics concerning juveniles should be handled separately as juvenile statistics or jointly with adult statistics as a part of the overall work of the criminal justice agency concerned is not an easy problem. The UCR deals with both adult and juvenile statistics. "Juvenile Court Statistics," on the other hand, deals only with juvenile statistics. Perhaps the best answer is to cover juveniles both ways. Statistics relating strictly to juveniles could then be processed by the Department of Health, Education, and Welfare, which under the proposed "Juvenile Delinquency Prevention Act of 1967" would be given authority "to collect, evaluate, publish, and disseminate information and materials relating \* \* \* to prevention or treatment of delinquency or provision of rehabilitative services for delinquent youths."<sup>55</sup>

Other statistics would be handled by the Center or some other criminal justice agency. The Center would exercise its general coordinating authority to prevent duplication and work out a reporting scheme under which one report from State and local units would suffice for both juvenile and general statistical needs. The Center should have the same general powers with regard

<sup>48</sup> See Harry Alpert, "National Series on State Judicial Criminal Statistics Discontinued," *Journal of Criminal Law and Criminology*, 34: 181-188, July-August 1948. The European countries have long published extensive court statistics. See, e.g., Home Office, "Criminal Statistics, England and Wales, 1965" (London: Her Majesty's Stationery Office, 1966).

<sup>49</sup> See Peter Lejins, appendix C.

<sup>50</sup> U.S. Census of Population: 1960, "Inmates of Institutions" (PC(2)-8A). This gives social and economic data for inmates by area and type of institution. See also Louis Robinson, "History and Organization of Criminal Statistics in the United States" (Boston: Houghton Mifflin, 1911), pp. 12-37.

<sup>51</sup> See President's Commission, General Report, pp. 178-179.

<sup>52</sup> National Council on Crime and Delinquency, "Correction in the United States, President's Commission on Law Enforcement and Administration, "Task Force Report: Corrections" (Washington: U.S. Government Printing Office, 1967), appendix A, p. 60.

<sup>53</sup> Peter Lejins, appendix C.

<sup>54</sup> Ibid.; also information supplied by the National Parole Institutes, May 1967.

<sup>55</sup> S. 1248, 90th Cong., 1st Sess., March 10, 1967, sec. 203.



to juvenile delinquency statistics as with other criminal justice statistics.

Developing adequate statistics concerning juveniles poses many special problems. Many acts which are considered delinquent are not criminal. Many of the actions of the police, courts, and corrections institutions are either unofficial or indeterminate, and agencies differ widely from one jurisdiction to the next in the extent to which this is so. The UCR, for example, shows that the percentage of juveniles handled within the department and released by the police varies from 29.6 to 56.3 percent.<sup>56</sup> Much of the information needed is kept highly confidential. If solutions are to be found for the delinquency problem, however, ways must be found to overcome these difficulties. With proper planning and effort, it should be possible to develop methods that record the necessary information but do not interfere with the degree of flexibility which is desirable in the system.

In addition to data concerning the amount and trend of delinquency, much more data is needed regarding the characteristics of delinquents, the types of treatment offered, and the results of treatment.

(7) *Federal Statistics.* What Federal statistics there are about crime are today scattered throughout numerous publications. Some of these are informative, but for the most part they cannot be compared either with each other or with similar data from the States. The chief publications are: "Annual Report of the Attorney General," which covers prosecutions by the Department of Justice; "Administrative Office of the United States Courts: Annual Report of the Director," which covers the work of the courts and probation, "National Prisoner Statistics," which covers the Federal as well as the State prisons, and "Traffic in Opium and Other Dangerous Drugs," which covers the work of the Bureau of Narcotics. The UCR covers Federal offenses only to the extent that they are reported by local police.

There should be a consolidated report covering all Federal criminal statistics. It should cover all facets of crime and the criminal justice system under Federal law including data that are now reported in some form and those which are not reported at all. In particular it should cover the work of the Federal agencies with police powers<sup>57</sup> and the military criminal justice system. It should be descriptive enough so that it is possible to tell what part of the crime problem is being handled by the States and what part by the Federal Government. Several excellent studies indicate generally what needs to be done and how it might be accomplished.<sup>58</sup>

#### NEW KINDS OF STATISTICS

Statistics derived from the criminal justice system are necessary and important in dealing with crime. Modern statistical methods are not limited, however, to collecting data from official agencies. New methods of collection, new types of indicators of crime and of the effectiveness of the criminal justice agencies, new ways of looking at crime, special statistical studies, and in general a great deal more innovation in statistical efforts are all required if headway is to be made against crime. The Center should be the leader in these innovations.

#### Victim Surveys

There is much important information about crime that either cannot be obtained from the agencies of law enforcement or criminal justice at all or that can only be obtained imperfectly. In terms of the system as a whole two of the most basic questions are how much of the various crimes there is and whether these amounts of crimes are going up or down. At various times attempts have been made to answer these questions with court data, such as prosecutions or convictions, or with arrest statistics. At the present time, the best measure is considered to be statistics of offenses known to the police.<sup>59</sup> It has always been known that there was a great deal of unreported crime, however, and given the changing nature of police forces and community expectations, there is every reason to believe that the ratio of reported to unreported crime, at least for some offenses, has been changing.<sup>60</sup>

To see if some new technique might be developed which would assist in answering these questions more satisfactorily, the Commission, as discussed in chapter 2 of this report, sponsored the first wide-scale survey of crime victimization ever undertaken. While it is clear that more work needs to be done to develop the methodology of this kind of survey, the results were promising enough for the Commission to encourage its further use.<sup>61</sup> The Center is the logical agency to develop this methodology further and to be responsible for new surveys at the national level.

In addition to improving the results, further development should also reduce survey costs. While there is probably no need for an annual survey nationally, such surveys should be conducted often enough to provide data against which other indicators might be compared. Since only one national survey has been conducted to date, it is particularly important that another be undertaken within the next few years for this purpose.

Surveys can also be useful in individual localities when some independent check of agency statistics is desirable. They should be particularly helpful in evaluating new crime prevention or control programs. New police patrol techniques, for example, often uncover crime that has previously gone unreported, making evaluation in terms of crimes known to the police difficult. A victim survey in the area before the new technique was introduced and after it had had a trial run would provide the police with a much more accurate way of testing effectiveness. Surveys could be used similarly in testing delinquency prevention and other broad community-type prevention programs.

#### Recidivism Data

About 380,000 persons who have been convicted of felony crimes are released into society each year as a result of probation, parole, or termination of sentence.<sup>62</sup> More than \$1 billion is spent annually in operating institutions which have as one of their primary purposes the rehabilitation of those who are released so that they will not commit further crimes against society. Present statistical systems, however, are incapable of indicating how

<sup>56</sup> "UCR, 1965," p. 104.

<sup>57</sup> The Wickersham Statistics Report, pp. 158-165, reviews the work of some of the Federal agencies with police authority.

<sup>58</sup> Wickersham Statistics Report, pp. 153-205; Committee on Government Statistics and Information Services, "Federal Collection of Criminal Statistics," prepared in 1934 for the Attorney General; and Harry Shulman, "The Reporting of Criminal Statistics in the United States," a 1964 study for the Bureau of the Budget.

<sup>59</sup> See Thorsten Sellin, "The Basis of a Crime Index," *Journal of Criminal Law and Criminology*, 22: 335-356, September-October 1931.

<sup>60</sup> See President's Commission, General Report, p. 25.

<sup>61</sup> *Id.* at pp. 20-22.

<sup>62</sup> Bureau of Prisons, "National Prisoner Statistics, 1965," p. 12. President's Commission on Law Enforcement and Administration of Justice, "Task Force Report: Corrections" (Washington: U.S. Government Printing Office, 1967), p. 174.

well the system works. There is no way of knowing, for example, how many of those offenders released into society in 1960 have since been convicted for new crimes. One result of this is that if an institution today developed a new and dramatically successful rehabilitation technique, it would have a hard time showing that its record was any better than that of any other institution.

There is some information concerning the incidence of recidivism within single States. This information is not worth a great deal, however, because offenders are so mobile. More than 45 percent of the 130,000 offenders contained in a special FBI 3-year study of Careers in Crime had arrests in two States and nearly half of these had arrests in three States or more.<sup>63</sup> This means that anything like comprehensive data concerning post-release criminal violations can be collected only at the national level. Although the nature of the sample involved raises real questions as to the meaning of the data collected, the FBI study encompasses a far larger sample of offenders than any previous data concerning recidivism and clearly indicates the usefulness of such collection for a properly drawn sample of offenders. It also indicates the need for the collection process to be continuous and maintained over a substantial period of time.

The cost of securing adequate data on recidivism under present methods of data storage and retrieval is extremely high. The index (directory) of offenders to be maintained at the national level, recommended by the Commission and discussed in its Science and Technology Task Force Report,<sup>64</sup> however, offers the first real opportunity for development of adequate data on recidivism, particularly information that is based on new convictions rather than on arrest data. Because this directory will be computerized, the kind of information needed to keep track of recidivism can be obtained without prohibitive cost. With the directory in operation sampling could be much more useful than at present and some data could perhaps be maintained for the whole correctional system. Information could be analyzed by the institution or correctional policy concerned, and the Center would be able to compile and analyze statistics on all aspects of the life careers of offenders. Judges would be able to see how well their decisions on probation had worked out. Correctional systems would be better able to see the result of parole.

The Center should probably not be responsible for maintaining the directory but should have full access to its information, with the exception of names, for statistical purposes. As the directory becomes machine-coded, the Center should be directly linked to its terminal. The Center should also have full access to the registries maintained at the State levels in order to do in-depth analysis for particular types of recidivism problems. Adequate protection for privacy should, of course, be maintained.

How an institution performs depends in part on the kind of offender it receives in the first place. In turn,

whether an institution receives good, medium, or bad risks depends largely on how the agencies earlier in the criminal justice system chain handled their work. If the court, for example, places the best risks on probation, the prison receives only the bad risks.

Evaluation of any one agency therefore requires that its record be compared to the extent possible either with other agencies handling the same type of population or by some standardized part of its population. Parole effectiveness, for example, might be tested by comparing the recidivism rates of persons discharged, those released conditionally, and those paroled, matched by duration of imprisonment prior to release, offense, prior criminal record, and perhaps age among other possible variables. Effectiveness of the whole system would be measured by the cumulative results of all agencies.<sup>65</sup>

### *New Indicators for Crime Problems*

Many crime problems do not now receive the kinds of attention they should because no regular statistical information is available about them. Identifying these problems and developing indicators that will focus attention on them in the right way should be one of the Center's most important functions.<sup>66</sup> The importance of having good indicators goes well beyond that of keeping users adequately informed. The existence of a meaningful indicator often affects the internal incentive structure of the various organizations concerned with the problem. If the indicator is present, there is a far greater likelihood that performance will be judged by the indicator and therefore that something will be done about the problem.

*Organized Crime.* Organized crime thrives on invisibility. One reason that so widespread and insidious an evil has been able to lurk so often beneath the level of national concern has been the lack of a reliable indicator as to its magnitude or character. No one knows whether it is getting bigger or smaller, employing fewer or more criminals or corrupting more or less officials. Development of a reliable statistical measure would in itself be an important step in bringing it under control.

Indicators are needed at both the national and local levels. Neither arrest nor any other police statistics can fulfill this function. Arrest statistics are now collected for some offenses related to organized crime, but they are among the least reliably reported of all police statistics and not at all indicative of the magnitude of the problem. They make no distinctions between the bookie or the bettor, the prostitute or the customer, etc. They are better indicators of police activity than of crime.

Some indicators such as the number of gang murders or the number of syndicate families would be useful and should be regularly published but are too general or too specialized to answer the larger questions about organized crime. Other indicators such as the number of officials corrupted or the total number of persons involved

<sup>63</sup> "UCR, 1965," pp. 27-28.

<sup>64</sup> Chapter 6, pp. 68-79. See also President's Commission, General Report, pp. 266-269.

<sup>65</sup> For example, "if area A with 1,000 felons in a given period granted probation to only 100 and sent 900 to prison, subsequent felony convictions might be incurred by only 10 percent of its probationers and 30 percent of its prisoners, for a total of 280 recidivists. If area B, also with 1,000 felons, granted probation to 700 and sent 300 to prison, it might find subsequent felony convictions for 20 percent of its probationers and 40 percent of its prisoners, but these would comprise only 260 recidivists, less than the total in area A. Thus, area B, with higher failure rates on both probation and parole, would actually have more effective crime control from its correctional program than area A (and, incidentally, at much less cost, since probation costs only about one-tenth the cost of imprisonment)." (Daniel Glaser, "National Goals and Indicators for the Reduc-

tion of Crime and Delinquents," *Annals of the American Academy of Political and Social Science*, May 1967. A comprehensive plan for compiling statistics on recidivism, proposed by the same author in 1957, is described in Daniel Glaser, "Released Offender Statistics: A Proposal for a National Program," *American Journal of Correction*, 19: 15-25, 1957.

<sup>66</sup> The need for adequate indicators and the problem of insuring that indicators in use relate to current rather than bygone problems are discussed in Albert D. Biderman, "Social Indicators and Goals," in Raymond A. Bauer, ed., "Social Indicators" (Cambridge, Mass.: M.I.T. Press, 1966), pp. 68-153, particularly at pp. 79-112. A number of measures of effectiveness in the correctional area are discussed in Daniel Glaser, "The Effectiveness of a Prison and Parole System" (Indianapolis: Bobbs-Merrill, 1964). See particularly the discussion of prediction and "base expectancy" tables in evaluating various correctional alternatives (pp. 289-310).

in the syndicate would go a long way toward answering these questions but are impossible to obtain.

The most promising indicator in terms of both usefulness and availability is the gross amount of profit that the syndicate derives from gambling, loan sharking, narcotics, and its other illegal activities. This information cannot be estimated from data available to the police or prosecutors. It should be possible to obtain, however, through use of surveys. The Commission attempted through its national survey of households to determine the amount of illegal gambling that goes on. While this proved unsuccessful, showing far less gambling than independent and more reliable indicators suggested,<sup>67</sup> there was nothing in the results to indicate that a better designed survey would not be successful. Such a survey should cover not only gambling, but also loan sharking, narcotics, prostitution, extortion, and other syndicate activities. To be successful it will probably have to offer strict anonymity, particularly for those activities which are crimes for the purchaser as well as the seller.

Given the importance of the problem and the difficulty of obtaining information through other means, development of an effective survey method and institution of a regular series concerning the incidence of organized crime should be a priority matter for the Center.

*"Professional" or Habitual Criminals.* In virtually every large community and many smaller ones there is a group of hardened, habitual, or "professional" criminals. Commission and other studies show that these criminals commit a disproportionate part of all offenses but that they rarely get caught.<sup>68</sup> At present, however, there is no indicator either for the community or for law enforcement as to how well this group of criminals is being controlled. Such an indicator is required and could be developed by the Center. Such an indicator would serve two very necessary functions: (1) it would indicate to law enforcement and the public just how important this problem is, and (2) it would serve as a powerful incentive to find means for control. Development of such a measure requires, among other things, a method of identifying those crimes which are committed by habitual criminals and those offenders who are professional criminals.

*Street Crime.* No problem is more critical or needful of police and community attention than that of crime in the streets. Yet there is no regular indicator, either at the national or the local level at to what the incidence of street crime is. Even the most sophisticated police departments do not regularly use this kind of statistic as an internal control figure. Street crime may need to be broken down even further to be as sensitive an indicator as is called for. Indicators should not mix apples and oranges. The high proportion of the Index crimes against the person which take place between relatives and acquaintances are largely different in their causes and in the controls which have any effect from the kind of violent street crime that is committed by robbers and other strangers.

*Police Effectiveness.* The most commonly used measure of police effectiveness is that of the clearance rate—that is, the number of offenses that can be accounted for by the arrest and charging of a suspected offender.<sup>69</sup> For some purposes this is a satisfactory indicator of effectiveness. There is an urgent need, however, for the development of more sophisticated indicators. A simple clearance rate can place a premium on catching the petty offender who can be readily caught while letting the hardened offender get away. The detective who is expected to maintain a satisfactory record of solutions can hardly be blamed for spending the bulk of his time trying to solve the five little cases instead of the one big one. While clearly wrong, it is also understandable why the police may sometimes be willing to record the shoplifting case referred by the department store when the offender has already been caught, but not the petty larceny where there is never any hope of catching the thief.

New indicators are also needed for a variety of other problems, such as white collar crime, police-community relations, and fraud.

### *New Ways of Looking at Crime*

The Center could also help to clarify the various ways of looking at the crime problem. Traditionally crime has been measured either in terms of the number of crimes (volume) or the number of crimes in relation to population (rate). Both of these ways of looking at crime are valid for certain purposes. For other purposes other ways of measuring crime are required. The search for a single index to answer all questions about crime has been a blind alley. There is no such thing.

The volume of offenses is important to the police and other agencies as a measure of their workload and the resources needed to cope with the problem. The rate of offenses per 100,000 population is a rough measure of the risk of victimization for the population as a whole. Other rates of victimization could and should be calculated for parts of the population which run specific risks: rape victimization rates for females, robbery rates for liquor stores, etc.<sup>70</sup>

The question of whether the population or various parts of it are becoming more crime-prone can only be measured by a wholly different kind of rate. For example, the number of crimes committed by 18-year-olds per 100,000 18-year-olds (age-specific rate) would give a general measure of the crime-proneness of that age group. Similar rates can be calculated for various other attributes of the population, such as sex, race, place of residence, or income. These rates are particularly important but in most instances cannot now be calculated on a national basis because the necessary arrest data are not available.<sup>71</sup>

Measures of volume, victimization risk, and crime-proneness are all useful. Each serves a different purpose. Each poses its own particular kinds of problems and possible misuses. The amount of police work may go up whether the risk of victimization or the trait-specific rates do or not. If the relationships between these

<sup>67</sup> See chapter 3, note 111 *supra*.

<sup>68</sup> See generally chapter 7, "Professional Crime."

<sup>69</sup> Federal Bureau of Investigation, "Uniform Crime Reporting Handbook" (February 1965), p. 48. See generally Bruce Smith, "Police Systems in the United States" (2d ed. New York: Harper and Bros., 1960), pp. 38-39. The present system of reporting clearances would be improved if the published clearance rates indicated the number of offenders connected with the offenses reported as cleared. (More than one offense may be cleared by the arrest of a single offender, and the arrest of several offenders may clear only one offense.)

<sup>70</sup> Albert J. Reiss, Jr., "Studies in Crime and Law Enforcement in Major Metropolitan Areas" (Field Surveys III, vol. 1, sec. 1, President's Commission on Law Enforcement and Administration of Justice, Washington: U.S. Government Printing Office, 1967), pp. 1-17.

<sup>71</sup> Even with arrest data available, calculation of crime proneness rates depends upon the unproven assumption that the characteristics of those who escape arrest are the same as those who are arrested. In the case of offenses like burglary in which the clearance rate is below 30 percent, this is a very significant assumption.

measures are not made clear however, people will conclude that the risk of victimization and the crime-proneness of the population are increasing too.

Other measures may also occasionally be useful. When rates are calculated for more than one type of crime, for instance, the resulting rate does not usually take into account the fact that some crimes are more serious than others. Thus, one aggravated assault and one murder constitute two "crimes against the person." To remedy this obvious difference in the degree of severity of various crimes, Professors Sellin and Wolfgang have developed an index of seriousness.<sup>72</sup>

Other measures are usually stated as a ratio between the number of criminal events taking place and the number of units exposed to the risk of crime. One measure of crime in terms of the opportunity for crime, for example, is the ratio between the number of burglaries and the number of buildings in the area.

### *Special Studies*

The Center would also be charged with conducting special statistical studies either through survey techniques, as add-ons to existing collection programs (as the FBI and the Bureau of Prisons have done) or in other ways. The economic costs of crime is one area in particular where the Center could be useful in this way. Special studies could also be helpful in examining the underlying reasons behind differences in the reporting of crime such as the degree to which one community will report crimes that another will not, and the differences in ways that different criminal justice agencies, particularly the police, undertake their work.<sup>73</sup> They might also examine possible new sources of information such as selective service registration questions which have been used successfully in at least one other country to obtain information concerning the criminal histories of whole groups of persons of the same age.<sup>74</sup>

Considering the widespread losses that private businesses and institutions suffer from crime and the large amounts of money they expend to protect themselves from crime, it is surprising that information about business crime is no more available than it is. Trade associations, in-house protective services, and commercial security firms have only scratched the surface of what could be done to produce useful statistical information. Some information has never been collected at all, and that information which has been collected is too seldom readily accessible. In addition to special studies in the areas of greatest need, the Center should undertake to promote the further development of private statistical services on crime problems.

Another area of need concerns the design of law enforcement information systems and the assessment of their effectiveness. Studies of stolen property and autos recovered and wanted persons arrested, broken down to indicate whether the recovery or the arrest took place in the originating jurisdiction, the State in which the originating

jurisdiction is located, or some other State, would be particularly helpful.

Research would not be a primary activity of the Center, at least initially, other than necessary research into statistical techniques. The Center would, however, maintain close ties with any criminal research institutes founded with Federal funds.<sup>75</sup> No hard and fast line would be drawn between the functions of the Center and any such institutes, but every effort would be made on the part of both institutions to insure that each did not duplicate the work of the other. The general line of division for the Center would be that of conducting surveys, censuses, and statistical analyses. The research institute's primary purpose would be to do more basic research, but it would be free to conduct surveys, censuses, etc. when its purposes so required, especially in areas where government sponsorship might raise problems.

### TECHNICAL ASSISTANCE

Perhaps the most important use of criminal statistics is that made by the agencies of criminal justice to improve their own operations, to employ their resources better, to locate and catch criminals, to deter criminal activity, to make optimum decisions regarding sentencing, treatment, and release of prisoners, etc. These decisions are basically made at the local level, and the kinds of statistics required are basically local statistics.<sup>76</sup>

A National Criminal Justice Statistics Center could serve as a resource for the strengthening of these State and local systems. In addition to the benefits to the national collection system already discussed, such a program could have a very powerful effect on crime prevention and control at the local level. Local police forces not only require the kind of assistance which the FBI has long provided for the development of strong central complaint systems but also require assistance in developing statistical programs for operational use.<sup>77</sup> Some few cities such as Chicago, St. Louis, and Los Angeles have already developed detailed information and statistical programs which are computerized and capable of giving up-to-date analyses of crime fluctuations throughout the city and during different periods of time. St. Louis has been experimenting with a computerized crime map that is capable of pinpointing the densities of various kinds of crimes. These developments are by and large relatively recent, however, and many departments lag far behind this practice.<sup>78</sup> Moreover, as technology develops, most departments, and particularly the smaller ones, will lack the knowledge and expertise to know what has proved useful elsewhere.

State and local statistics are also necessary for planning at the State and local levels. Analysis of the situation, the establishment of priorities, and many other facets of the planning process all require considerable statistical information. Adequate evaluation likewise requires reliable statistics. Providing for this data should be part of every planning process. This may require, in addition to other

<sup>72</sup> Thorsten Sellin and Marvin E. Wolfgang, "The Measurement of Delinquency" (New York: John Wiley & Sons, 1964), particularly appendix F, pp. 401-412. Attitude studies to examine community norms regarding the seriousness of various types of acts defined as crimes might provide helpful guidance to legislators, police officials, and judges who must sentence offenders.

<sup>73</sup> See Stanton Wheeler, "Criminal Statistics: A Reformulation of the Problem," *Journal of Criminal Law, Criminology, and Police Science*, 1967 (to appear).

<sup>74</sup> Nils Christie, et al., "A Study of Self-Reported Crime," in Karl O. Christensen (ed.), "Scandinavian Studies in Criminology" (Oslo: Scandinavian University Books, 1965), pp. 86-116.

<sup>75</sup> President's Commission, General Report, pp. 273-277.

<sup>76</sup> "Crime patterns in any area in almost any city are relatively constant month after month and year after year.

<sup>77</sup> "If you took a map of Chicago, for instance, and spotted on it all the armed robberies that occurred between 9 p.m. and 1 a.m. in the year 1960, and then

did the same for 1961, you would find the patterns identical. That would also be true of assaults, rapes, burglaries—any kind of crime you'd like to name—even traffic incidents.

<sup>78</sup> "Then, if your records are good enough—and we have them here now—you can determine where crime is going to be committed, and when it's going to be committed—not only the hour of the day, but the day of the week. So with this knowledge, you can place policemen where the criminal is most likely to be." ("What to Do About Crime in the Big Cities," interview with Orlando W. Wilson, Chicago's Police Superintendent, U.S. News and World Report, Mar. 12, 1962, p. 85.)

<sup>77</sup> President's Commission, General Report, pp. 25-26; Federal Bureau of Investigation, "Uniform Crime Reporting Handbook" (1965), pp. 1-3.

<sup>78</sup> President's Commission, General Report, "Task Force Report: Science and Technology," chapter 6 and appendix F, pp. 266-269.

things, a survey of crime victimization at the outset of the planning period to determine the relationship between reported and unreported crime. Such surveys should be eligible for funding under the Federal program and may need to be repeated later as one measure of progress under the plan.

#### DISSEMINATION

No great purpose is served by the collection of statistics unless they are disseminated and used. Publication of regular statistical series and special studies is the beginning of a good dissemination program. It will never be possible, however, to publish all the statistical information available in all the various ways that it could be useful to different types of users. The Center should therefore be equipped to provide a great deal of additional information free of charge and to perform on a fee basis special tabulating, analysis, computer runs, and other similar services.

The lack of this kind of service is one of the greatest defects of the present system. This kind of service would be particularly useful to State and local governments, academic and other nonprofit users, and business users. Such services should be easily procured and their availability widely known. The Center should make a particular point of developing external working relationships with the agencies making up the criminal justice system and the academic community.

#### FUTURE DATA NEEDS

While it should be possible to establish the data needs of the present, it is very difficult to establish those of the future. As society changes, as new technology and new ideas take hold, the problems of law enforcement and the criminal justice system change too. New problems require new kinds of information. Keeping abreast of changing requirements should be one of the major ongoing functions of the Center. This will require periodic user surveys, the use of special studies, the development of new indicators for new crime problems, and the development of better methods of presentation.

#### BEGINNING CENTER OPERATIONS

Aside from organizational questions the most immediate tasks facing the Center at the outset would seem to be: (1) completion of the user survey and development of the inventory of needed information, (2) setting in motion the process to develop the uniform system of classification upon which meaningful statistics for many criminal justice agencies and the system as a whole depend, and (3) working with existing collection agencies to make immediate improvements in existing series.

Some such series of priorities is necessary because the Center will not be able to get all its functions under way at once. The user survey and the inventory of needed information are critical items around which much of the remainder of the program must be built. The sooner

they can be completed, the sooner other plans can become final. An early attack on the uniform classification problem is needed because it is apt to be a lengthy process and much of the system depends upon it. Some early work on existing collection systems is also warranted because of the immediately valuable results that can be attained for relatively little input.

These tasks and others which the Center must perform necessarily overlap each other to some extent. They should not and cannot be kept wholly separate. Decisions as to what new statistical series, if any, for the criminal justice system should be begun will necessarily depend in part upon the results of the user survey and the inventory, in part on what common classifications can be reached and in part on other factors. Completion of the classification process, however, will be difficult until some decision is made as to which series will be undertaken and which collection system will be responsible for items of information that overlap several agencies. Because of these interrelationships, all three tasks should go forward simultaneously with an effort made to coordinate at the various stages of completion.

The most involved of the early actions which the Center must undertake is the task of uniform classification. Perhaps the best way to proceed with this task would be through the appointment of (1) a task force for each major criminal justice agency, including those for which statistics are already collected, to identify and work out whatever classification problems exist; and (2) a task force on overall classification to work on the problem of integrating the whole system. All task forces would be composed of governmental and nongovernmental experts, and would use the user survey and the inventory to the extent available and possible. Initial task force reports would be made widely available for study and comment, and a conference of users and interested persons might be convened to discuss the initial proposals. Following this the task forces would consider the comments, revise the initial reports, fully integrate all the task force comments with each other, and again make the whole package available for comment.

This chapter has tried to make clear the need for a National Criminal Justice Statistics Center and to outline a framework for its most effective operation. The technical aspects of collecting, analyzing, and disseminating crime statistics are by nature a complex subject, in a sense unexciting when compared with the great substantive issues with which the criminal justice system must contend: the impact of court decisions, the relative merits of rehabilitation and punishment, the deterrent effects of capital punishment, the need for stop and frisk laws or wiretapping, and the like. If the heated debates which these issues generate are to be anything other than the sterile disputations of rival philosophies, however, they must be based on the facts of the situation. As this chapter and other portions of this report have tried to show, the facts of the situation are at the present time all too often simply not available.

The establishment of a National Criminal Justice Statistics Center will not remedy this situation of itself. Nor

will any precipitous drop in the rate of crime accompany its establishment or even the date of its arrival at full effectiveness. If its potential is understood, however, and it is established and financed as a vigorous, innovative institution, the Center can do a great deal. As this chapter has tried to show, it can seek to develop a measure for organized crime, reliable information about juvenile delinquency and real knowledge about what happens to offenders who are released from prison. Even more important, it can develop the simple knowledge needed to give an accurate picture of what crimes are increasing, which decreasing and by how much.

Much of the potential of the Center cannot even now be envisaged at all. Although they are already a century

old, criminal statistics are at the beginning of their development. They can become a much stronger weapon in the struggle to limit crime than they now are. Whether they will or not depends largely on the investment society is willing to make and how well and how wisely society makes use of them.

Establishing a National Criminal Justice Statistics Center as an effective institution will not be an easy task. Without the kind of information that can only be obtained through such a Center, however, the country is doomed to continue its fight against crime without really knowing its enemy. Beginning now to build the kind of Center needed is therefore a matter of importance to the Nation and its citizens.

# ECOLOGICAL CORRELATES OF CRIME AND DELINQUENCY

by Judith A. Wilks

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Traditionally, ecology is defined as the study of the relation of organisms or groups of organisms to their environment.<sup>1</sup> Human ecologists have frequently taken distributions of human populations, the behavior systems of such populations, and the social, material, and technological products of their behavior as the units of ecological analysis; and the interrelationship of these elements as the macrocosm which is to be the subject of study.<sup>2</sup>

The discovery of the spatial distributions of crime and delinquency rates, and in some instances, the analysis of the relationship of these distributions to distributions of other attributes of population aggregates has been the aim of students of the ecology of crime and delinquency. Usually, the population attributes investigated are taken to be indicators of the social and cultural structure of a geographical area, and it is inferred that rates of criminal and delinquent behavior are the product of the area's social and cultural structure.<sup>3</sup>

The study of the ecology of crime has a long past. This is evidenced by studies in the late 1800's of the unequal distribution of crime in general, and of specific types of offenses in particular, in English cities and counties.<sup>4</sup> Other early studies in France, Germany, and Italy attested to the unequal distribution of crime over areas of these countries; distributions which were similar in many respects to those found in England.<sup>5</sup>

Interest in discovering why crime is not evenly distributed over all areas of a nation, a region, a county, or a city has continued up to the present day. But in spite of this long past and continuing interest, the ecological

approach to crime and delinquency has a short history. The history is short in reference to the accretion and synthesis of findings into a body of knowledge useful in making predictions about the future distribution of crime and in explaining current distributions.

Such a state of affairs stems in part from the absence of a theoretical system of human ecology. In fact, there is open controversy concerning the subject matter which should be encompassed within such a theoretical system, the nature of what is to be explained by this system, and what the universe of inquiry should be.<sup>6</sup>

These problems associated with the lack of a theoretical system of human ecology have spilled over into the ecological approach to crime and delinquency. As a result, there is a potpourri of studies which can be included in a general class labeled "the ecology of crime." The purpose of this report is to summarize some of the central findings of ecological studies of crime and delinquency and to suggest a possible theoretical synthesis of these findings. In addition, the possible implications of this synthesis for future basic research and for practical application will be discussed. In effect, possible answers will be suggested for the question: Of what use is knowledge of the ecological distribution of crime and delinquency?

Although the purpose of this paper is not to provide a methodological critique of studies of the distribution of crime, it is necessary to consider several methodological issues at the outset in order to clarify some of the substantive issues that follow. Risking oversimplification, it is possible to classify studies of the distribution of crime into three general categories: (1) Studies which involve distributional descriptions; (2) searches for correlates of distributions of crimes; and (3) studies testing hypotheses concerning the distribution of crime.<sup>7</sup>

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<sup>1</sup> Amos H. Hawley, "Human Ecology" (New York: The Ronald Press, 1950), p. 3.

<sup>2</sup> Jack P. Gibbs and Walter T. Martin, "Toward a Theoretical System of Human Ecology," *Pacific Sociological Review*, 2 (spring, 1959), pp. 29-36.

<sup>3</sup> It should be noted that almost without exception those who have approached crime and delinquency from the ecological perspective have avoided the ecological fallacy of interpreting correlations between properties of aggregates and behavior rates as correlations of the properties of individuals. (For example, the correlation between the proportion of Negroes and the delinquency rates of areas has not been interpreted as a correlation between being Negro and being delinquent.) See: W. S. Robinson, "Ecological Correlations and the Behavior of Individuals," *American Sociological Review*, 15 (June 1950), pp. 351-357 for a more complete

discussion of the ecological fallacy. Students of crime and delinquency have not been as successful in avoiding the related fallacy of generalizing about aggregates from the properties of individuals.

<sup>4</sup> Luke O. Pike, "A History of Crime in England" (London: Smith, Elder, 1873-76).

<sup>5</sup> See for example: Henri Joly, "La France Criminelle" (Paris: Cerf, 1889), pp. 45-46; E. Ferri, "L'omicidio nell' antropologia criminale," (Torino: Bocca, 1895), pp. 241-325; and G. Aschaffenburg, "Crime and Its Repression" (Boston: Little, Brown, 1913).

<sup>6</sup> Gibbs and Martin, op. cit., pp. 29-30.

<sup>7</sup> These types are not mutually exclusive.



Ideally, these studies would interlock and lead to the construction of systematic explanatory theory, the empirical validity, and pragmatic utility of which could be assessed. That is, empirical regularities discovered in distributional descriptions could point the direction for searches for correlates of differential distributions, which could in turn lead to the formulation and testing of sets of interrelated hypotheses concerning observed interrelationships, and the eventual formulation of systematic theory which could explain the ecological distribution of crime and delinquency. In other words, effective use could be made of induction, as well as of deduction, in understanding the ecological patterning of crime and delinquency.

That there is little interlocking of research concerning the ecology of crime is evident, and this situation appears to be the result of several conditions. As noted previously, one reason for the lack of theoretical development lies within the controversy over the nature of the field of human ecology. More relevant here, however, are several other reasons.

First, descriptive studies of the distribution of crime rates, delinquency rates (both rates of behavior) and offender rates (a behavior rate) have dealt with aggregates of different sizes. At various times census tracts, cities, States, regions, or nations have been utilized as units of analysis. There is evidence that generalizations concerning the distribution of crimes and offenders relative to attributes of population aggregates may not hold across different sized aggregates.<sup>8</sup> For example, indicators of social structure are more closely related to crime rates in rural and urban areas than in standard metropolitan statistical areas which indicates the necessity of contextual investigations of rate distributions.<sup>9</sup>

A second reason behind the lack of interrelationship between the several types of studies lies in the fact that the studies involving searches for correlates of crime and delinquency rates have often been productive of tautologies. This has been in no small measure due to reliance on techniques of factor analysis in the attempt to resolve the variation of crime rates into general statistical factors "which possibly correspond to basic social dimensions which are integral to crime causation."<sup>10</sup> However, the dimensions which have been "discovered" have included not only the explanatory variables but also the explicandum. Thus, for example, Schuessler and Slatin locate in their 1950 city data a factor which they (with caution) label the anomic factor. This factor includes in addition to such ostensibly independent variables as percent families of two or three, median schooling and so on, the rates of property offenses such as robbery, burglary, grand larceny, petty larceny, and auto theft, which constitute what is to be explained.<sup>11</sup> The relationship between anomie and crime rates is left equivocal because of the fact that the crime rates are by definition of the factor indicators of anomie.

A third hindrance to the development of a theoretical system to explain the distribution of crime and delin-

quency has been the focus of attention on factors rather than on variables. Factors spell out concrete circumstances, and those who have attempted to locate factors associated with crime rates have frequently asserted that:

\* \* \* this particular event is "caused" by this particular combination of concrete circumstances and that particular event by another combination of circumstances.<sup>12</sup>

This approach has not been productive of theory because:

A theoretical explanation is a demonstration that a particular concrete event describable in terms of a statement of fact, is a logical inference from a theoretical proposition or set of propositions. A theoretical proposition is one which relates variations in one variable to variations in one or more other variables.<sup>13</sup>

Thus, the factor approach lacks generality and does not account for covariation in the "factors" under consideration.

A fourth recognizable reason for the lack of development of systematic theory in this area has been a tendency on the part of researchers to be content with finding associations between a number of characteristics of population aggregates and crime rates, frequently neglecting to consider the significance of the differential distribution of crime rates. Even though attempts have been made to locate the sources of variation in crime rates among regions, cities, and census tracts, there has been a failure to ask the next question \* \* \* Why is there a differential distribution of the factors that have been found to be highly associated with variations in crime rates? This smacks of a naive desire for "first causes." But, the wish here is to place variations in measures indexing social structure and other characteristics of population aggregates and related variations in crime rates in a broader theoretical context. That is, a question which needs to be answered is: If crime rates are associated with some process such as anomie, why is anomie differentially distributed among population aggregates?

A further reason for the lack of development of a systematic explanation of the distribution of crime and delinquency has been the reference of findings of ecological studies back to existing popular theories of delinquency and crime. Thus, many researchers have in a post hoc fashion viewed their findings in relation to the support they provide for currently popular theory. (Which for the most part can be classified as social psychological.) Thus, there has not been an adequate attempt to develop an independent theoretical system to explain rate distributions. Ecology has been used as a method to bring evidence to bear on existing explanations of crime and delinquency, rather than as an independent body of

<sup>8</sup> See Karl Schuessler and Gerald Slatin, "Sources of Variation in U.S. City Crime, 1950 and 1960," *Journal of Research in Crime and Delinquency*, 1 (July 1964), pp. 127-148.

<sup>9</sup> Richard Quinney, "Structural Characteristics, Population Areas, and Crime Rates in the United States," *The Journal of Criminal Law, Criminology, and Police Science*, 57 (1966), pp. 45-52.

<sup>10</sup> Karl Schuessler, "Components of Variation in City Crime Rates," *Social Problems*, 9 (Spring, 1962), p. 323.

<sup>11</sup> Schuessler and Slatin, op. cit., p. 132.

<sup>12</sup> Albert K. Cohen, "Multiple Factor Approaches," in Marvin E. Wolfgang, Leonard Savitz, and Norman Johnstone, editors, *The Sociology of Crime and Delinquency* (New York: John Wiley & Sons, Inc., 1962), p. 78.

<sup>13</sup> Cohen, op. cit., p. 77.

knowledge which might be the source of unique explanations. As Schuessler has noted:

Studies \* \* \* focusing \* \* \* on situational factors which militate for or against crime, provide an instructive demonstration of the limitations of theories that concentrate exclusively on individual attributes. Personal attitudes and values may enable or even predispose a person to commit a crime, but they rarely, if ever, compel him to do so. For a complete explanation of criminal behavior, it is necessary to identify and measure those factors in the social or economic environment that facilitate or inhibit the occurrence and institutionalization of crime.<sup>14</sup>

This is the function that a theoretical system of human ecology, encompassing crime and delinquency, might perform.

What follows next is little more than a listing of the major empirical regularities found by researchers who have been concerned with the spatial distribution of crime and delinquency and is not intended to be an encyclopedic coverage of all the literature on the ecology of crime and delinquency. Such an approach presents problems in that it overlooks nuances and fails to give sufficient attention to the importance and development of methodological techniques and problems; nor does this approach allow us to provide an appropriate weighting of ideas in terms of the support they have garnered. It also fails to give the flavor of the historical development of research and ideas in this area, which is a fascinating study in the sociology of knowledge. However, it provides the substance which is to be explained by ecological theory, and thus serves as a starting point.

If we accept the desirability of developing a theoretical system to explain the distribution of crime and delinquency, it is necessary to spell out in some detail what empirical regularities or statements of fact an ecological theory must explain. In order to achieve this end, the following differential distributions of crime rates will be discussed: (1) Rural-urban differences; (2) intracity differences; (3) intercity differences; and (4) regional differences.

## RURAL-URBAN DIFFERENCES

Over time, one of the most consistent regularities found in crime statistics is the higher overall rate of crime in urban as compared with rural areas. However, the degree to which urban rates exceed rural rates varies with offense, with locale and with time.

Urbanized counties tend to have higher rates than rural counties for all major crimes, with the exception of homicide. The greatest rate differences appear for crimes against property, whereas the difference is less ap-

parent for crimes against persons. As Johnson notes, in 1962, the offenses with the highest urban to rural ratio were automobile theft, robbery, burglary, breaking and entering, and larceny. However, regardless of any differences between rural and urban areas, all population groupings have approximately the same within area ranking of offense rates. That is, in all areas burglary and breaking and entering have the highest rate of occurrence, larceny, auto theft, aggravated assault, robbery, and criminal homicide occur with decreasing frequency.<sup>15</sup>

With only minor exceptions the pattern of consistent rate increases from the most rural to the most urban areas have been found in Kansas,<sup>16</sup> Iowa,<sup>17</sup> Wisconsin,<sup>18</sup> Michigan,<sup>19</sup> and West Virginia.<sup>20</sup>

However, from time to time and place to place, there have been exceptions to this trend. Elliott suggests that the existence of "frontier mores" accounted for high rates of crime in some communities even though small in size during the developing years of the United States, and may still have an impact. Thus, frontier towns, river towns, seaports, and border areas have had high rates of crime regardless of the degree of population concentration.<sup>21</sup> Logging counties<sup>22</sup> and mining counties<sup>23</sup> have also been found to have relatively high crime rates, in spite of the nonurban classification of the counties. This has often been accounted for by the preponderance in these areas of young, single males who constitute a high criminal risk category.

When a more refined classification system than rural-urban is used, it has been found that rural areas' rates for crimes against persons may exceed the rates for small towns. This is especially the case for the offenses of rape and aggravated assault.<sup>24</sup>

Other deviations from the general trend have occurred over time. There is evidence that the excess of crimes in urban areas over rural areas has been decreasing with time. In fact, since at least 1945 the rural crime rate (and more recently, the suburban crime rate) has increased more rapidly than the urban rate of crime.<sup>25</sup>

It is worth noting some of the ad hoc attempts which have been made to explain the rural-urban differential.

It has been contended that the rural-urban gradient is a function of the fact that the statistics of crime reflect the varying intensity of police action, the differential concentration of law enforcement efforts, and the differences in response to deviance in rural and urban areas. In general, it is believed that minor offenses are less likely to produce official action and thus less likely to become part of the crime statistics in rural areas. This, in conjunction with less efficient law enforcement and low concentration of enforcement efforts, has led to an underestimation of the rural rate of crime.

Blumenthal, for example, has indicated that the intimate nature of the relationship between small town residents which on the one hand deters deviant behavior, creates problems for the enforcement of law. Public opinion does not support the formal enforcement of laws against neighbors who commit minor offenses.<sup>26</sup> However, Sutherland among others, points out that the large

<sup>14</sup> Schuessler, op. cit., p. 323.

<sup>15</sup> Elmer H. Johnson, "Crime, Correction, and Society" (Homewood, Ill.: The Dorsey Press, 1964), pp. 62-63.

<sup>16</sup> Mapheus Smith, "Tier Counties and Delinquency in Kansas," *Rural Sociology*, 2 (September 1937), pp. 310-322.

<sup>17</sup> Charles N. Burrows, "Criminal Statistics in Iowa," *University of Iowa Studies in the Social Sciences*, Vol. 9, No. 2, 1930.

<sup>18</sup> M. G. Caldwell, "The Extent of Juvenile Delinquency in Wisconsin," *Journal of Criminal Law and Criminology*, 32 (July-August 1941), pp. 145-157.

<sup>19</sup> Paul Wiers, "Juvenile Delinquency in Rural Michigan," *Journal of Criminal Law and Criminology*, 30 (July-August 1939), pp. 211-222.

<sup>20</sup> Helen L. Yoke, "Crime in West Virginia," *Sociology and Social Research*, 16 (January-February 1932), pp. 267-273.

<sup>21</sup> Mabel A. Elliott, "The Influence of Population Density on Crime," *American Sociological Review*, 9 (April 1944), pp. 185-192.

<sup>22</sup> Wiers, op. cit.

<sup>23</sup> Yoke, op. cit.

<sup>24</sup> Walter C. Reckless, "The Crime Problem" (New York: Appleton-Century-Crofts, Inc., third edition, 1961), pp. 64-66.

<sup>25</sup> See "Uniform Crime Reports," 1945 through 1965.

<sup>26</sup> Albert Blumenthal, "Small Town Stuff" (Chicago: University of Chicago Press, 1932), pp. 187-188.

proportion of urban crime is overlooked. "It is not at all certain that this proportion is any less than the proportion of rural crimes that is overlooked."<sup>27</sup>

The evidence on this score is certainly equivocal. Wiers, in an early study, noted a remarkable comparability between rural and urban courts with respect to the sex, age, and disposition of delinquency cases. He took this to imply that "response to deviance" is similar in rural and urban areas, at least from the point of recognition to the point of disposition.<sup>28</sup> However, studies comparing rural and urban offenders, which will be cited shortly, cast doubt on the comparability of rural and urban crime and delinquency.

Another explanation suggested for the differences between rural and urban crime and delinquency rates is that the urban area may not in fact provide a greater impetus than the rural area for participating in crime, but it does provide more opportunities for participation in criminal activities. Lottier<sup>29</sup> and Boggs<sup>30</sup> although both concerned with intercity differences, note that conventionally rates of occurrence of crime are calculated by dividing the number of a specific crime that occurs in an area by the area's population. It is argued, however, that the number of offenses should be divided by the "number of exposures" in order that the risk of the specific event can be incorporated as the base. For example, the number of rapes should be divided by the exposure to the possibility of rape; that is, by the number of women in the area.

The fact that the smallest urban-rural crime ratios occur for murder and aggravated assault (rather than for property offenses) may indicate that rural-urban crime rate differentials are more apparent than real. The lowest rate differentials occur for offenses where the exposure or opportunity factor is taken into account. That is, people constitute the base for these crime rates, and the number of people in an area would constitute a rough index of opportunity. If risk were incorporated into the base of property crime rates, the urban-rural ratio might in fact decrease for these offenses. However, this is an empirical issue which has not yet been resolved.

Other attempts to explain the rural-urban differential have centered on comparisons of rural and urban offenders. Early studies concentrated on locating and describing differences between rural and urban offenders and contributed little to explaining these differences.<sup>31</sup> Clinard, Lentz, and Ferdinand, on the other hand, have not been content merely to describe differences but have at least indirectly attempted to test the hypothesis that the relative incidence of urban features of life account for the differential in crime rates of different areas.<sup>32</sup> With some exceptions, which will be considered, Clinard, Lentz, and Ferdinand have come up with similar results even though they have investigated offenders of different ages and at different stages in the apprehension to disposition process.

When compared to rural nonoffenders, rural offenders were found to have more contacts of an impersonal nature (that is, contacts outside the home community),

they were considerably more mobile horizontally, and conceived of themselves as unattached to a community. Urban offenders generally showed greater sophistication relative to the techniques for committing offenses, showed more evidence of membership in some sort of delinquent or criminal subculture, and were more often apprehended in the company of others than were rural offenders.

Evidence is also provided which indicates that there is a different response to offenders by the rural and the urban community. Urban offenders were found to have more appearances in court and more experience on probation than rural offenders. The implication is that there are probably more services available to urban offenders (particularly juveniles), and that the tolerance of their behavior is as a result extended.

Lentz and Ferdinand did come to different conclusions concerning the distribution of offenses among rural and urban juvenile offenders. Lentz found that urban boys had higher rates of property offenses and rural boys had higher rates of general misconduct; whereas, Ferdinand found that the number of offenses against authority increased much faster than the number of property offenses as urbanization increased. That is, rural boys committed predominantly property offenses, while urban boys committed both property offenses and offenses against authority.<sup>33</sup>

This apparent contradiction may be a function of the offense classifications used in the two studies, and of the samples of offenders used. Lentz concentrated on institutionalized delinquents, whereas Ferdinand studied all juveniles appearing before juvenile courts. It may be that rural boys are institutionalized only when they are considered "ungovernable" and that property offenses are resolved within the more intimate local community. Urban offenders, however, are institutionalized for both types of offenses, neither of which can be readily resolved in the impersonal urban environment.

Looking at these studies of rural and urban offenders as a unit, it is possible to summarize their findings as follows:

1. The greater the degree of urbanism in a community, the greater the rate of property offenses, other factors held constant.
2. In rural areas, there is a comparative absence of continuity in the criminal culture as compared with the the interstitial slum areas of a more heterogeneous urban culture.
3. Most rural offenders are of the individual rather than of the group type. Their differential association has been of an occasional or fortuitous character.
4. Offenders from areas of slight or moderate urbanism in contrast to offenders from areas of extensive urbanism are not frequently definite criminal social types, characterized by criminal techniques, criminal argot, and a definite progressive criminal life history, at least prior to prison experience.

<sup>27</sup> Edwin H. Sutherland and Donald R. Cressey, "Principles of Criminology," (Philadelphia: J. P. Lippincott Co., seventh edition, 1966), p. 188.

<sup>28</sup> Paul Wiers, "Can Rural and Urban Delinquency Be Compared?" *Journal of Criminal Law and Criminology*, 30 (November-December 1939), pp. 522-533.

<sup>29</sup> Stuart Lottier, "Distribution of Criminal Offenses in Metropolitan Regions," *Journal of Criminal Law and Criminology*, 29 (May-June 1938), pp. 37-50.

<sup>30</sup> Sarah L. Boggs, "Urban Crime Patterns," *American Sociological Review*, 30 (December 1965), pp. 899-908.

<sup>31</sup> See for example: John F. Vullenmier, "A Comparative Study of New York City and County Criminals," *Journal of the American Institute of Criminal Law and Criminology*, 4 (February 1921), pp. 528-550.

<sup>32</sup> Marshall B. Clinard, "The Process of Urbanization and Criminal Behavior," *American Journal of Sociology*, 48 (September 1942), pp. 202-213; Marshall B. Clinard, "A Cross-Cultural Replication of the Relation of Urbanism to Criminal Behavior," *American Sociological Review*, 25 (April 1960), pp. 253-257; William P. Lentz, "Rural and Urban Differentials in Juvenile Delinquency," *Journal of Criminal Law, Criminology, and Police Science*, 47 (1956), pp. 331-339; and Theodore N. Ferdinand, "The Offense Patterns and Family Structures of Urban, Village, and Rural Delinquency," *The Journal of Criminal Law, Criminology, and Police Science*, 55 (1962), pp. 86-93.

<sup>33</sup> Lentz, op. cit., and Ferdinand, op. cit.

The central implication of these studies is that the differential between rural and urban offenders and rural and urban crime rates is a product of the absence of a criminal culture in rural areas where more personal relationships between community residents exists than within urban areas. Urbanism is seen as an impetus to criminal activity through the provision of an environment conducive to the generation of a criminal subculture. Urbanism is usually defined as:

\* \* \* the spread of secondary relations (impersonal, utilitarian, segmental); high mobility and superficial contact; indifference (a blasé attitude); the breakdown of primary group controls and the increased importance of formal rules and secondary controls which allow much anonymity; big mass organizations and voluntary associations, on the one hand, and individuated persons, atomized social life, on the other.<sup>34</sup>

However, there is evidence to indicate, as Wilensky and Lebeaux note, that this traditional view of urbanism needs to be reexamined for it may be that:

\* \* \* the breakdown of primary group life and informal controls has been greatly exaggerated, and that the mobility and variety of city life can become routine instead of disruptive.<sup>35</sup>

Furthermore, we must recognize that generalizations based on differences between individuals cannot, without risk of error, be applied to differences between areas. For example, the fact that rural offenders do not appear to share a criminal culture, may mean only that these particular offenders have not been in a position to share an existing criminal subculture, not that such a culture is missing in rural areas.

A particularly important finding in Ferdinand's study was the existence of a complex relationship between family disorganization, community organization (indexed by rural, village, or urban status of the county) and the type offense committed by the juvenile. He concludes that as urbanism increases, family disorganization becomes more prominent in the history of male property offenders, but not in the history of female offenders or male offenders against authority. On the other hand, family disorganization is consistently present and associated with crimes against authority regardless of community organization. Crimes against authority are found to be absolutely more prevalent in urban areas, apparently as a result of the high urban rate of family disorganization resulting from divorce and separation. Ferdinand's findings lead to the conclusion that the relationship between type of offense, number of offenses and the rural-urban dimension is not a simple one. Apparently, variables such as family disorganization (and probably others) are highly correlated with specific crime and delinquency rates only under certain conditions of community organization.<sup>36</sup>

This observation is more fully supported by Quinney who was concerned with the relationship between structural characteristics of areas and their crime rates.<sup>37</sup> Quinney found that structural correlates of offense rates operate differentially in three types of population areas: rural; urban; and standard metropolitan statistical areas. Rural and urban areas were found to be "more sensitive to structural variations in relation to crime rates than are the larger urban SMSA's."<sup>38</sup> In addition, the extent to which structural characteristics were related to offenses varied by offense. For example, median family income was consistently negatively associated with murder rates, whereas it was consistently positively correlated with larceny in the three population areas.

Summarizing Quinney's findings, it appears that socioeconomic variables are more highly correlated with offense rates in rural and urban areas than in SMSA's, and more specifically these variables are negatively correlated with murder and aggravated assault.

\* \* \* (this) may be due in part to a combination of more rigid law enforcement in small communities and greater conflict between socioeconomic status groups in these areas. Both factors operating together would make socioeconomic differences more critical in relation to crime (especially property crime) in rural and urban areas.<sup>39</sup>

Variables indicating differentiation (racial, occupational, and social) and development (social change) also showed a differential pattern of relationship with offense rates. These variables which indicate change and diversity within an area are in general positively correlated with offense rates, the former being most highly correlated with offenses in urban areas, and the latter with offenses in rural areas. It is argued that change in behavior patterns lessens social integration and makes areas subject to change vulnerable to increasing crime rates. Interestingly, percent employed in manufacturing is negatively related to offense rates, especially in urban areas, implying that the process of industrialization "reduces offenses."<sup>40</sup> Percent nonwhite is found to be positively correlated with murder and aggravated assault in all population areas, and this is attributed to a "tradition conducive to personal offenses" in areas with concentrations of nonwhites.<sup>41</sup>

Finally, family structural variables are also found to have a differential relationship to crime rates in different sized population units.

\* \* \* percent age 50 and over is correlated (negatively) most highly with offenses in urban areas, with the exception of a high correlation for murder in SMSA's. It is in urban areas that percent females in the labor force is correlated (positively) most highly with murder, forcible rape, aggravated assault, auto theft, and total offenses. Percent owner-occupied housing is most highly correlated with forcible rape in urban areas and with auto theft in SMSA's.<sup>42</sup>

<sup>34</sup> Harold L. Wilensky and Charles N. Lebeaux, "Industrial Society and Social Welfare" (New York: The Free Press, 1965), p. 120.

<sup>35</sup> Wilensky and Lebeaux, op. cit., p. 125.

<sup>36</sup> Ferdinand, op. cit.

<sup>37</sup> Quinney, op. cit., pp. 45-52.

<sup>38</sup> Quinney, op. cit., p. 49.

<sup>39</sup> Quinney, op. cit., p. 50. This quotation also serves to illustrate that there is disagreement regarding the rigor of law enforcement in communities of varying size.

<sup>40</sup> Quinney, op. cit., p. 50.

<sup>41</sup> Quinney, op. cit., p. 51.

<sup>42</sup> Quinney, op. cit., p. 51.

The differential relationship between structural variables and offense rates in varying sized population areas is explained by Quinney in terms of differences in the scale of society as reflected in the various types of population areas. That is, rural, urban, and metropolitan areas are held to represent different degrees of scale, the concomitants of which are the range and intensity of social relations, differentiation of function, dependency on the larger society and complexity of organization. It is concluded that:

Since the SMSA represents the most advanced stage of societal scale at this point in the history of Western civilization, and since offense rates are least associated with structural characteristics in these large urban centers, the implication is that as (or if) the other population areas increase in scale in the future, crime rates are less likely to be associated with structural characteristics.<sup>43</sup>

However, Quinney does point out that variables not considered in his study may gain importance as societal scale increases.

In concluding this section on rural-urban differences in crime rates, we can state that if we are to gain a clear understanding of the excess of urban over rural rates, we must take into account such things as the number of opportunities available in these areas for participation in crime; and we must recognize that the impetus to participate in crime may operate differentially in different sized population units. We cannot simply conclude that urbanism "causes" high crime rates. Rather, we must investigate the relation of offense and offender rates in areas characterized by different degrees of urbanism to the type of social organization and social process which may be in operation in these areas.

## INTRACITY DIFFERENCES

That crime and delinquency rates are unevenly distributed within the boundaries of any city, town, or metropolitan area is another one of the empirical regularities which has been part of the common knowledge of students of crime and delinquency for many decades.

As early as 1912, Breckenridge and Abbott had formalized this knowledge by plotting on a map the residences of child offenders in Chicago during the period July 1899 through June 1909. By means of such a procedure they located areas of concentration, or delinquent neighborhoods which they characterized as densely populated, congested wards, located near the river and canals, bounded by railroads and manufacturing and commercial plants, and containing tenement and lodging houses.<sup>44</sup>

Shaw, McKay, and other students of the "Chicago school" initiated more extensive analyses of the distribution of crime rates in urban areas and attempted to explain these distributions.

The empirical regularities that Shaw, McKay, and others "discovered" include the following:

1. Rates of delinquency and crime vary widely in different neighborhoods within a city, town, or SMSA.
2. The highest crime and delinquency rates generally occur in the low-rent areas located near the center of the city, and the rates decrease with increasing distance from the city center. (This finding is often referred to as the gradient hypothesis, and is most frequently illustrated by computing offender rates for concentric residence zones radiating out from the city center.)
3. High delinquency rate areas tend to maintain their high rates over time, although the population composition of the area may change radically within the same time period.
4. Areas which have high rates of truancy, also have high rates of juvenile court cases and high rates of adult offenders. In addition, if an area has a high rate of male delinquency, it usually has a high rate of female delinquency.
5. The differences in area rates reflect differences in community background. High rate areas are characterized by such things as physical deterioration and declining population.
6. The delinquency rates for particular nationality and ethnic groups show the same general tendency as the entire population; namely, to be high in the central area of the city and low as these groups move toward the outskirts of the city.
7. Delinquents living in areas of high delinquency rates are the most likely to become recidivists, and among all recidivists, they are likely to appear in court several times more often than those from areas with low delinquency rates.
8. In summary, delinquency and crime follow the pattern of the social and physical structure of the city with concentration occurring in disorganized, deteriorated areas.<sup>45</sup>

Shaw and McKay applied a social disorganization explanation to their findings. That is, they noted that the areas of concentration of crime and delinquency in American urban areas are those characterized by economic dependency, high industrial concentration, physical deterioration, rented homes, foreign and Negro populations, and few social institutions supported by local residents. In such areas, it is postulated that lawlessness becomes traditional, and adult criminals become prestige figures. In addition, age integrated gangs exist in such areas over many decades. Channels for the transmission of criminal codes and standards are established, and the stage is set for the acquisition of skills and techniques for the execution of criminal acts. In addition, forces operating in opposition to delinquency are few and weak. This is attributed in part to the fact that these delinquency areas are characterized by a highly mobile population which is drawn from a heterogeneous cultural pool, and is thus unable to work cooperatively in the solution

<sup>43</sup> Quinney, *op. cit.*, p. 52.

<sup>44</sup> Sophonisba P. Breckenridge and Edith Abbott, "The Delinquent Child and the Home" (New York: Russell Sage Foundation, 1912), pp. 22 ff.

<sup>45</sup> This listing of empirical regularities is derived from the following works: Clifford R. Shaw, F. Zorbaugh, H. D. McKay, and L. S. Cottrell, "Delinquency Areas" (Chicago: University of Chicago Press, 1942); Clifford R. Shaw and Henry

D. McKay, "Social Factors in Juvenile Delinquency," in "Report on the Causes of Crime," 2 (13) (Washington: National Commission on Law Observance and Enforcement, 1931); and Henry D. McKay, "Rate of Delinquents by Communities in Chicago, 1953-57" (Chicago: Institute of Juvenile Research, 1959, mimeographed).

of community problems. Furthermore, the individuals living in these areas are thought to be confronted with conflicting and inconsistent behavior standards, and deviant behavior is thought to be a viable mode of adjustment to this situation.<sup>46</sup>

Shaw and McKay also explained their findings in terms of the ecological processes of invasion and succession. High rate areas were characterized as interstitial, or as areas which were either undergoing or imminently undergoing land use change from residential to commercial and industrial. Such ongoing or imminent changes work against the establishment of community *esprit de corps* which could operate to deter delinquency.<sup>47</sup>

From these explanations stemmed the Chicago area projects which began in the early 1930's. These projects assumed that in spite of the disorder of the delinquency areas, a core of organized community life centered about religious, economic, and political activities. The projects were designed to unite the efforts of these sources to alter constructively the physical, economic and social conditions existing in the low-income areas. The new quality the projects added to the situation was the participation of parents and other lay residents in correcting the local conditions affecting adversely the lives of children and youth. It was assumed that persons residing in the areas would have a more intimate knowledge of the people with whom they worked than would "professionals" coming in from the outside. Local residents would already have relationships with local organizations which would be valuable in promoting the integration and effectiveness of the programs. Probably the area projects have reduced delinquency, but unequivocal evidence of this is not at hand.<sup>48</sup>

The original Shaw and McKay studies have served as the point of departure for most of the ecological studies which have attempted to explicate the differential distribution of crime and delinquency within urban areas. Many of these studies have aimed at the confirmation of Shaw and McKay's findings, many have attempted to add new dimensions, and others have been concerned with correcting or improving the methodological techniques utilized by Shaw and McKay.

One set of studies has been concerned with further study of the gradient hypothesis. Robison, in a well-known critique of the Shaw and McKay studies, argued that the use of concentric residence zones as areas for study was inappropriate in many cities because of their geographical layout, and the problems associated with locating the city center. However, to Robison the most serious difficulty with the Shaw and McKay studies became evident when more refined statistical techniques were applied to their data. Statistically significant differences between zones were found only for extreme area and zone comparisons. When the loop area of Chicago is compared with the district farthest from the center of the city, the rate differences are statistically significant. However, a comparison of rates in zone I (city center, loop) and zone II does not produce statistically significant results. Robison concludes that the Shaw and McKay data do not support the conclusions reached.<sup>49</sup>

Hayner, using many of the same techniques as Shaw and McKay, found that the residences of delinquents were concentrated in areas near the central business district and near basic industries in several Puget Sound area communities. Some Puget Sound cities did have high rates of delinquency in peripheral areas. However, these high rate areas were always located near concentrations of heavy industry and commerce. Discrepancies from the gradient which could not be explained by the location of industry and commerce, Hayner laid to the unique geographical features of cities such as Seattle and Tacoma.<sup>50</sup>

The gradient hypothesis has been tested in many cities both within and outside of the continental United States. Hayner, in a study of Mexico City, found that criminal offenses were concentrated in two major areas of the city; namely, the central district and the peripheral areas. Both of these areas were characterized as evidencing "poor environmental conditions," providing support for the social disorganization explanation of crime and delinquency.<sup>51</sup>

Lind attempted a cross-cultural validation of the gradient hypothesis by analyzing offense rates in Honolulu. The ecological patterns of disorganization, including indices of dependency, juvenile delinquency, and suicide were plotted. These were all found to be territorially distributed in Honolulu after much the same pattern of concentric circles described by Shaw and McKay. What discrepancies were observed were attributed to the racial-cultural composition of the areas. According to Lind, Honolulu is different from most U.S. cities in that immigrants to American cities are subject to the pressures of the society to accept the common set of cultural norms. In Hawaii, the large groups of immigrants (including Caucasians) constitute substantial communities, and thus competition over the appropriate social and moral norms is more severe than in the United States. Thus, the legal norms in Honolulu are only one of several sets of norms, and some immigrant groups are subject to high offense rates for those offenses which are tolerated within their ethnic groups but not by the enforcers of the legal standards.<sup>52</sup> The implication of Lind's discussion is that ghetto living conditions may interfere with the inverse relationship between crime rates (particularly of specific offenses) and distance from city center.

Lind also expanded on the earlier Shaw and McKay investigations which had concentrated on the zonal location of the residences of offenders, by analyzing the relationship between the residences of offenders and the places of their offenses. He found two separate patterns of group crimes which he labeled the "neighborhood triangle of delinquency" and the "mobility triangle of delinquency." In the first instance, two or more youthful offenders live in the same neighborhood in which the delinquent act is committed. In the latter, two or more youths live in the same neighborhood but the location of their offense is outside the residential neighborhood. The first triangle was most common in slum areas apparently due to the lack of social controls within these areas. This pattern most generally involved acts of mischief. The latter pattern occurred in more stable neigh-

<sup>46</sup> Shaw and McKay, "Social Factors in Juvenile Delinquency," pp. 60-108.

<sup>47</sup> Shaw et al., "Delinquency Areas."

<sup>48</sup> Solomon Kobrin, "The Chicago Area Project—A 25-Year Assessment," *Annals of the American Academy of Political and Social Science*, 322 (March 1959), pp. 19-29 and Anthony Sorrentino, "The Chicago Area Project After 25 Years," *Federal Probation*, 23 (June 1959), pp. 40-45.

<sup>49</sup> Sophia M. Robison, "Can Delinquency Be Measured?" (New York: Columbia University Press, 1936), pp. 170 ff.

<sup>50</sup> Norman S. Hayner, "Delinquency Areas in the Puget Sound Region," *American Journal of Sociology*, 39 (November 1933), pp. 314-328.

<sup>51</sup> Norman S. Hayner, "Crimogenic Zones in Mexico City," *American Sociological Review*, 11 (August 1946), pp. 428-438.

<sup>52</sup> Andrew W. Lind, "Some Ecological Patterns of Community Disorganization in Honolulu," *American Journal of Sociology*, 36 (September 1930), pp. 206-220.



borhoods where more effective social control curbs the expression of delinquency within the home neighborhood.<sup>53</sup>

However, Morris contends:

\* \* \* that the mobility pattern should be less characteristic of the slum than the neighbourhood pattern does not seem to be in keeping with the kind of information Shaw provides from his Chicago material, for while certain interstitial districts with their concentrations of business premises and railway yards provide opportunities for crime among the local residents, the interstitial slum areas are ecologically distinct from the central business district which is the scene of the crimes of many slum delinquents. The evidence would seem to suggest that crimes are committed where the practical opportunities are greatest rather than with reference to the attitudes of other members of the local community.<sup>54</sup>

Thus, the important factor is viewed as the opportunity structure rather than the degree of community disorganization.

In a study of Indianapolis, White was also concerned with the joint distributions of felons by residence and location of the felony. A decline in both offender and offense rates occurred as distance from the city center increased. More particularly, this decline was greatest between zones I and II (located nearest the city center); but there was a more precipitous decline between areas II and III for offender rates than for rates of offenses. For both distributions, the decline between zones IV and V were very slight. Thus, offenses tend to be more evenly dispersed than offenders. This same gradient, although less pronounced, held for misdemeanors.<sup>55</sup>

White also concerned himself with the distribution of opportunities for the commission of crime. He investigated the distance between the offender's residence and the location of his offense. In general, crimes against persons (manslaughter, assault, rape) were found to involve the least distance between residence and place of offense; whereas, auto banditry, embezzlement, and robbery involved the greatest distance between offense and the residence of the offender. Following in order of decreasing distance between offenses and the residence of the offender were auto theft, burglary, grand larceny, and obtaining money falsely. Petty larceny was the only property offense that would qualify as occurring in near proximity to the residence of the offender.<sup>56</sup> These findings tend to indicate that Lind's "triangles" may be more a function of the type offense engaged in and the opportunity for participating in the offense than of the structure of the neighborhood attitudes. Both the type of offenses and the opportunity for participation in the offense, however, may be a function of the structure of the total community and the community's location within the larger society, as will be demonstrated later.

The rates of offenses known to the police tend to decrease with increasing distance from the city center even when concentric zones are extended beyond the city limits of a metropolitan community into its commutation

zone and area of dominance. The major exceptions to this pattern, found by Lottier in his investigation of areas included within a 200-mile radius of Detroit, occurred in those zones which contained large industrial satellites. In these zones, the rates exceeded those of the preceding zones, ostensibly because of the existence of conditions that approximate those at the city center.

However, not all offenses followed this pattern neatly. It became apparent that the gradient offenses involved persons and the nongradient offenses involved property. Lottier computed several property offense rates based upon units of property rather than units of population (for example, he computed a ratio of chainstore burglaries to number of chainstores in each zone), and when this opportunity factor was taken into account, property offenses conformed more closely to the gradient. Lottier sought the explanation of the gradient in ecological processes, especially the gravitation of criminal activity, just as business activity, toward the center of the city where the greatest exploitation of communication and contacts occur.<sup>57</sup>

The tendency for both offense rates and arrest or offender rates to decrease in more or less direct proportion to an area's distance from the center of the city, where land value is highest, has also been found in Seattle. The primary difference between these two distributions is that the rates of offenses are generally highest in the central business district and next highest in the Skid Road area which borders on the immediate south of Seattle's central business district; whereas, this ordering is reversed for offender rates. Otherwise, the two distributions are similar although not identical. There appears to be a greater dispersion throughout the city of offenses against persons than of offenses against property. However, both types of offenses are concentrated in the city's central areas. Over time, this pattern has exhibited stability. Schmid found a high correlation between zone rates for 1939-41 and 1950-51. Variations with respect to volume and type of crime were found to correspond to natural areas, each with its own traditions, institutions, and physical characteristics.

As a result of a factor analytic study, Schmid isolated a factor which represented the "urban crime dimension par excellence." This factor, named "low family and economic status" had high loadings on proportion of unmarried and unemployed males, and on rates of common drunkenness, larceny, lewdness, petty larceny, fighting, highway and auto robbery. The factor labeled "low mobility groups" represented the noncrime dimension. This factor was loaded negatively on population mobility and population growth, and positively on proportion foreign born white (largely Canadian and northern and western European), owner-occupied dwelling units, population 60 years of age and over, and proportion employed as proprietors, managers and officials. This factor was not heavily loaded on any criminal offense.<sup>58</sup> These findings imply that in fact high crime rates do occur in "skid road areas" and low rates occur in stable, largely middle class areas. This may strike the layman as "much ado about nothing," as it merely is confirmation of a known fact.

<sup>53</sup> Lind, *op. cit.*

<sup>54</sup> Terrence Morris, "The Criminal Area" (London: Routledge and Kegan Paul, 1958), p. 93.

<sup>55</sup> Clyde R. White, "The Relation of Felonies to Environmental Factors in Indianapolis," *Social Forces*, 10 (May 1932), pp. 498-509.

<sup>56</sup> White, *op. cit.*

<sup>57</sup> Lottier, *op. cit.*

<sup>58</sup> Calvin F. Schmid, "Urban Crime Areas: Part I," *American Sociological Review*, 25 (August 1960), pp. 527-542, and Calvin F. Schmid, "Urban Crime Areas: Part II," *American Sociological Review*, 25 (October 1960), pp. 655-678.



However, part of the job of the student of crime and delinquency has been to determine which aspects of common knowledge have an empirical basis and which do not.

In general, the gradient hypothesis has been supported by empirical evidence. This is the case for both offender rates and offense rates. What discrepancies occur can usually be accounted for by geographical anomalies, the location of industrial and commercial complexes away from the center of the city, the existence of cultural enclaves, and the irregular distribution of opportunities to participate in crime. The major irregularity found is the increasing concentration of offenses and offenders in peripheral urban areas, especially as these areas take on the characteristics of the city center—industrial and commercial concentrations, low economic and family status, and high population mobility.

Other researchers have questioned Shaw and McKay's findings that the delinquency rates for particular nationality and racial groups show the same general tendencies as the rates for the entire population; namely, to be high in the central and other deteriorated areas of the city and low as these groups move away from such areas. Shaw and McKay supported this finding by noting that immigrant groups break up in the first area of settlement and therefore do not maintain any unique cultural structure, but take on the characteristics of the populations of the neighborhoods in which they live.

Robison contends that this assumption is unwarranted in light of the long existence of Chinese and Japanese living areas, often located near the central business district of urban areas. Robison, Hayner, and MacGill point out that these ethnic groups are characterized by unusually low rates of crime and delinquency. This is sometimes held to be the result of the esteem which the members' hold for their own nationality, the disesteem of the white community for the oriental, and the lack of conflict within the oriental families, all elements which foster group cohesion and effective social control.<sup>59</sup>

Criticism has been directed at the methodology and data utilized by Shaw and McKay to support their conclusion that diverse racial, nativity, and nationality groups possess relatively similar rates of delinquency in similar areas. This criticism is particularly directed at the failure to control for factors that might influence delinquent behavior (such as general economic and social forces, and social conditions in local areas at different points in time), and factors that might influence delinquency rates but not directly influence delinquent behavior (such as differences in laws, differences in police enforcement policies over time.)<sup>60</sup> It is argued that the Shaw and McKay assumption that the crucial factors producing delinquency are inherent in the neighborhood is unwarranted, and that delinquency is the product of such factors as culture conflict which can occur in any neighborhood regardless of its location.

Responding to those who claimed that certain racial and ethnic groups had high rates of crime and delinquency regardless of the neighborhood in which they resided, Moses contended that apparent crime rate differentials between races was a product of failure to control

for social class when racial comparisons were made. He found, however, that when areas "on equal planes of living" were compared, Negro area crime rates did in fact exceed those of white residential areas. He accounts for this excess by claiming the existence of subjective differences. In other words, whites may be as economically handicapped as Negroes, but these handicaps have a different meaning in Negro areas than in white areas. Lower class membership is postulated to be more restrictive for Negroes, as whites have greater opportunity for either the development of stable community relations or improved occupational status than do Negroes.<sup>61</sup>

A finding from Lander's study of Baltimore has attracted the attention of those interested in the relationship between the geographical concentration of racial groups and area crime rates. In Baltimore, the high concentration of Negroes in an area was found to be associated with a relatively low delinquency rate. Where Negroes constituted 50 percent or less of the population of an area, however, the delinquency rate was relatively high.<sup>62</sup> This same pattern was found in Washington, D.C.; and in addition, it was found that the high, positive association between racial heterogeneity of an area and the area's crime rate was maintained when socioeconomic level was held constant. Like Lander, Willie, and Gershenovitz contend that racially heterogeneous areas are characterized by a low degree of social integration and a high degree of anomie, which accounts for the high delinquency (offender rates) in these areas.<sup>63</sup>

From these findings, we may conclude that the racial composition of an area does have an impact upon the area's crime rate, but this relationship is not a simple one. That is, we cannot unequivocally assert that certain nationality or racial groups have high rates of crime regardless of their geographical location, nor can we state that the geographical location exclusively determines the crime rates of such groups. It is necessary to consider the area's ongoing social processes and the social and cultural structure of the residential area in order to understand the relationship between geographical location, racial composition, and area crime rate. In other words, the social integration of the area appears to be of crucial importance in predicting the area's rate of crime and delinquency.<sup>64</sup>

Other researchers have questioned the Chicago school's assumption that the ecological position of an area, per se, accounts for its crime rate. Donald Taft, for example, contended that the areas with high crime rates might not in fact produce offenders, but rather, might attract certain types of individuals who account for the concentration of crime in these areas. Taft examined the records of Danville, Ill., men who had been committed to prison for felonies, and concluded that while, in fact, social and economic conditions of areas directly influence the concentration of crime, a large proportion of those (over two-fifths) committed to prison from Danville's delinquency areas had criminal records before coming to Danville. Thus, both push and pull factors were operating in high delinquency areas.<sup>65</sup> Unfortunately, more recent data

<sup>59</sup> Robison, *op. cit.*, pp. 170 ff., and Hayner, "Delinquency Areas in the Puget Sound Region," pp. 314-328; and Helen G. MacGill, "The Oriental Delinquent in the Vancouver, B.C., Juvenile Court," *Sociology and Social Research*, 22 (May-June 1938), pp. 428-438.

<sup>60</sup> Christen F. Jonassen, "A Reevaluation and Critique of the Logic and Some Methods of Shaw and McKay," *American Sociological Review*, 14 (October 1949), pp. 608-609.

<sup>61</sup> Earl R. Moses, "Differentials in Crime Rates Between Negroes and Whites," *American Sociological Review*, 12 (August 1947), pp. 411-420.

<sup>62</sup> Bernard Lander, "Toward an Understanding of Juvenile Delinquency," (New York: Columbia University Press, 1954).

<sup>63</sup> C. V. Willie and A. Gershenovitz, "Juvenile Delinquency in Racially Mixed Areas," *American Sociological Review*, 29 (October 1964), pp. 740-744.

<sup>64</sup> Robert Angell, "The Social Integration of American Cities of More Than 100,000 Population," *American Sociological Review*, 12 (June 1947), pp. 335-342.

<sup>65</sup> Donald R. Taft, "Testing the Selective Influence of Areas of Delinquency," *American Journal of Sociology*, 38 (March 1933), pp. 699-712.

are not available to determine whether this mutuality of "push-pull" factors continues to operate in delinquency areas.

Emphasis has also been placed upon the pattern of social factors within urban neighborhoods. When census tracts in Fort Worth, Tex., were classified as secular or depressed folk areas, rather extreme differences in offense rates in the tracts were discovered. On the one hand, it was found that areas high in secularization had high suicide but low homicide rates, and relatively low rates for serious crime. On the other hand, depressed folk areas had low rates of suicide, but high rates of homicide and other serious offenses.<sup>66</sup>

Burgess also indicated that the ecological position of delinquency areas alone was not sufficient to account for their high offense rates. He emphasized the importance of poverty in high delinquency areas, empirically demonstrating that delinquency areas are areas of poverty and low income.<sup>67</sup> This relationship was supported in the five American cities Burgess investigated. In addition, the areas which had high rates of delinquency and poverty also had high rates of other social problems such as adult arrests, truancy, tuberculosis, mental disorders, and infant mortality.<sup>68</sup>

Believing that the gradient hypothesis was an oversimplification of the actual patterning of delinquency, Lander concluded that it was necessary to study the variation in rates by individual census tracts rather than by the zonal location of the tract. Rates varied so greatly within each concentric zone that variations between zones were overshadowed. Through the utilization of regression analysis, the variables proportion nonwhite in an area and proportion owner-occupied dwelling units in an area were found to be statistically important predictors of delinquency rates, whereas the proportion foreign born, average education, proportion overcrowding, and substandard dwelling units and average rent within an area were not.

The technique of factor analysis allowed Lander to isolate two configurations of variables, which he then attempted to analyze. The first, which Lander called the economic factor, included the characteristics of individuals living within the area (such as number of years of school completed), and three variables related to housing (namely, median monthly rental, substandard conditions, and overcrowding). The second cluster, which Lander named the anomic factor, included the delinquency rate of the census tract, the percentage of owner occupied homes and the ratio of nonwhites to whites. From this analysis, Lander concluded that the physical and economic characteristics of an area tend to be of secondary importance in understanding delinquency when compared with the presence or absence of the anomic factor.<sup>69</sup>

In Detroit, Bordua attempted a partial replication of Lander's study. As in Baltimore, percent dwellings owner occupied was an important predictor of delinquency. Education and overcrowded housing were also important predictors. That is, one element which Lander found to be an indicator of anomie was an independent predictor but, in addition, two economic indicators

which were not found to be important predictors in the Baltimore study were found to be important in Detroit. Furthermore, percent nonwhite, which was an important predictor of delinquency in Baltimore was not important in Detroit.

When factor analytic techniques were applied to the Detroit data, three factors were isolated. One factor was thought to describe deteriorated areas of nonwhite settlement, another seemed to be a poverty and social disorganization factor, and another was identified as a socioeconomic factor. This last factor included the delinquency rate, median education, estimated value of home, and median income. Bordua makes a case for considering median education as an indicator of anomie or social instability. Thus, he concludes that although his empirical findings are different than Lander's, his interpretation is the same: Anomie is an important predictor of juvenile delinquency.<sup>70</sup>

It should be noted that in both the Lander and Bordua studies the interpretation is post hoc, and anomie and delinquency are involved in a tautological relationship.

Through a reanalysis of the Baltimore and Detroit data, in addition to an analysis of comparable data for Indianapolis, Chilton attempted to resolve the points of difference between Lander's and Bordua's findings.

Chilton's review of the regression analysis of the three sets of data (making corrections for errors in Bordua's data, and discounting the appropriateness of the correction made for curvilinearity in the Baltimore study) leads to the conclusion that:

Owner occupied is a significant predictor in all three studies, but in spite of this and other similarities, the differences \* \* \* suggest that some of the conditions associated with delinquency in the cities studied vary from city to city. Although owner occupied is an important and statistically significant predictor in all three sets of data it has less relative weight in the Indianapolis results. And although overcrowded housing appears to be an important variable in Indianapolis and Detroit, ranking first in Indianapolis and second in Detroit, it is not a statistically significant predictor in Baltimore. Finally, foreign born is important in the Detroit results although it is one of the least important variables in Baltimore and Indianapolis.<sup>71</sup>

Since regression analysis emphasizes differences among the three cities, factor analysis was utilized to determine whether or not the variables are related to each other in the same manner in the three cities. The factor analysis provided remarkably congruent results for the three cities. (It should be noted that the factor analysis was conducted after errors in the Baltimore and Detroit data were corrected.) In all three cases:

\* \* \* one factor presents heavy loadings on education and rent, and another factor presents heavy loadings on owner occupied and delinquency. For Baltimore and Indianapolis, the two remaining fac-

<sup>66</sup> Austin Porterfield, "Suicide and Crime in Folk and Secular Society," *American Journal of Sociology*, 57 (January 1952), pp. 331-338. Indices of the "folk-secular" rating of census tracts within Fort Worth, Tex., were constructed from tract percentages of nonnativity, degree of urbanization and industrialization; percent nonchurch membership, and socioeconomic status (based on inverted indices of relief and overcrowding, and an index of home rental values). High scores indicated a high degree of secularization whereas, low scores indicated depressed folk tracts.

<sup>67</sup> Ernest W. Burgess, "The Economic Factor in Juvenile Delinquency," *Journal of Criminal Law and Criminology*, 43 (May-June 1952), pp. 29-42.

<sup>68</sup> Burgess, *op. cit.*

<sup>69</sup> Lander, *op. cit.*

<sup>70</sup> David J. Bordua, "Juvenile Delinquency and Anomie," *Social Problems*, 6 (winter 1958-59), pp. 230-238.

<sup>71</sup> Roland J. Chilton, "Continuity in Delinquency Area Research: A Comparison of Studies for Baltimore, Detroit, and Indianapolis," *American Sociological Review*, 29 (February 1964), pp. 71-83.

tors present heavy loadings for foreign born and percent nonwhite respectively; but for Detroit a third factor presents heavy loadings on foreign born and percent nonwhite, while a fourth factor represents heavy loadings on overcrowded and substandard housing \* \* \* in no case does the factor with heavy loadings for delinquency and owner occupied present a heavy loading on percent nonwhite \* \* \* though for Baltimore the loading for nonwhite \* \* \* is not light.<sup>72</sup>

Chilton's conclusion is that:

\* \* \* the underlying order or structure of these eight variables for Baltimore in 1940 is basically similar to the structure of these same variables for Detroit and Indianapolis in 1950, and the factorial results for all three cities are equivocal in respect to the hypothesis that delinquency is closely related to a condition of anomie.<sup>73</sup>

Chilton, in summary, calls attention to the great similarity in findings over three cities of different size, geographical layout, historical development, and demographic composition. As in the early Shaw and McKay studies, delinquency is still found to be related to transiency, poor housing, and economic indices.

Recognizing that the zonal analysis of Shaw and McKay provides only gross distinction between city areas, some researchers have adopted the technique of social area analysis which is a means for locating, within a larger area, units which are similar on a number of population characteristics. Social area typologies have been developed to provide an analytic framework for the study of the social structure of the American city.

The social area typologies utilized by those interested in the distribution of crime rates have been the Shevky-Bell typology and/or the Tyron typology.<sup>74</sup> The Tyron typology is based on cluster analysis in which scores for dimensions of family life, assimilation, and socioeconomic independence are derived for each census tract. These scores represent weighted mean standardized scores on several population and housing variables. The Shevky-Bell typology is a classificatory scheme, based on less formalized statistical procedures, in which patterns are developed in terms of three dimensions referred to as urbanization (or family status), segregation (or ethnic status), and social rank (or economic status). The family status index is based on the fertility ratio, the proportion of women not in the labor force, and the number of single family, detached dwellings within a census tract. The index of economic status is based on measures of rent, educational level, and occupational status; and the ethnic status of an area is based on indicators of race and nativity (low ethnic status indicates high concentration of native born whites).<sup>75</sup> According to Schmid, the configurations of census tracts obtained by the application of these two typologies are similar but not identical.<sup>76</sup>

Wendling and Polk were among the first to utilize the Shevky-Bell typology in order to further understanding

of the distribution of forms of deviant behavior; namely, suicide and delinquency, within urban areas. Working on the assumption that anomie is inversely related to social isolation (or negatively related to family status as measured in social area analysis), Polk and Wendling expected that the typological analysis of urban areas would help clarify the relationship between anomie, suicide, and delinquency rates.

In San Francisco, San Diego, and East Bay it was found that suicide rates were highest where many women were working, where fertility was low, and where there were many multiple dwellings. These are areas of low family status where anomie is thought to be high. The relationship between economic status and suicide, and between ethnic status and suicide showed no consistent patterns.<sup>77</sup>

Polk, in his study of San Diego, found juvenile delinquency rates highest in those areas labeled high in ethnic status (high in number of minority group members). Smaller correlations were reported between delinquency rates and family and economic status. But, the highest rates of juvenile delinquency occurred in neighborhoods with high ethnic status, low income, occupational and educational levels, and with little family life.<sup>78</sup>

Schmid analyzed crime rates of Seattle's census tracts classified on both the Shevky-Bell dimensions and the Tyron dimensions. The relationships between the dimensions of both typologies and 20 crime categories conformed to similar patterns. The Tyron family status dimension is most highly correlated (negatively) with the various crime categories, and ranking second and third are the Tyron assimilation dimension (similar to racial status in the Shevky-Bell typology) and the Shevky-Bell family status dimension. The highest correlations were found between automobile theft and theft from automobiles and the Tyron family life dimension. Thus, areas characterized by low fertility ratios, women in the labor force, and few single family dwelling units had the highest rates of crime, particularly crimes related to automobiles. The relationships between offenses and other typological dimensions were not as clear.<sup>79</sup>

Social area analysis (based on the Shevky-Bell typology) has also been applied to an investigation of crime (offender) rates, delinquency (offender) rates, delinquency-crime ratios, and specific crime rates in Lexington, Ky. Crime rates were found to be negatively correlated with economic status, positively correlated with racial status, but not correlated with family status. Delinquency was negatively correlated with economic status and family status, and positively correlated with racial status. The delinquency to crime ratio was positively correlated with economic status and negatively with family status and racial status. Furthermore, it was found that "high family status appears to be a deterrent to crime only in areas of low economic status," whereas, "high family status appears to be a deterrent to delinquency in both low and high economic areas."<sup>80</sup>

These findings indicate that both criminal offenders and delinquents are found in areas of low economic status and nonwhite and/or nonnative population concentration. Delinquents also appear to be located in areas of

<sup>72</sup> Chilton, op. cit., p. 75.

<sup>73</sup> Chilton, op. cit., p. 78.

<sup>74</sup> Eshref Shevky and Wendell Bell, "Social Area Analysis" (Stanford: Stanford University Press, 1955), and Robert C. Tyron, "Identification of Social Areas by Cluster Analysis" (Berkeley and Los Angeles: University of California Press, 1955).

<sup>75</sup> Shevky and Bell, op. cit.

<sup>76</sup> Schmid, "Urban Crime Areas, Part II," pp. 670-672.

<sup>77</sup> Aubrey Wendling and Kenneth Polk, "Suicide and Social Areas," *Pacific Sociological Review*, 1 (fall 1958), pp. 50-53.

<sup>78</sup> Kenneth Polk, "The Social Areas of San Diego," unpublished master's thesis, Northwestern University (1957).

<sup>79</sup> Schmid, "Urban Crime Areas: Part II," pp. 670-678.

<sup>80</sup> Richard Quinney, "Crime, Delinquency, and Social Areas," *Journal of Research in Crime and Delinquency*, 1 (July 1964), pp. 149-154.

low family status. Criminal offender rates, however, have no such clear relationship with family status, the relationship varying with the area's economic status.

Differences in the pattern and degree of relationship between the dimensions of the Shevky-Bell typology and rates of crime in Lexington and Seattle may be due to the fact that the Lexington study dealt with offender rates whereas the Seattle analysis was concerned with offense rates. Thus, family status may have a more direct impact on an area's offense rates than on its offender rates. Given the usual emphasis on the importance of "family" as an impetus to criminal behavior, such an explanation may seem unlikely. Instead, it may be that the conditions associated with crime and delinquency are not identical in Seattle and Lexington. It would be necessary to consider intercity differences to fully resolve the discrepancies between these two studies.

Another related study is one concerned with testing a thesis drawn from Cohen concerning the relationship between social rank and vandalism. It was predicted that for census tracts, the correlation between social rank (as indexed by the Shevky-Bell typology) and vandalism would be higher than the degree of relationship between delinquency in general and social rank. A higher correlation was also anticipated between percent nonwhite and total delinquency than between measures of social rank and total delinquency; on the assumption that race produces more severe limitations on achievement than does social rank, therefore, serving as a strong push in the direction of delinquency. This situation was also expected to produce a higher correlation between rates of vandalism and percent nonwhite than between percent nonwhite and delinquency in general.

Contrary to expectations, social rank had a higher negative correlation with overall delinquency than with vandalism, but the percent nonwhite in an area was more closely associated with total delinquency than was social rank (although the difference was not statistically significant). Likewise, the relationship between percent nonwhite and vandalism was higher than the relationship between social rank and vandalism. Tracts with nonwhites are much more likely to have high vandalism rates than are tracts which have no nonwhites. This effect was intensified when social rank was controlled. This outcome is interpreted as an indication of the harshness of racial barriers which is productive of nonutilitarian, malicious, and negativistic delinquent acts.<sup>81</sup>

Interestingly enough, whether concentric zones, individual census tracts, or census tracts grouped into social areas are investigated, the most frequent finding is that offenses and offenders tend to be concentrated in areas characterized by low income, physical deterioration, mixed land usage, nontraditional family patterns (e.g., homes broken in some manner, and/or high percentages of single males, and/or women employed in the labor force), and racial-ethnic concentrations which appear to produce low neighborhood cohesion and low integration of the neighborhood into the larger society. This statement is, of course, a gross oversimplification of the interrelationship of area attributes and crime and delinquency

rates. As noted previously, in order to predict and explain an area's crime rate, it is necessary to be aware of the existing social structure, ongoing social processes, and the population composition of the area, and the area's position within the larger urban and societal complex. It is only by taking such a perspective that we can:

1. gain an understanding of why the economic, family, and racial composition of an area are associated with offense and offender rates, and
2. understand why the nature of the association between these area characteristics and offense and offender rates vary over time and over different cities.

## INTERCITY DIFFERENCES

In an attempt to develop a clearer picture of the variation in the association between indicators of social structure and process and crime rates, Ogburn, as early as 1935, investigated intercity crime rate differentials. For American cities for which data were available in both the 1930 census and the 1933 "Uniform Crime Reports," a general crime rate was computed, and each city was classified as large (250,000 to 578,000 residents), medium (100,000 to 168,000 residents), or small (36,000 to 58,000 residents). The relationship between the general crime rate and selected socioeconomic variables (e.g., median rent, number employed in manufacturing, percent foreign born, family size) was investigated within each category of city size.

Although the findings are inconclusive, it became apparent that socioeconomic variables were differentially related to the general crime rate in cities of different size. For example, the percentage of Negroes in the population was positively correlated to the general crime rate in large cities, whereas it was negatively related to the crime rate in medium sized cities, and virtually unrelated to the crime rate in small cities.

Ogburn also discovered that there were clusters of variables which consistently had an impact on city crime rates, regardless of city size. There was a cluster of influences surrounding immigrants which Ogburn viewed as depressing crime rates. These influences included large family size, religious participation and employment in manufacturing. A second cluster represented an economic dimension. Ogburn found that the higher the economic status of the city (as indicated by average monthly rentals and wage increases), the lower the rate of crime. The third cluster was related to the sex ratio of the city. The more males in a city, the higher the city's crime rate.<sup>82</sup>

Schuessler, utilizing more sophisticated statistical techniques, attempted to determine whether variations in the crime rates of large American cities (those over 100,000) "could be statistically explained by a small number of general factors" or whether "a multiplicity of factors would be required."<sup>83</sup> Unlike Ogburn, Schuessler did not compute a general crime rate for each city, as he

<sup>81</sup> William Bates, "Caste, Class, and Vandalism," *Social Problems*, 9 (spring 1962), pp. 349-353.

<sup>82</sup> William F. Ogburn, "Factors in Variation of Crime in Cities," *Journal of the American Statistical Association*, 30 (March 1935), pp. 12-34.

<sup>83</sup> Schuessler, *op. cit.*, p. 323.

found that rates of offenses are not identically related to what were thought to be predictor variables (e.g., percent employed in manufacturing). However, of the 20 independent variables investigated, it was found that percent employed in manufacturing, percent foreign born males were both consistently, negatively correlated with all offense rates; whereas, percent crowded dwelling units and percent families of 2 or 3, and percent nonwhite are positively correlated with all offenses. (This in spite of the fact that a factor analysis of crime rates isolated two well known and defined components—crimes against persons and crimes against property. A third dimension could not be adequately identified, although it was suggested that it might correspond to organized crime.)

By factoring 20 independent variables and 7 offense rates, Schuessler came to the conclusion that a large proportion of intercity variation could be explained by 5 factors. The first factor was tentatively linked to social frustration and was thought to refer to the discrepancy between social goals and social ideals and the accessibility of opportunities for achievement. (This factor was positively loaded on percent nonwhite, murder rate, assault rate, percent crowded dwelling units, and negatively loaded on average income.) The argument constructed by Schuessler is a frustration-aggression one. That is, when individuals are led to believe that social advancement opportunities are equally distributed throughout the society, but live under semicaste conditions, high discontent and associated violence, especially in interpersonal relationships, may be expected to occur.

The second factor was heavily loaded on the property offenses but not on any of the independent variables. This was taken as the "x factor," which would require the introduction of additional predictor variables for clarification.

A third factor was thought to indicate the strength of institutional controls, and it was found that the incidence of crime is not highly dependent on this social condition, as had been thought to be the case by many theorists. Schuessler notes that weakening social control may precipitate a rise in offense rates only when certain other conditions prevail, such as "attitudes in the population which enable the individual to violate the law."<sup>84</sup>

A fourth factor, representing degree of industrialization also had no high loadings, and in fact only negative loadings, on offenses. Industrialization is thus seen as a mitigation against high offense rates. The fifth factor was left nameless as a result of insufficient evidence.<sup>85</sup>

Schuessler and Slatin, utilizing additional independent variables and controls for population composition, conducted a more extensive analysis of the 1950 and 1960 "big" city data. As a result, they concluded that the variation in the crime rates of cities may be resolved into several general statistical factors which were interpreted as corresponding to social dimensions.<sup>86</sup> In this analysis, offense rates were found to be consistently dependent on an anomic factor and a minority factor. Property offenses were found to load heavily on the anomic dimension, offenses against persons on the minority factor. A

family factor, an economic factor and a conformity factor had only low and inconsistent loadings on offenses. Thus, Schuessler and Slatin conclude that their findings:

1. \* \* \* weaken if not repudiate the notion that the variation in the offense rates among large cities may be attributed to a single general factor, such as urbanization, industrialization, or standard of living \* \* \*

2. On the other hand, they suggest that the dependency of crime on social structure has a relatively simple character belied by the apparent complexity of social circumstances \* \* \*

3. The differences among offense rates in their factorial loadings is evidence that the social process of personal crime differs from that of property crime; further, that the process underlying serious property crime differs from that of petty crime. Personal crime appears to be an aspect of minority relations; property crime appears to be an aspect of the anomic process \* \* \*

4. The specific differences between our findings and those based on small geographic areas (e.g., census tracts) within a given city carry the implication that generalizations about variation between large cities do not necessarily hold for subdivisions within those cities.<sup>87</sup>

Bringing their data to bear on existing hypotheses explaining differential distributions of crime and delinquency, Schuessler and Slatin contend that anomie and minority relations are indices which imply that city crime rates vary with the degree of differential social disorganization. The primary problem encountered lay in locating independent predictors of differential social disorganization; that is, predictors other than the crime rates themselves.

Unfortunately, the problem of intercity crime rates has only been pursued to a limited extent. Thus, we have little comparative data which would enable us to answer such questions as: Is the variation between crime rates of "nonlarge" cities accounted for by variation in an anomic and a minority factor? Why is a large proportion of "within or intracity variation" of crime rates accounted for by an economic dimension, whereas intercity variation is relatively independent of this variable? Do intercity crime rate variations hold up over time and over all offenses?

## REGIONAL DIFFERENTIATIONS

Many of the same questions also remain unanswered concerning regional differentiations in offense rates. It has long been recognized that regions of the United States, as defined by the census, have differential concentrations of both volume and type of crime.

Lottier, in 1938, analyzed sectional crime rates in the United States and reported a center of concentration for murder in the Southeastern States, with a somewhat reg-

<sup>84</sup> Schuessler, *op. cit.*, p. 325.

<sup>85</sup> Schuessler, *op. cit.*, p. 327.

<sup>86</sup> Schuessler and Slatin, *op. cit.*, pp. 127-148.

<sup>87</sup> Schuessler and Slatin, *op. cit.*, p. 146.

ular gradient to the north and west. Robbery was concentrated in the Middle Central States, with an axis running from Tennessee and Kentucky to Colorado, and decreasing rates on either side of the axis.<sup>88</sup> Shannon repeated this study 15 years later and found essentially the same pattern. However, it was found that rates of crimes against persons showed more marked regional concentration than did rates of crime against property. This may well be due to the fact that these latter rates were not based on the total property values in the states in question, but rather on the population of the States.<sup>89</sup>

Looking at regional variations over a 30-year period from 1930 to 1960, marked changes in offense distributions are noted. New England and the middle Atlantic region were the early, undisputed occupants of the lowest crime rate position. The south Atlantic, the east south-central, and the west south-central regions were the occupants of the highest position in volume of crime. In the late thirties, the Pacific region came up to tie for next to highest place in crime volume with the east south-central region. In the postwar years, New England and the middle Atlantic divisions maintained their favorable position in the composite crime ratings, but the West overtook the South Atlantic States, and the Pacific region took over the most unfavorable crime position. This situation held through 1957.

As Reckless notes:

A drastic change in the crime rates for the different major offenses by regions takes place in the 1958 data (crimes known to the police). One notices that the rank order ratings for larceny and for auto theft change markedly in 1958 over 1939 and cause most of the shifts in composite rank position of the various regions. It is not known why such a drastic shift took place in the regional auto theft rates. Part of the change in regional crime rates for theft is due to the fact that only theft in excess of \$50 was included in the theft coverage of 1958, whereas theft under, as well as above \$50 has been covered in previous reports. Another possible reason for the drastic shifts in crime rates by regions is the fact that the areas reporting crimes known were enlarged in the various areas and were not restricted to the urban communities as heretofore. Another reason is that the population base for the 1958 rates was the estimated population of the region in 1958 rather than the population in 1950.<sup>90</sup>

Subject to all of the qualifications surrounding the statistics of offenses known to the police, the 1964 "Uniform Crime Reports" indicates that New England had the lowest rates for homicide, rape, robbery, and aggravated assault. The east south-central region had the lowest burglary, larceny, and automobile theft rates. The highest rate for homicide appeared in the south Atlantic region. The highest rates for burglary, larceny, and automobile theft were found in the Pacific States, while the highest robbery rate occurred in the East North Cen-

tral States. The highest forcible rape rate was in the Mountain States.

Explanations of these differences have been both few and far between and speculative in nature. Reckless attributes the high rates for homicide and assault in the South to a gun and knife carrying tradition occurring in conjunction with a traditional code requiring defense of personal honor. Together these traditions are held to lead to a reaction of physical violence against persons in the face of personal differences. In addition, minority status pressures are believed to lead Negroes to pursue violence in their interpersonal relations.<sup>91</sup> The high property offense rate in the West in sometimes accounted for by the casual style of living in this area and the emphasis on outdoor activities which leaves property unprotected, thereby providing opportunities for auto theft and various forms of larceny and burglary.<sup>92</sup>

## SYNTHESIS

Generally, ecological studies of crime and delinquency indicate that there are systematic differences in the distribution of crime and delinquency in general, and of specific crimes in particular, between and within regions, and between and within cities. The most frequent finding is that crime rates in general, and property offense rates in particular, decrease as distance from the center of urban areas increases. This is particularly the case when the center of the urban area is characterized by physical deterioration, high rates of economic dependency and poverty, transiency, minimal community organization, a high degree of anomie, and high concentrations of depressed minority groups.

Such findings have, of course, been the basis for much of the current attack on crime and delinquency. Attempts are being made to improve the educational and occupational status of those living in delinquency areas; and efforts have also been directed toward inducing stronger community organization within depressed areas thereby reducing the alienation of residents of these areas from the larger society. In addition, physical regeneration of these areas has been advocated. In other words, attempts are directed toward the solution of the "American dilemma."<sup>93</sup> The American dilemma is a resultant of the belief that all men are created equal (or perhaps more accurately, that all men have not only an opportunity but an obligation to be successful) in conjunction with the reality that some individuals in our society are disadvantaged, they do not have equal opportunities to succeed. Thus, most current attempts at delinquency and crime prevention are directed toward opening the opportunity structure.

There is no doubt that some, even many, individuals will be "saved" by such procedures. Many individuals will probably have better "life chances" as a result of such programs, particularly if educational and vocational programs are directed toward the mutual problems of increasing skill dilution, increasing skill obsolescence, and increasing occupational specialization.<sup>94</sup>

<sup>88</sup> Stuart Lottier, "Distribution of Criminal Offenses in Sectional Regions," *Journal of Criminal Law and Criminology*, 29 (September-October 1938), pp. 329-344.

<sup>89</sup> Lyle W. Shannon, "The Spatial Distribution of Criminal Offenses by States," *Journal of Criminal Law and Criminology*, 45 (September-October 1954), pp. 264-274.

<sup>90</sup> Reckless, *op. cit.*, p. 69.

<sup>91</sup> Reckless, *op. cit.*, p. 70.

<sup>92</sup> Johnson, *op. cit.*, p. 66.

<sup>93</sup> Gunnar Myrdal, "An American Dilemma" (New York: Harpers, 1962, revised edition).

<sup>94</sup> Wilensky and Lebeaux, *op. cit.*, pp. 90-107.



But it still remains to be determined whether or not there will be a decrease in the rates of crime and delinquency as a result of such programs. It must be recognized that a new differential patterning of crime and delinquency rates over geographical areas may develop as a result of these programs. One finding which suggests that significant inroads into crime and delinquency rates may not occur as a result of programs directed primarily at changing traditionally hard-core delinquency areas is that crime rates have increased rapidly in rural areas and areas peripheral to urban centers (suburbs) over the past two decades. This has especially been the case as suburbs have become employment centered rather than residentially centered and have taken on the characteristics of central areas of urban units.

Unfortunately, data for city census tracts, cities, and/or regions have not been analyzed or collected over a sufficient period of time, consistently enough, or in enough detail to permit comparative analysis. Little effort has been made to determine the degree to which the social and economic characteristics of areas (census tracts, cities, and regions) have changed over several decades; and few investigations have analyzed how these changes are related to rates of crime and delinquency. For example, we do not know with certainty whether suburbs have been hit more severely than centrally located urban slums by such occurrences as automation which produces job obsolescence. Nor do we know whether this is productive of increased crime rates in peripheral areas, whereas job obsolescence may have little impact on crime rates in urban slums which are already characterized by high rates of unemployment.

Because of our lack of knowledge concerning the changing conditions of our society and the differential impact of these changes on various geographical units, we are in a poor position to make predictions concerning what will happen to crime rates in the United States, and we are in a particularly poor position to make predictions concerning differential distributions of crime and delinquency. Students of crime and delinquency rates have frequently failed to view the society as a system. Therefore, they have not analyzed in detail how changes in one area of the society, including the area's changes in crime and delinquency rates, influence changes in other areas of the society. Perhaps the most useful information we could have at this point is information concerning whether areas are becoming more or less differentiated relative to their social and cultural structures and their offense and offender rates. We need more comparative analysis both over time and at any given point in time, and a perspective which will allow us to view crime rates within a broader context than heretofore, particularly within the context of change.

We can speculate concerning what may be happening to crime and delinquency rates on the basis of a model which considers some of the causes and effects of the evolutionary course of territorial differentiation.<sup>95</sup> This diachronic model is based on the effects of technological change, and the relationship among a country's territorial divisions with regard to economic, social, and

demographic characteristics. The model, as presently discussed, is designed to encompass the economic differentiation and degree of interdependence among the territorial regions in a society rather than among cities or areas within cities.

From an historical point of view, it is assumed that in an economy based largely on agriculture, the territorial divisions of a society exhibit a great similarity. That is, in all geographical areas of the society there are high birth and death rates, low life expectancy, personal possessions and formal education are minimal, technology is simple, productivity is low, and little economic specialization occurs.

As technology develops from simple to complex (in terms of the number and variety of tools and machines, and the knowledge necessary for their operation) some areas specialize; and this is associated with the geographical concentration of the area's population. Technological development does not occur in all areas, but in those places where natural resources and trade routes are favorable.

Technological efficiency and population concentration bring other changes. Death rates fall, life expectancy increases, the standard of living rises, personal possessions and formal education increase, fertility rates decrease, and the society becomes more secular in nature. Areas with developing technology come to extend their influence over other areas as more laborers are needed and as the need for a market to consume the goods produced in the areas of population and technological concentration grows.

\* \* \* Continued technological development begins to influence the whole society. This occurs through increasing contact between the rural and urban areas through the improvement of transportation and communication. To support a concentrated nonagricultural population, the urban areas need an increased food supply, most of which comes from the rural agricultural areas. But the rural areas must increase their productivity to provide a surplus for trade with the cities. Therefore, agriculture begins to mechanize and specialize.<sup>96</sup>

Other areas begin to specialize in the production of the resources needed by manufacturing territories.

\* \* \* Out of the process of specialization, the society's territorial divisions become increasingly integrated economically.<sup>97</sup>

Technology spreads to all parts of the society's production system, including mining, forestry, fishing, and agriculture, which leads to a net decrease in the percentage of the labor force required in these activities as machinery replaces men. On the other hand, administrative and clerical positions increase. Communication, trade, and transportation between the society's regions increases, with a resulting decrease in "social distance" between areas. The more technologically advanced areas be-

<sup>95</sup> Sanford Labovitz, "Territorial Differentiation and Societal Change," *Pacific Sociological Review*, 8 (fall, 1965), pp. 70-75.

<sup>96</sup> Labovitz, *op. cit.*, p. 71.

<sup>97</sup> Labovitz, *op. cit.*, p. 71.



come more dominant in their influence on surrounding areas.

This model has been arbitrarily divided into four stages for descriptive and analytic purposes. These stages are not discrete, but represent points along a continuum. The stages identified are:

I. Territorial differentiation is nonexistent in stage I. The society is completely rural and each of the territorial units is economically independent and exhibits similar social and cultural characteristics. Technology is simple, based on animate energy sources, and is not sufficient to produce a surplus of goods and services for trade.

II. Stage II marks the onset of technological change and the concentration of population in one or a few areas. Cities develop, but rural areas remain economically independent, and social and cultural characteristics between the urban and rural areas increasingly diverge. The increasing level of technology is territorially contained and affects only the area in which it is located. Territorial differentiation increases as the urban areas develop and rural areas do not (or develop at a slower rate). The technology is developed sufficiently to permit a surplus, which leads to the interterritorial exchange of goods and services.

III. Technology changes across the boundaries of the developing areas and begins to pervade the whole society. The rural areas begin to specialize and develop, and an economic interdependence among the territories ensues. Consequently, the areas converge on social and cultural characteristics. Rural productivity becomes increasingly closer to urban productivity, and hence, differentiation decreases among areas.

IV. The logical extreme of this process is complete economic interdependence among the territories, all of which display similar characteristics \* \* \* 98

Labovitz is careful to note that while regions in a society may, relative to each other, be in one stage of evolution; units within regions, such as states or counties may be at different stages of development in relation to each other. That is territorial differentiation, or any other form of differentiation, is a relative thing, dependent on the positions of the units of analysis relative to each other.

Various processes may interfere with the progression of a society through the stages described. Such things as interference from outside societies through trade may lead to stages being skipped, and extreme territorial specialization may counteract trends toward convergence in regard to demographic and social characteristics.

In spite of these possible interferences, the model has been empirically supported for regions of the United States and to some extent for regions of Canada.<sup>99</sup> The evidence indicates that as far as regional differentiation is concerned, the United States is in stage III.

This model would lead us to predict that regions of the United States will have converging crime rates if in fact these rates are either related to such processes as urbanization, technological change, industrialization, or are related to antecedents of these processes.

Although it would be desirable to analyze territorial differentiation over a long period of time in the United States, for illustrative purposes, the degree of differentiation at two points in time, 1950 and 1960 is investigated. (It would also be desirable to ascertain intercity and intracity differentiation. However, the purpose here is to illustrate an approach which may be useful in predicting future crime and delinquency rates, rather than to formulate such predictions.)

A measure of differentiation was computed for seven different offenses over nine regions of the United States for the two points in time. In addition, measures of differentiation were computed for 14 variables which are frequently utilized in attempts to explain the differential distribution of crime and delinquency in the United States. These 14 variables can be roughly located in 3 general classes of variables:

1. Indicators of the type of sustenance organization of a region:
  - a. Percent of regional population employed in primary industry such as agriculture, mining, and fishing;
  - b. Percent of regional population employed in secondary industry; that is, manufacturing industries;
  - c. Percent of regional population employed in tertiary industry; that is, in service industries and all industries not included in primary or secondary industry.
2. Indicators of technological development of a region:
  - a. Value added by manufacturing per worker (workers include both production and administrative employees, and value added is the price of an item minus the cost of producing it);
  - b. Number of workers per establishment;
  - c. Percent females in the labor force;
  - d. Percent of regional population living in urban areas.
3. Indicators of the demographic composition of the region:
  - a. Percent females married;
  - b. Percent children enrolled in school;
  - c. Regional fertility ratio;
  - d. Percent democratic vote in presidential elections;
  - e. Age dependency ratio;
  - f. Sex ratio;
  - g. Percent of regional population Negro.

Table 1 shows the indexes of dissimilarity for these fourteen variables and the seven offenses. The index of

<sup>98</sup> Labovitz, op. cit., p. 72.

<sup>99</sup> For example, regions of the United States have been found to show convergence i: the degree of urbanization of regions through the early 1800's, increasing divergence through about 1910, and then increasing convergence up to the present time. This finding is crucially important in that the key concept in the model described is that of technological development. This concept has been difficult to operationalize. However, it has been found that reasonably high correlations exist between urbanization and technological development or efficiency. See: Jack P. Gibbs and Sanford Labovitz, "Urbanization, Technology, and the Division of Labor: Further Evidence," *Pacific Sociological Review*, 7 (spring 1964), p. 8. Thus, urbanization closely follows the predictions concerning territorial

differentiation when the period from 1790 to 1960 is considered. Interestingly enough, convergence, divergence, and eventual converging trends have been found for other social and demographic variables for periods of time ranging from the years 1790 to 1960. These trends have been noted in percent employed in primary industry, average education, percent females employed in the labor force, sex ratio, racial composition of regions, income, age dependency ratio, and voting behavior. Somewhat similar results have also been noted for the regions of Canada. See: Labovitz, op. cit., and Ross Purdy, "Territorial Differentiation and Societal Change: Further Evidence," unpublished manuscript, Washington State University, 1966.

dissimilarity is computed by means of the following formula:

$$ID = (\Sigma/X - Y) / 2^{100}$$

Table 1.—Indices of Dissimilarity of Selected Variables for Regions of the United States, 1950 and 1960

Variables	Indices of dissimilarity	
	1950	1960
1. Percent in primary industry.....	28.1	26.9
2. Percent in secondary industry.....	17.4	12.4
3. Percent in tertiary industry.....	3.4	2.4
4. Value added by manufacturing per worker.....	21.4	16.1
5. Percent females married.....	1.2	.9
6. Percent children enrolled in school.....	2.3	2.3
7. Number of workers per establishment.....	11.3	7.8
8. Percent females in labor force.....	4.2	2.2
9. Fertility ratio.....	3.8	3.0
10. Percent urban.....	10.0	6.4
11. Percent democratic vote.....	12.8	2.7
12. Age dependency ratio.....	2.7	1.6
13. Sex ratio.....	.8	1.0
14. Percent Negro.....	36.6	29.2
15. Murder rate.....	27.8	21.8
16. Forcible rape rate.....	13.8	12.3
17. Robbery rate.....	16.3	17.1
18. Aggravated assault rate.....	23.8	14.8
19. Burglary rate.....	12.3	14.2
20. Larceny over \$50 rate.....	13.7	9.6
21. Auto theft rate.....	14.3	16.7

<sup>1</sup> The index of dissimilarity for percent democratic vote was computed for the presidential elections of 1948 and 1952. Both elections produced the above result.

When the interest is in comparing a class of individuals or events with the population,  $X$  represents the percent that each territory has of the class of individuals or events under consideration (e.g., percent in primary industry, percent females married, percent urban, percent murders) and  $Y$  represents the percentage that each region has of the total population of all regions. The result indicates the minimum percentage of a class of people or set of events (e.g., primary industry employees, married females, urban residents, murders) that would have to move or occur elsewhere to give each region the same percentages in the classes of individuals or set of events under consideration. Thus, the figure 26.9 for percent in primary industry in table 1, indicates that 26.9 percent of the people now employed in primary industry would have to change regions for all regions to have the same percentage of persons employed in primary industry. The figure 21.8 percent for murder indicates that 21.8 percent of the murders which occurred in 1960 would have had to occur in other regions for all regions to have the same percentage of murders.

The data presented in table 1 clearly indicates that the 14 independent variables are converging over regions, with one exception; namely, sex ratio where there is a slight increase in differentiation between 1950 and 1960. Even over a 10-year period, however, we can see that regions are becoming more similar on a range of variables. When we look at crime rates, a somewhat different picture emerges. The rates of four offenses are clearly converging. Regions are becoming more alike in regard to their murder rates, their forcible rape rates, their aggravated assault rates and the rates for larceny over \$50.<sup>101</sup> However, in the case of three prop-

erty offenses, robbery, burglary, and auto theft, increasing dissimilarity occurs.

There are several possible explanations for this occurrence:

1. A 10-year period may not be of sufficient length to clearly indicate whether crime rates are converging or diverging.
2. It may be that the offense rates that diverge are outside of the scope of the model. That is, robbery rates, burglary rates, and auto theft rates may operate independently of the evolutionary processes encompassed within the model.
3. Or, rates for specific crimes may be differentially related to patterns of change, and regions may experience patterns of change at different points in time. The model predicts that technological development will occur in some areas and then spread, and with the spread, the areas will undergo demographic changes which result in the similarity between regions. If offense rates are differentially related to processes of change, the 1950-60 comparison may have "caught" the regions at different points in the evolutionary model which emphasizes diversity for some offenses and convergence for others.

Explanations two and three appear to be the most meaningful from an ecological point of view, and data is at hand which allow us to crudely evaluate the merit of these two explanations. However, since regions are being utilized as the unit of analysis, the population investigated consists of nine cases which makes the techniques to be utilized of questionable applicability and interpretability. What follows, therefore, can be viewed best as an indication of the direction that analysis of crime and delinquency rates might take to allow us to make sound predictions concerning these rates in the future.

A first step in explaining why regional crime rates are converging in four instances and diverging in three instances is the construction of an empirical classification of regions on the basis of changes they are undergoing in technology, sustenance organization, and demographic composition. The argument here is that an adequate explanation of area behavior rates presupposes an adequate description of the areas relative to the processes of changes they are experiencing.

In order to achieve this end, in at least an illustrative sense, regional change scores (1950-60) were computed for the 14 variables used as indexes of the sustenance organization, the technological development and the demographic composition of the 9 census regions. All regions were found to have experienced decline in percent employed in primary industry. For all other variables, regions generally showed slight to high increases with only few exceptions. (For example, the percent Negro in the total population increased in all regions except the three regions involving Southern States where this percentage decreased.)

<sup>100</sup> Jack P. Gibbs, "Occupational Differentiation of Negroes and Whites in the United States," *Social Forces*, 44 (December 1965), p. 161. See also Otis Dudley Duncan and Beverly Duncan, "Residential Distribution and Occupational Stratification," *American Journal of Sociology*, 60 (March 1955), pp. 493-503.

<sup>101</sup> The States making up the regions referred to are as follows:  
New England: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.  
Middle Atlantic: New Jersey, New York, Pennsylvania.  
East North Central: Illinois, Indiana, Michigan, Ohio, Wisconsin.

West North Central: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.  
South Atlantic: Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia.  
East South Central: Alabama, Kentucky, Mississippi, Tennessee.  
West South Central: Arkansas, Louisiana, Oklahoma, Texas.  
Mountain: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming.  
Pacific: Alaska, California, Hawaii, Oregon, Washington.

The question to be answered is whether these 14 variables represent essentially different aspects of change or whether they can be considered manifestations of a smaller number of more basic dimensions of change. The technique of factor analysis helps supply an answer to this question. The results of the factor analysis of the "change scores" are presented in table 2. (The correlation matrix of the 14 change scores was factored by the centroid method and the resulting matrix was rotated by the normalized varimax method. Of the factors extracted by this technique three were retained, as this appeared sufficient to reconstruct the original correlations with little error.)

Table 2.—Rotated Factor Matrix for Zero-Order Correlations Between Changes in Independent Variables, 1950-60

Variable	F1	F2	F3	h <sup>2</sup>
1. Percent in primary industry.....	0.85	-0.37	0.23	0.93
2. Percent in secondary industry.....	-.77	.37	.38	.87
3. Percent in tertiary industry.....	-.54	.20	-.71	.84
4. Value added by manufacturer per worker.....	-.12	.81	-.38	.81
5. Percent females married.....	-.55	-.60	-.40	.82
6. Percent children enrolled in school.....	-.07	.16	.84	.74
7. Number workers per establishment.....	-.38	.58	.37	.62
8. Percent females in labor force.....	-.61	.57	-.18	.73
9. Fertility ratio.....	-.97	-.04	-.02	.94
10. Percent urban.....	-.55	.76	-.09	.89
11. Percent democratic vote.....	.85	-.20	-.02	.76
12. Age dependency ratio.....	.93	-.21	-.17	.94
13. Sex ratio.....	-.17	-.83	.28	.80
14. Percent Negro.....	.92	-.04	.24	.91

Using a loading of 0.45 as an arbitrary cutting point, factor I is found to have heavy loadings on changes in variables indicating sustenance organization and demographic composition (i.e., percent employed in primary industry, percent employed in secondary industry, percent employed in tertiary industry, percent females married, fertility ratio, percent democratic vote, age, dependency ratio, and percent Negro). The only deviations from this tendency are the low loadings on percent children enrolled in school and sex ratio; and the high loading on percent females in the labor force which was identified as an indicator of technological development.

Unlike factor I, factor II is characterized by heavy loadings on changes in variables characterized as indicators of technology (i.e., value added by manufacturing per worker, number of workers per establishment, percent females in the labor force, percent urban). The only exceptions to this pattern are the high loadings on percent females married and sex ratio, both of which were used as indicators of demographic composition of the region.

Factor III is the weakest factor statistically, and its meaningful interpretation would appear to require the addition of further variables to the analysis. For this reason, this factor is not considered in the further analysis.

It is common practice to attempt to assign sociological meaning to the factors which are isolated in the manner described above. Perhaps by careful consideration of the signs of the factor loadings, it would be possible to relate sociological concepts to the two factors to be used in

further analysis. However, for the purposes at hand, it is sufficient to refer to factor I as representing a dimension of change in demographic organization and sustenance organization and factor II as a dimension representing technological change.

These two factors which have been isolated can also be viewed as dimensions in a space of regional change. Each region can be located at a point in the two-dimensional space determined by the region's scores on each of the two factors. As Selvin and Hagstrom note:

\* \* \* even the "crudest possible measurement"—the classification of each group as high or low on each dimension is adequate for this purpose.<sup>102</sup>

When regions are scored on the two change dimensions, we find that the regions cluster into the four theoretically possible types. The New England, middle Atlantic, and east north-central regions can be characterized as high on demographic and sustenance change, but low on technological change. The south Atlantic region is low on both change dimensions. High on technological change but low on demographic and sustenance change are the east south-central, the west south-central, and the Mountain regions. The west north-central region and the Pacific region score high on both change dimensions.

When regional crime rates are viewed in light of the typological location of the regions on the dimensions of change, rather interesting patterns appear. These results are found in table 3. What becomes immediately apparent is that change, particularly technological change is associated with high rates of crime. If however, regions are undergoing high rates of change in demographic and sustenance characteristics alone, a low rate of crime tends to occur (the exception is that these regions have high rates of auto theft). Regions characterized by low rates on both dimensions of change are characterized by low rates of property offenses but high rates of crime against persons; namely, murder and aggravated assault.

It is interesting to note that the offense rates which were diverging when all regions were considered together (robbery, burglary, and auto theft), are all high when the region is changing on both dimensions. Auto theft, in particular, is associated with both kinds of change. Burglary is associated with technological change and with the occurrence of both technological change and change in demographic composition and technology when they occur together. Robbery is associated only with change on both dimensions. Thus, it appears that the divergences from the general evolutionary model can be accounted for by the differential rates of change in regions within a given segment of time. It is also apparent that these offenses are not outside of the scope of the evolutionary model, in the sense of being independent of the types of change that the model encompasses.

It should be noted that table 1 illustrates the degree to which regions are becoming similar or dissimilar, whereas, table 3 compares relative crime rates at one point in time

<sup>102</sup> Hanan C. Selvin and Warren O. Hagstrom, "The Empirical Classification of Formal Groups," *American Journal of Sociology*, 28 (June 1963), pp. 406-407.

Table 3.—1960 Crime Rates by "Interpretable" Change Factor Patterns, 1950-60

Factors <sup>1</sup>		Crime rates <sup>1</sup>						
I	II	Murder	Rape	Robbery	Aggravated assault	Burglary	Larceny	Auto theft
High.....	Low.....	Low.....	Low.....	Low.....	Low.....	Low.....	Low.....	High.....
Low.....	do.....	High.....	do.....	do.....	High.....	do.....	do.....	Low.....
Do.....	High.....	do.....	High.....	do.....	Low.....	High.....	do.....	High.....
High.....	do.....	Low.....	do.....	High.....	do.....	do.....	High.....	Do.....

<sup>1</sup> High designations on factor scores and crime rates indicate that the regions involved had factor scores and crime rates above the overall regional means. Low designations indicate regional scores and rates below the overall regional mean.

for regions undergoing particular types of change. Thus, it is rather problematic to merge the findings of these two tables.

It might be argued that the areas currently undergoing only high rates of demographic and sustenance changes are the ones from which technological development spread (these are New England, middle Atlantic, and east north central), and these areas are no longer subject to extensive technological change relative to other regions. The next area experiencing massive technological change could be assumed to be the west coast and the west north-central region. This area, as a result, is currently undergoing demographic and sustenance changes as well as changes in technology. The most recent areas to undergo technological change appear to be the east south-central, the west south-central, and the mountain regions. These areas, however, have not as yet experienced a high rate of demographic change relative to other areas, which according to the model eventually accompany changes in technology. The south Atlantic region has yet to undergo high rates of technological change relative to other regions of the United States.

If this is the pattern of change which is occurring, it suggests not that we can anticipate that as the rate of technological change in a region decreases we can expect decreasing rates of crime or that as technological change occurs in an area we can anticipate increasing rates of crime per se. (That is, for example, we cannot predict that if the rate of technological change decreases in the Pacific States and increases in the South Atlantic States these regions will have decreasing and increasing crime rates respectively.) Rather, what is suggested is that as areas of the United States experience changes in technology, sustenance organization, and demographic composition their rates of criminal offenses will become relatively more alike. Nothing in fact has been said about increasing or decreasing rates of crime per se, but only about a region's crime rates relative to the rates of other regions. We can conclude that areas undergoing technological change, and technological and demographic and sustenance change have higher rates of crimes than do areas undergoing only high rates of demographic and sustenance change, or areas undergoing low rates of change on both dimensions.

No attempt is made here to suggest the causal process involved in the relationship between types of change and crime rates. With the data at hand and the theories available, it is not reasonable to speculate concerning the processes by which technological changes are productive of high rates of crime, particularly when these changes occur in conjunction with demographic and sustenance changes.<sup>103</sup>

The implications of these conclusions for the control of crime and delinquency are, therefore, not immediately clear. Obviously, the solution to the crime problem does not lie simply in cleaning up slums, improving educational facilities, and in the curtailment of unemployment. Nor can these conclusions be construed as an argument for either a "hands off policy" or for the maintenance of the status quo.

Rather, the implication may be that it is necessary to explore the creation of a system of social accounts. Such a system was suggested by the National Commission on Technology, Automation, and Economic Progress. In the report of this Commission it was suggested that a—

\* \* \* system of social accounts \* \* \* would indicate the social benefits and social costs of investments and services and thus reflect the true cost of a product. In such an approach, production and innovation would be measured, not simply in terms of its profitability to an individual or a corporation, but in relation to how it affects the society from the standpoint of the common good. There would be overviews of entire areas of social need, like housing and education, and analyses of the gross national product from the point of view of economic opportunity and social mobility.<sup>104</sup>

The greatest problem surrounding such an accounting system is, of course, the definition of what constitute social benefits and what constitute social costs. Scientific answers to such value questions are impossible. The role of the social scientist at this point is to further knowledge concerning the relationship between rates of crime and delinquency and the social structure and its changes in American society.

<sup>103</sup> It might be possible to interpret these findings as providing indirect support for the "cultural lag theory" which states that because culture is interrelated, the uneven rate of change among its parts disturbs the equilibrium of the whole. This disturbance of the equilibrium is contended to be productive of forms of social disorganization, including crime and delinquency. William F. Ogburn and Meyer F. Nimkoff, "Sociology" (Boston: Houghton Mifflin, 1958, 3d edition)

p. 711. However, the argument here is not that the lag between changes in elements of culture are productive of social disorganization, but rather that various types of change are directly associated with high and low rates of crime.

<sup>104</sup> National Commission on Technology, Automation, and Economic Progress, "Technology and The American Economy" (Washington, D.C.: Government Printing Office, 1966).

## STATE COMPENSATION TO VICTIMS OF VIOLENT CRIME

by Gilbert Geis

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Programs designed to compensate persons injured by crimes of violence represent, in an important sense, an attempt to placate a public opinion often unnerved and resentful of what is viewed as a rising tide of aggressive criminal activity. In this respect, such programs suggest that State authorities concede an inability to ameliorate to any great degree the threat of violent crime, and that they assume as a public burden the consequences of such crime. It is, of course, obvious that there will always be a certain level of violent activity in any human order and that there will always be a number of innocent victims of the depredations of others. But the emergence

and the extraordinary recent popularity of schemes to compensate victims of violent crimes can be most readily understood as a response to the ever increasing degrees of anonymity, urban living, juvenile precocity, social change, and other crime-related factors in American society and throughout the world.

Such items do not, however, exhaust the factors lying behind the appearance of victim-compensation programs, and an understanding of the source of support for such legislation is most important for an understanding of the virtues and demerits of victim compensation in general and the specific elements of different kinds of proposals.

There is a certain spirit gradually becoming pervasive in the contemporary world that is fundamentally behind plans for the payment of money to individuals who have been deprived of their usual livelihood, have been subjected to unusual expense for personal injury, or have lost their source of support because of violent crime. This spirit is by no means altogether new; rather it is the ever expanding realms which it has come to embrace that are noteworthy.

Of the two major components of the ethos underlying victim compensation, the first is essentially compassionate: people have been hurt through no fault of their own; therefore, it is a moral obligation of those more fortunate to assist such persons. The second element is the product of an economic rationality which suggests that failure to make adequate provision for incapacitated persons ultimately deprives all members of the society of common benefits. "No man is an island," viewed as a principle of social policy, may be considered to include elements both of charitable impulses and of impulses of self-interest.

Programs calling for compensation to victims of violent crime are a relatively easy social and political goal, much easier than plans to compensate victims of circumstances

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which might reasonably be related to their own lack of intelligence or care, or even to their inadvertent misfortune at the hands of natural phenomena, such as lightning. Persons are expected to insure and protect themselves, by available methods, against various deprivations, however fortuitous, which might be visited upon them, or, failing this, to locate resources in themselves or elsewhere for self-assistance. Lacking such ability or initiative, they are usually expected to fall under the auspices of regular welfare programs established to serve the disabled or deprived. In the event of consequences which a person could be said to have brought upon himself, however ill-equipped he might have been to have avoided such injury, then it is usually deemed that the matter is of no further social concern unless the person comes within the preestablished programs for those patently beyond self-help.

In such terms, compensation for victims of violent crime can be seen to be the extraction from the innumerable crippling events attendant upon human existence of a particular set of circumstances for the attention of public authorities and the expenditure of public funds.

The first issue involved in consideration of programs of victim compensation is ideological. Is the polity desirous of allocating what must always be seen as limited resources to this particular class of recipient? Behind a resolution of this fundamental issue lies an orientation to the proper function of government, and a consideration of alternative ways in which the given resources might be utilized. Before any conclusion is possible regarding these matters, it is essential to be able to indicate the amount of money and the kinds of resources which would be involved in a victim compensation program, though, obviously, considerable control may be exerted over the dimensions of the program in terms of the ingredients included within it.

There are also a number of procedural matters requiring careful attention before a blueprint for victim compensation can adequately be drawn and then given proper evaluative consideration. It must be determined, among other things, who will be eligible for compensation. Victims of designated violent crimes may be compensated or compensation eligibility may be determined in terms of the consequences of an offense rather than in terms of the offense itself. Arson, for example, is generally regarded as a crime against property, though it may inflict injuries upon persons more serious than those involved in what normally are considered to be crimes of violence. It is arguable whether arson victims should fall within the bounds of a victim compensation program.

There are also problems concerned with the way in which possible involvement of the victim in the perpetration of an offense may affect his right to be compensated for the consequences of that offense. Such involvement may conceivably disqualify him altogether for assistance, or perhaps it may be viewed as reducing the amount to which he will be entitled. Among many other questions, the following represent a sample of items which must be given attention in victim compensation proposals: Should

crimes involving only members of the same family entitle the injured person to aid? Should payments be granted in a lump sum, or should they be awarded over a period of time with provision for regular review? Should there be a special compensation board to rule upon claims, or should this task be assigned to tribunals already in existence? Should individuals who possess adequate financial resources to pay for their own care and support in the event of criminally inflicted injury nonetheless be given compensation? Should appeals from decisions regarding compensation be allowed, or should an administrative decision represent the final determination of the matter?

Answers to questions such as these are most basically related to a conception of the reasons why the State should undertake to compensate victims of violent crime and the purposes which such compensation seeks to achieve. If, for instance, the goal of assistance is to return to "normal" living all persons who have been thrust out of the social stream through violent crime, it seems reasonable to maintain that contributory negligence on their part, at least to the extent that it is short of behavior violative of the criminal code, should not interfere with the amount of the award. If justification for a program of victim compensation lies in the view that the State owes an obligation to its citizens for failure to protect them adequately, then presumably the failure of a victim to have taken reasonable advantage of those resources afforded by the State would disqualify him from compensation. Negligence in heeding police warnings about traversing certain city areas alone after dark, failure to cooperate with a police investigation, and similar dereliction, given such a rationale for compensation, would disqualify a victim from State aid.

Finally, and most importantly, plans for the compensation of victims of violent crime have to be regarded in the light of a range of issues, most of them empirical, concerning the impact of such plans upon various social arrangements. It is possible that victim compensation may contribute to an increase in the amount of crime, presumably because offenders, knowing that their victim will likely be cared for, will feel less inhibited about injuring them. Victims too may take fewer precautions to insure their own safety or, more likely than either of these outcomes, the program may have no notable influence on the extent of violent crime.<sup>1</sup> The impact of victim compensation on the rehabilitation of offenders also represents a question concerning which only speculative answers are presently possible. Will an offender feel less guilty about his act if the victim is not unduly deprived by the crime? And will such a diminution of guilt, if it takes place, encourage further criminal activity, or is it essentially irrelevant to the issue of recidivism?

There are further issues as well concerning attitudinal responses of citizens to the inauguration of programs compensating victims of violent crimes. It is possible that such programs may be taken as an admission of hopelessness and helplessness on the part of the authorities regarding their ability to protect possible victims, and thus may

<sup>1</sup> This is the prediction of Dean Lohman of the School of Criminology, University of California, Berkeley. Cross, "Recompense for Violence," 201 *Nation* 304, 305 (1965).

contribute to a certain social malaise. Or probably more likely, victim compensation programs may be viewed by citizens as potentially helpful to them in the event of need and as a mark therefore of political interest in their welfare and well-being, and thus creative of a degree of social comfort. Outcomes of this sort, however, will inevitably depend to a considerable degree on the manner in which victim compensation programs are drawn, how they are publicized, the kinds of cases which they initially embrace, and the way in which the details of such cases are transmitted to the public, as well as numerous other items which create a body of public opinion about a given matter.

In such terms, then, it would seem essential that programs of victim compensation state with some clarity those aims which they desire to achieve and, if their blueprint is translated into action, determine by means of relevant investigatory procedures whether in fact such goals are attained, while establishing as well at the same time what other consequences of importance flow from the compensation program.

## BACKGROUND OF VICTIM COMPENSATION

Two themes appear with great regularity in discussions of proposals for compensation to victims of violent crime. The first deals with the historical antecedents of victim compensation, the second with an elaboration of the amounts of money and other resources allocated for the rehabilitation of criminal offenders. Both items contain a good deal of polemical force, the first because it can point to the presumed good sense of our forebears in establishing a precedent subsequently abandoned for ill-conceived reasons, and the second because it can be employed to imply that there exists a basic injustice in the expenditure of public funds for the benefit of "bad" persons to the neglect of "good" people. Neither item, however, despite its apparent attraction, would seem on closer examination to be of substantial importance or of direct relevance to a determination of the value of victim compensation as a desirable contemporary social policy.

The historical biography of victim compensation can be drawn from a long and impressive list of policies in earlier times, in a story that usually opens with a recital of the provision in the Code of Hammurabi of ancient Babylonia (c. 1775 B.C.) which evoked communal responsibility for certain crimes where it was impossible to place individual blame. According to the code, "If a robber has not been caught, the robbed man shall declare his lost property in the presence of the god, and the city and governor in whose territory and district the robbery was committed, shall replace for him his lost property." In addition, it was ordered that "if it was a life that was lost, the city and Governor shall pay one mina of silver to his heirs."<sup>2</sup>

Quite likely the rule in the Code of Hammurabi was designed to encourage commerce and trade more than it was established to assist victims out of a sense of an injus-

tice done them. Anthropologists believe that a similar interest in placating the offended and deterring the possible offender in order to maintain harmonious social life underlies the almost ubiquitous provision in preliterate societies for payment of monies or goods by the family of an offender to the family of the victim of violent depredation. It is presumed that, absent such payment, a state of social unrest would be created, marked by unremitting vendettas.<sup>3</sup>

Early systems of law in Western civilization contained essentially similar compensation provisions as found in preliterate societies, often with exquisitely detailed scales of indemnification due to individuals with varying social standings and for various kinds of personal injuries.<sup>4</sup> Gradually, such provisions were replaced by a rudimentary system of State-operated prosecution for criminal offenses, with the authorities decreeing penalties and exacting monetary fines which remained in the State treasury. Civil remedies came to be and remain available to persons who suffer losses through crimes of violence, but it is indisputable that such remedies almost always prove inadequate because of the poor financial condition and prospects of the offender.

A reading of the historical record of compensation provisions would seem to indicate clearly that they were closely tied to social structures built upon intricate kinship systems and detailed patterns of reciprocal rights and obligations. Designated leaders acted primarily as arbiters of conflicts which they were otherwise powerless to settle, lacking procedures and forces now available to the state. Under such conditions, the existence of compensation programs in early history and among preliterate groups, while interesting and suggestive, provides little justification or support for the establishment of such programs today.

The same may be said of those arguments which maintain that the fact that considerable sums are spent for the administration of criminal justice and for the custody and training of criminal offenders necessitates out of a sense of fairness that equivalent or greater sums be expended upon victims of such offenders. This view suggests that rehabilitation programs represent something of a reward for criminal behavior. Actually, such programs might more reasonably be seen as outlays designed to provide benefits to the society at large. Their presumption is that subsequent law-abiding behavior by a convicted offender will relieve the public from the necessity of supporting the individual and his family after his release through welfare payments or because of his continued criminal activity. Though many criminal offenders are in a better condition to take advantage of social and economic resources following their discharge from prison than they were prior to their incarceration, few, if any, citizens would be apt to envy the manner in which they came by such skills or would probably care to exchange experiences with them. It would seem a better approach to deal with victim compensation programs as entities either justifiable on their own merits or un-

<sup>2</sup> Gordon, *Hammurabi's Code* 6 (1960); Harper, *Code of Hammurabi* 19 (2d ed. 1904). Cf. Meisel, "The Code of Hammurabi," 21 *Intra. L. Rev.* 191 (1966).

<sup>3</sup> See Hoebel, *Law of Primitive Man* 311 (1954).

<sup>4</sup> See *Crimes and Punishments*, 4 *Encyclopaedia of Religion & Ethics* 248-305 (Hastings ed. repr. 1951).



acceptable on the same terms rather than as inevitable social obligations ensuing from the use of fiscal resources for the apprehension, trial, and treatment of criminals.

## VICTIM COMPENSATION IN NEW ZEALAND AND ENGLAND

Material derived from experiences abroad with victim compensation programs broadens the perspective on the subject in regard to the American scene, and provides some indication of how other jurisdictions have dealt with various questions now being addressed in the United States.

The idea of victim compensation, following its disappearance in early times, was revived with great intensity during the last decades of the 19th century and the first decade of the present century, and made up a sizable segment of the proceedings of several quinquennial meetings of the International Prison Congress. At the 1878 meeting in Stockholm, for instance, the chief justice of New Zealand and the secretary of the Howard Association in England provided a preview of the later pioneering roles of their respective countries in victim compensation by joint advocacy of "a more general return, in all nations, to the ancient practice of making reparation to the injured \* \* \* a principle object in dealing with offenders \* \* \*"<sup>5</sup> For William Tallack, the Howard Association secretary, and an evangelical Quaker reformer, victim compensation was "one of the problems which the Twentieth Century may perhaps work out to a more complete extent \* \* \* providing a service of much importance to cosmopolitan and international jurisprudence."<sup>6</sup>

The International Prison Congress' Paris meeting in 1895 saw five prepared papers on victim indemnification, and the delegates adopted the following resolution:

The Congress believes that there is reason to take into serious consideration the propositions which have been submitted to it with regard to allowing the injured party a portion of the earnings realized by the work of the prisoner in the course of his detention, or with regard to constituting a special fund derived from fines from which aid should be granted to the victims of penal offenses; but thinking it does not possess at present the elements which are necessary for the solution of these questions, the Congress decided to refer them to the more profound study of the next International Prison Congress.<sup>7</sup>

Thirteen papers, which covered 147 pages of the *Proceedings* dealt with victim compensation during the 1900 meeting of the Congress at Brussels. Only the mildest of responses followed their presentation and discussion, however, with the delegates accepting the following position: "The Congress adopts again the resolution of the Congress of Paris to facilitate by reforms in procedure the legal

position of the party seeking relief by civil action."<sup>8</sup> Blatantly misstating both the ingredients and the spirit of the earlier resolution, the Brussels conclusion, unadorned and unenthusiastic, effectively managed to bury the subject of victim compensation as a significant agenda topic at international penological gatherings from thenceforth to the present time.

Aside from this brief but intense resurgence of the idea of victim compensation at the International Prison Congress meetings, only a few flickerings of concern and action on the subject appear in foreign statutes until recent times. In his comprehensive worldwide survey, conducted for the British Home Office about a decade ago, Schafer found fewer than a handful of victim compensation programs in existence.<sup>9</sup> He pointed to a French law of 1951<sup>10</sup> providing for the payment of damages to victims of motorcar accidents in cases where the offender is not known or is found to be partly or totally insolvent.<sup>11</sup> In Switzerland, a fund derived from the sale of confiscated articles may be tapped to provide financial surcease for victims of criminal offenses who press their claims through a court proceeding. Moneys which the state may have extracted from an offender as a guarantee that he will henceforth keep the peace may also be employed to indemnify victims.<sup>12</sup> Reports from prerevolutionary Cuba indicated the existence of an indemnification fund, constituted from a portion of prison earnings, fines, donations, unclaimed estates of victims of criminal offenses, and similar sources which could be employed to alleviate the fiscal distress of a person injured by criminal behavior. In practice, it was said at the time, the Cuban fund sometimes did not possess sufficient amounts to provide the necessary compensation, and in such instances relief was awarded on a partial basis.<sup>13</sup> The French provision, restricted to automobile injuries, and the limited provisions in Switzerland and Cuba, represented until the last few years the only extant compensation programs.

Interest in victim compensation can thus readily be seen to have lain dormant, though not far beneath the surface of penological thought, over the years. Revival of active concern at the present time may clearly be attributed directly to the work of Margery Fry, an English penal reformer, who set forth her views in a widely attended article printed in *The Observer* in 1957.<sup>14</sup>

At first, as her "Arms of the Law," published in 1951, indicates, Miss Fry had primarily been interested in compensation for victims being paid by the offenders themselves, on the assumption that, although "compensation cannot undo the wrong \* \* \* it will often assuage the injury, and it has a real educative value for the offender, whether adult or child."<sup>15</sup> It was Miss Fry's emphasis on the presumed reformatory attributes of restitution that underlay her proposals: "Repayment is the best first step toward reformation that a dishonest person can take. It is often the ideal solution."<sup>16</sup>

Six years later, disenchanted with the idea of compensation to be paid by offenders—she was by then citing a 1951 court award of £11,500 made to a man blinded by an assault which, to be paid at the rate of 5s. a week,

<sup>5</sup> Tallack, *Reparation to the Injured* 3 (1900).

<sup>6</sup> *Id.* at 6.

<sup>7</sup> Teeters, *Deliberations of the International Penal & Penitentiary Congresses* 88 (1949). See also Ruggles-Brise, *Prison Reform at Home and Abroad* 75-78 (1924); S. Rep. No. 181, 54th Cong., 1st Sess. 27-28 (1896).

<sup>8</sup> Teeters, *supra*, note 7 at 105; Ruggles-Brise, *supra*, note 7 at 111-114.

<sup>9</sup> Schafer, *Restitution to Victims of Crime* (1960).

<sup>10</sup> See Tunc, "Establishment of 'Fonds de Garantie' to Compensate Victims of Motor Vehicle Accidents," 2 *Am. J. Comp. L.* 232 (1953).

<sup>11</sup> This program is equivalent to the work of the Motor Vehicle Accident Indemnification Corporation in New York, a State agency formed to compensate victims of

uninsured drivers and hit and run accidents. New York Insurance Law § 600-626. See generally Corstvet, "The Uncompensated Accident and Its Consequences," 3 *Law & Contemp. Prob.* 466 (1936).

<sup>12</sup> *Strafgesetzbuch* of Dec. 21, 1937, art. 60 (1). See also Schafer, *supra*, note 9 at 31-32; Silving, 8 *J. Public L.* 236, 244-8 (1959).

<sup>13</sup> *Código de Defensa Social* of 1938, art. 121. See Schafer, *supra*, note 9 at 70-71.

<sup>14</sup> Fry, "Justice for Victims," *The Observer* (London), July 7, 1957, p. 8, col. 2; reprinted 8 *J. Public L.* 191 (1959).

<sup>15</sup> Fry, *Arms of the Law* 126 (1951).

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

would require 442 years for its total recovery—Miss Fry had moved to support of a State compensation program for victims of criminal offenses. Undergirding the Fry advocacy was an overt commitment to the idea that the State must assume the obligation of ameliorating deprivations suffered by its members as part of enlightened social policy. "The principle of clubbing together is venerable in British social life," Miss Fry noted, and she drew a direct analogy to the industrial insurance program in concluding that "the logical way of providing for criminally inflicted injuries would be to tax every adult citizen \* \* \* to cover a risk to which each is exposed."<sup>17</sup> Miss Fry felt that "the State which forbids our going armed in self-defense cannot disown all responsibility for its occasional failure to protect."<sup>18</sup> State compensation, as she advocated it, would supplement national insurance benefits, and would not interfere with the possibility of damage awards against the aggressor in cases of violent crime. Such damage awards would provide a supplement to "the rather meagre benefits of the compensation scale" which was seen as being equivalent to industrial accident grants. The advantages of the compensation program would not be only economic, but also psychological. "There is a natural sense of outrage on the sufferer's part," Miss Fry maintained, "which the milder aspect of our modern penal methods only exacerbates."<sup>19</sup>

It was largely on the basis of this demand for compensation from state sources by Miss Fry that authorities in New Zealand and England again began to pay attention to the subject, and it was her call which ultimately led to the inauguration of the present programs of victim compensation in those countries.

#### NEW ZEALAND

Curiously, the first contemporary program of victim compensation was probably that inaugurated near the turn of the century by Great Britain in New Zealand among the Maori. In it, the British substituted pecuniary restitution for imprisonment for selected criminal acts, thus providing legitimacy for the customary Maori method of arranging matters.<sup>20</sup> This limited experience aside, it was the serious attention paid to Margery Fry's proposals by several investigatory committees in England that led the Government in New Zealand to introduce the victim compensation measure that was enacted by Parliament late in 1963 and became effective on the first of the year in 1964.<sup>21</sup>

The New Zealand Criminal Injuries Compensation Bill, as the Minister of Justice indicated when first presenting it to Parliament,<sup>22</sup> is a "cautious" piece of legislation "as befits a pioneering measure." He hoped that it would be enacted and further "enhance the reputation of New Zealand for pioneering humanitarian reforms."<sup>23</sup> Possible awards were made equivalent to ceilings prescribed

by the Workers' Compensation Act. The Minister thought that the amounts were low, though hardly "niggardly." There was a modest limit of NZ\$500 collectible for pain and suffering, and NZ\$1,000 possible for general damages or for pecuniary loss other than through loss of wages.<sup>24</sup> Primarily, however, awards were tied closely to loss of earnings, and a maximum recovery was established at NZ\$10, 17.6s. weekly (with a possible addition of £1 weekly for a dependent wife and 10s. for each dependent child) for a period of 6 years. Payments under the compulsory third-party insurance required for automobile drivers in New Zealand and social security benefits were to be deducted from these awards. Initially, regular insurance payments were also to be subtracted from compensation grants, but this provision was stricken in committee and subsequently the Government aligned itself with the view that "a man should not be penalised for having the foresight to insure himself."<sup>25</sup>

The bill limited compensation rather broadly to injuries sustained from acts of murder, manslaughter, woundings and assaults of various kinds, and sexual offenses involving violence or perpetrated on immature persons. Apprehension of the offender would not be necessary for compensation, nor would an adequate defense by the accused categorically eliminate the possibility of payment to the victim. The Government reserved to itself the right to attempt to collect compensation from the offender, if possible, though the victim too could have recourse to civil suit. Any amounts recovered by the victim would be deducted from his original compensation award.

The New Zealand measure called for the establishment of a three-man tribunal to pass upon claims, with only the chairman necessarily having judicial qualifications. Board members were to be appointed for a period of 5 years. The Minister of Justice favored nonlegal personnel for the remaining two tribunal positions on the ground that "public confidence will be greater if people feel that the tribunal will decide on the basis of what is fair and reasonable rather than on the application of strict rules and precedents."<sup>26</sup> Board hearings would normally be held in public, though there were provisions for privacy, particularly if sexual matters were involved or if the criminal case was in process or pending. The tribunal was not bound by evidentiary rules nor could its decisions be appealed, with the exception of an order requiring the offender to make payments. Such an order was challengeable in the Supreme Court.

Particular stress was placed by the Government upon the justification for the act. It was *not* based, the Minister of Justice insisted, "on the premise that the state is financially responsible for failing to prevent crime." Rather its rationale was equivalent to that of the Workers' Compensation Act where liability attached without fault on the part of the employer. The reason for this

<sup>17</sup> Fry, 8 J. Public L. 192-3 (1959).

<sup>18</sup> *Id.* at 193.

<sup>19</sup> *Ibid.*

<sup>20</sup> Tallack, *Penological & Preventive Principles* 463 (2d ed. 1896).

<sup>21</sup> Criminal Injuries Compensation Act, Act No. 134 of 1963 (N.Z.).

<sup>22</sup> N.Z. Parl. Deb. 1865-8 (1963).

<sup>23</sup> This same reputation was otherwise testily described in an earlier period by Sir James Stephen, an Undersecretary of the Colonial Office, as a "morbid propensity to interfere with everything." Cited by Cameron, "Compensation for Victims of Crime: The New Zealand Experiment," 12 J. Public L. 367 n. 2 (1963). The Chief Advisory Officer of the New Zealand Department of Justice has provided the following analysis of the impetus for the compensation measure:

"The inclusion of the bill in the Government's programme was prompted mainly by genuine humanitarian considerations. There is room to wonder, however, if action would have been taken quite so speedily if political motives had not also been present. The Conservative Government's progressive penal policy, and in particular its refusal to revive corporal punishment (abolished in 1941) despite a public outcry following a sudden increase in sexual offences, was generally

supported by the Labour opposition. Nevertheless, there was widespread discontent at grassroots level and the charge was freely made that the Government was concerned to help the offender but paid no regard to his victims. The introduction of a bill establishing a compensation scheme for victims of offences, therefore, served the double purpose of doing something that was thought desirable on its merits and answering criticism of the Government's approach to penal policy."

*Id.* at 370.

<sup>24</sup> One New Zealand pound is equal to approximately \$2.80. It has been pointed out that "it is necessary to bear in mind that the New Zealand Social Security system would normally provide free hospital and pharmaceutical services, as well as a proportion of private medical expenses, to the victims," and that "the cost of living in New Zealand is generally lower than in the United States, as is the wage structure and the cost of professional services." Letter from J. R. Brady, Information Officer, N.Z. Embassy, Washington, Feb. 7, 1966, p. 2.

<sup>25</sup> N.Z. Parl. Deb. 2633 (1963).

<sup>26</sup> *Id.* at 2631.

emphasis appeared in the remarks of a legislator during discussion of the measure. If the State were to grant its own liability because of negligence, "the category of those who are to be compensated by the State can never be closed."<sup>27</sup> Nonetheless, its disclaimer notwithstanding, the Government measure was almost immediately seen as a concession of social obligation ensuing from a failure to achieve adequate social control. As an early law review commentary on the New Zealand measure noted:

The State has undertaken the protection of the public against crime. It should therefore compensate the victims of crime, for every crime represents a failure by the State to perform its function of protection. In an affluent society such as that of New Zealand \* \* \* the case may be even stronger than in a less fortunate society. For an increase in crime seems to be a by-product of the affluent society, perhaps because in such a society the provision of public services on an adequate scale tends to be neglected.<sup>28</sup>

Within 6 weeks of its first presentation, it could be said of the compensation bill that "few measures \* \* \* in recent years have been so warmly welcomed and so little criticised."<sup>29</sup> Enacted without opposition, the compensation measure and the mood surrounding it were described in the following manner shortly after the program had been placed in operation:

The Act generally seems to be regarded in New Zealand as a sufficiently full and workable measure. Crimes resulting in serious injury are relatively infrequent in this country and the indications are that the scheme will not be unduly expensive. The estimate is that the yearly cost should not exceed N.Z. 30,000 pounds at the outside. Time alone will tell whether the act justifies the enthusiasm that has marked its passing. As to the desirability of the measure there has been no disagreement and there is likely to be none. Indeed such a chorus of approbation has gone up that one wonders why nothing was done long ago. The advantages of the act are twofold. There is the material benefit from the awards of compensation that may be made by the tribunal, and in addition there is the psychological effect on the community produced by the very fact that there is such a scheme in existence. While this aspect is of course impossible to measure it may well be of the greater importance.<sup>30</sup>

The initial prediction of NZ\$30,000 a year to finance victim compensation proved, in the first 2 years of the act's operation, to be considerably exaggerated. Despite the fact that several cases where the injury had occurred before the act came into force received awards on the basis of special recommendations by the tribunal, only seven grants were made during 1964, totaling together NZ\$1,042. These figures increased only slightly in 1965, with nine awards totaling NZ\$1,599. Applications were,

in the words of the Criminal Injuries Compensation Board, "surprisingly few." In addition to the awards, five orders had been entered for repayment by offenders of varying amounts, but collection of such sums had not yet been effected by the end of 1965. In summing up its first 2 years' experience with the act, the board made the following observations:

\* \* \* The Act has not been used as much as was expected, so its cost to the taxpayer has been small; it has adequately met the needs of some necessitous cases; no unexpected difficulties have been experienced in its operation; the recovery of a portion of the compensation from offenders may have psychological value for the prevention of certain kinds of offences.<sup>31</sup>

#### GREAT BRITAIN

The proposal of Margery Fry regarding compensation by the State to victims of criminal offenses, printed in 1957, produced an intense and continuing reaction in Britain almost from the moment it appeared, indicating clearly the fertile political and social climate into which these ideas had been placed. In 1957 and 1958, several questions on victim compensation were addressed to the Home Secretary in Parliament, and elicited the comment that the matter was under study by the Government. In particular, the Secretary said, the Government was interested in the "wider question whether greater use could be made in our penal system of the principle of restitution by the offender." The issue here, he felt, "raises more far-reaching issues than Miss Fry's proposals and must be considered in the general context of our methods of dealing with offenders."<sup>32</sup> Meanwhile, two Labour members of Parliament introduced Private Members' Bills in 1959 and 1960 and each year thereafter until 1965 calling for payment to victims of criminal offenders and their dependents in the same manner as provided for persons insured under the National Insurance (Industrial Accidents) Act of 1946.<sup>33</sup> "All these attempts were blocked by the Conservative Government," they report, however, "and in no case was there a full debate on the Bill, owing to the fact that neither of us had sufficient priority on the Private Members' ballot."<sup>34</sup>

In 1959, publication of the Government document, "Penal Practice in a Changing Society," provided great impetus for a thoroughgoing consideration of a program of victim compensation, emphasizing, as had the Home Secretary, the idea of payments by the offender rather than by the state:

It may well be that our penal system would not only provide a more effective deterrent to crime, but would also find a greater moral value, if the concept of personal reparation to the victim were added to the concepts of deterrence by punishment and of reform by training. It is also possible to hold that the redemptive value of punishment to the individual offender would be greater if it were made to include a realisation of the injury he had done to his victim

<sup>27</sup> *Id.* at 2635.

<sup>28</sup> Brett, "Compensation for the Victims of Crime: New Zealand's Pioneer Statute," 5 *Austr. Lawyer* 21, 23 (1964).

<sup>29</sup> N.Z. Parl. Deb. 2631 (1963). See also N.Z. Dep't Justice, Crime & the Community 245 (1964).

<sup>30</sup> Cameron, *supra* note 23 at 375.

<sup>31</sup> Criminal Injuries Compensation Act, Report on Operation in N.Z. to Dec. 31, 1965, p. 2.

<sup>32</sup> Quoted by Williams, "Comment on the Proposal," 8 *J. Public L.* 194-7 (1959).

<sup>33</sup> See, e.g., Criminal Injuries (Compensation) Bill, No. 83 (1963-Prentice).

<sup>34</sup> Letter from R. E. Prentice, M.P., Apr. 18, 1966. Regarding Parliamentary legislative protocol see Young, *British Parliament* 32 *passim* (1962).

as well as to the order of society, and the need to make personal reparation for that injury. The realisation of this concept could, however, be considered only in the context of \* \* \* a general reexamination of penal philosophy and practice \* \* \* and its application to those sentenced to imprisonment could not be separated from the considerations affecting the level of a prisoner's earnings.<sup>35</sup>

The paper also paid heed to Miss Fry's idea regarding State compensation, but noted that "this proposal presents many practical difficulties." Nonetheless, it was pointed out, the Government had decided to establish a working party to examine the proposal in detail and determine if it could be made operative.

It was with prisoners' earnings, however, that the committee was most concerned, and the report hovered over the attractions of paying regular wages commensurate with those prevailing in the outside world—"the economic rate for the job"—to prison inmates. "The problems of work in prisons," the report noted, "will never be solved until society as a whole accepts that prisons do not work in an economic vacuum, and that prisoners are members of the working community, temporarily segregated, and not economic outcasts."<sup>36</sup> Having ventured so far, the report suddenly drew back, seemingly a little awed by its own boldness, and noted that the matter of commensurate wages for inmates was under study by the United Nations,<sup>37</sup> had never been adopted in any country, and could not be resolved "until the general level of productivity and efficiency of prison industry approximates much more closely to that of outside industry." But, among other things, including the potential moral value of allowing the offender in prison to assume greater responsibility and to exercise the faculty of economic choice, it was the idea of turning a certain portion of inmates' wages to restitutive purposes that most appeared to have caught the imagination of the persons preparing the paper on penal policy.

The British Working Party report on compensation, appearing in June 1961,<sup>38</sup> has been aptly described as giving the impression of "being more concerned with finding difficulties than with overcoming them."<sup>39</sup> The report is laden with phrases such as "a multiplicity of practical problems," "most formidable complexities," and similar invocations of potential quagmires. Compensation, the report advocated, should be "based mainly on considerations of sympathy for the innocent victim," and under no circumstances on "the proposition that the State has a duty to protect its members from unlawful violence and that if it fails to do so it should pay compensation." The Working Party regarded this idea of State responsibility with utter anguish, finding it "both fallacious and dangerous."<sup>40</sup> Not atypical is the manner in which the Working Party approached the question of compensation for pain and suffering:

The decision whether or not compensation should be paid in respect of psychological disabilities would

amount, in effect, to a choice between two evils. On the one hand, the admission of such disabilities would increase the risk of fraud, since psychological disturbances may be subconsciously exaggerated, or even deliberately faked, and claims in respect of them can be supported by medical evidence which may be unreliable but cannot easily be rebutted; moreover, even if such disturbances are genuine, they may not have been caused or aggravated by the crime. On the other hand, if any strict test were attempted some genuine cases would undoubtedly be excluded. The decision would be particularly difficult when there was no physical injury sufficient to afford evidence that an attack had occurred; there are grave cases, particularly of rape, in which there is little or no physical injury.<sup>41</sup>

Ultimately, six basic considerations were thought by the Working Party to be essential for an adequate compensation program: (1) It must be possible to justify it on grounds which do not postulate State liability for the consequences of all crimes, whether against the person or against property; (2) it must provide an effective practical means, whether by definition or otherwise, of distinguishing the types of crime for which compensation is to be paid from those for which it is not; (3) it must provide means of distinguishing the deserving claimant from the undeserving or fraudulent which will both be effective in operation and appear manifestly fair; (4) it must not prejudice the work of the criminal courts or of the police; (5) it must not have undesirable repercussions on the National Insurance or Industrial Injuries scheme; and (6) the cost of administration must not be disproportionately high. Using these six principles as guidelines, the Working Party examined two kinds of compensation schemes: One was broadly similar to the industrial injuries scheme and the second was a program under which compensation based upon common law damages for assault could be claimed from the Government with recourse to the courts in disputed cases. Advantages, and particularly disadvantages, of both types of approaches were indicated, and likely costs estimated. Under the Industrial Injuries type program, the Working Party guessed, the annual cost to the Exchequer in the year 1959 would have been £955,000; under the court scheme that amount would have risen to £1,517,000.<sup>42</sup> Though the tone of the reports seemed to indicate that some kind of compensation program was inevitable, it was obvious that the Working Party was not enthralled at the prospect.

The views of the Advisory Committee on Policy of the Conservative Party, appointed on the heels of the Working Party's report, were a good deal more sophisticated and less fretful. Nibbling away somewhat, the advisory committee was able to reduce the maximum estimate of cost to about £1 million a year, a sum which it found to be "not a large charge on public funds in relation to the importance of the principle."<sup>43</sup> Particularly compelling was the unequivocal endorsement of the advisory committee of the necessity for a compensation program of some

<sup>35</sup> CMD. 645 at 7 (1959).

<sup>36</sup> *Id.* at 17.

<sup>37</sup> See, e.g., U.N. Dep't Ecosoc Affairs, 1st U.N. Congress on Prevention of Crime & the Treatment of Offenders 35-37 (A/CONF/6/1 1956).

<sup>38</sup> CMD. 1406 (1961).

<sup>39</sup> Cameron, *supra*, note 23 at 369.

<sup>40</sup> CMD. 1406 (1961) at 7.

<sup>41</sup> *Id.* at 16-17.

<sup>42</sup> *Id.* at 7.

<sup>43</sup> Conservative Political Centre, Victims of Violence 7 (1962).

nature, and its strong, well-reasoned support of an approach based on the principle of the Industrial Injuries Act. The committee quickly decided that all persons, regardless of income and assets, should be eligible for compensation, but that a ceiling equal to three times the latest published figure for average industrial earnings should be established for compensation claims. Of special importance for the program eventually adopted in Britain was the committee's recommendation that no claims for less than £50 be entertained. Otherwise, compensation would become "more in the nature of a gratuity" and an excessive number of petty actions would be forthcoming.<sup>44</sup> Quite different from the New Zealand program, too, was the strong recommendation that, in the event of necessity or dispute, the alleged criminal could be a compellable witness, though he would, of course, retain his usual right to refuse to answer incriminating inquiries.<sup>45</sup> The committee was also particularly articulate on the relationship of compensation to the entire field of penal policy:

Any man understands the justice of being required to compensate another whom he has injured, but if a person is required to make payment to the State after he has already been punished by imprisonment or fine he will inevitably regard it as a second punishment and grossly unfair. The questions involved enter the fields of penology and rehabilitation of criminals, and also raise such important issues as the payment of prisoners for work done by them while in prison. It is impossible to try to deal with such matters in a pamphlet such as this, and we must content ourselves by saying that we are sure that the question of compensation ought to be dealt with on its own merits: if the consequence is to draw attention to other problems, which already exist, then it may be no bad thing to have sharpened the need for discussing them as well.<sup>46</sup>

Movement toward the inauguration of a victim compensation program in Britain, spurred by the favorable report of the Advisory Committee on Policy of the Conservative Party, received further impetus soon afterward with the issuance of a carefully considered document prepared by members of the British section of the International Commission of Jurists. As early as May 1958, "Justice," as this nonparty group called itself, had published a letter in the *Times* of London favoring victim compensation.<sup>47</sup> The Justice report challenged the Working Party thesis that the State was not necessarily responsible for the consequences of criminal offenses, citing its acceptance of responsibility for injuries brought about by foreign aggression, its concern for the protection of property, and its insistence on support of the citizen in various matters of law enforcement. Imprisonment of offenders, a State measure, inhibits the possibility of recovery of damages by a victim of violence, Justice argued, and its report warned that "neglect of the interest of victims of violence has made a deep impression on the public and may stimulate in them a desire for revenge, and may

diminish the amount of public support for an enlightened penal policy."<sup>48</sup> Nonetheless, even granting the legitimacy of its views, the Justice report was not altogether convinced that they supported a theory of public liability for criminal violence; instead, they were seen as compelling reasons for compensation for injuries ensuant upon the commission of such offenses.

Much attention was devoted by the Justice group to a specific delineation of those types of offenses and those circumstances which could be considered "crimes of violence" for the purpose of compensation. In a rather involved bit of reasoning, the Justice report recommended, for instance, that less aggravated forms of assault and some sexual offenses should be included in a precise schedule of those acts permitting compensation. Under such conditions, it was maintained, the victim would not feel a necessity to exaggerate the offense in order to qualify for assistance. In addition, though the evidence might fall short for conviction of a more serious charge, the necessary ingredients of such an offense might have been present.

Both schemes proposed by the Working Party—that of an Industrial Insurance kind of program and that of a common law court program—were rejected by the Justice report in favor of a hybrid arrangement, to be "based on the needs of the victim and the nature of his injuries."<sup>49</sup> Under the suggested approach, immediate hardship caused by a crime of violence could be alleviated by a so-called "first aid" benefit. Victims who were not earning would receive lump-sum awards; those gainfully employed would be eligible for reviewable weekly payments for loss of earnings. For such assistance, the victim would assign his right of action against the offender to the State which might attempt recovery. Such recovery, however, was deemed generally inadvisable:

Far from advancing the rehabilitation of the offender, compulsory reparation to the victim might goad the offender into committing further offenses, especially if he considered the victim to be unworthy of compensation. There is also the possibility that an order for compensation against an impecunious offender might encourage him to steal in order to meet his obligation to the victim.<sup>50</sup>

Finally, measuring the cost of its proposal against the estimates of the Working Party, the Justice committee concluded that it would cost the Exchequer about £1,250,000 annually, though the precise figure would vary with the contents of the schedule of offenses providing eligibility for compensation.

The three reports prepared in Britain rapidly stirred public interest in victim compensation and, as in New Zealand, support appeared to be virtually unanimous. Even the *Times*, though reserved in its own endorsement, referred to "the strength of public feeling that something should be done about the many melancholy cases that are known to occur."<sup>51</sup> In the House of Lords, during debate late in 1962, a Conservative member pointed out

<sup>44</sup> *Id.* at 13.

<sup>45</sup> *Id.* at 14.

<sup>46</sup> *Id.* at 17.

<sup>47</sup> *The Times* (London), May 5, 1958.

<sup>48</sup> Justice (British section Int'l Comm'n of Jurists), *Compensation for Victims* 3-4 (1962).

<sup>49</sup> *Id.* at 27.

<sup>50</sup> *Id.* at 20.

<sup>51</sup> Quoted in 245 H.L. Deb. 246 (1962).

to his party the political virtues of speedy action on victim compensation now that several major studies had been completed:

I do not think I am guilty of wild or extravagant language or unnecessary hyperbole if I say that the popularity of the Government is not at the moment at its zenith. Fervent supporters of the Government such as myself frequently pray that the Government should be given more chances to do something which is both popular and right. My Lords, here is their chance.<sup>52</sup>

It was to be almost a year and a half, however, before the Government was ready to present the elements of its proposed program of victim compensation. When it did so it stressed that "it is impossible to forecast with any assurance \* \* \* how many persons would apply for compensation" and that there "must be safeguards to ensure that, so far as possible, public money is not wasted on fraudulent or unmerited applications."<sup>53</sup> The Government had decided it "best to start with a flexible scheme which can be altered in the light of experience" and proposed an experimental, nonstatutory program in which compensation would be *ex gratia*,<sup>54</sup> out of a sense of sympathy rather than as a concession of State liability.

The March 1964 White Paper outlining the Government plan underwent extensive debate in Parliament<sup>55</sup> before the final, slightly revised version was promulgated later in the year, to take effect on the first of August. As it ultimately emerged, the victim compensation program was to be administered by a Criminal Injuries Compensation Board, consisting of six legally trained members appointed by the Home Secretary and the Secretary of State for Ireland. A single member would be responsible for a decision on the cases assigned to him, which he would review only on the basis of written submissions. His ruling would be appealable to three members of the board, other than himself. No further appeal or ministerial review would be possible.

Compensation could be awarded where the applicant (or his surviving spouse or dependents acting in his name) suffered personal injury which was either directly attributable to an offense or to an arrest or attempted arrest on his part of a suspected offender. Injuries sustained from an attempt to prevent an offense or to assist a constable in the performance of his duty qualified for compensation. No specific list of offenses rating eligibility was provided. "What matters more than the name of the offence," the Home Secretary told the House of Commons, "is the circumstances of the incident."<sup>56</sup> The victim or his dependent would have had to sustain at least 3 weeks' loss of earnings or an injury for which not less than £50 would be awarded. The claim had to be based on offenses occurring after the commencement of the program, and the circumstances of the injury would have had to been reported to the police without delay. Applicants were required, when requested, to submit to medical examination.

The White Paper made it clear, in addition, that all applications growing out of sexual offenses, particularly if there had been a delay in reporting the offense, would be examined closely to determine if there was any responsibility for the act on the part of the victim. Awards would be possible for pain and suffering growing from victimization by rape or by other sexual offenses and for childbirth resulting from such offenses when the woman was not eligible for a maternity grant under the National Insurance Scheme. Compensation would not be awarded, however, for the maintenance of a child born as a result of a sexual offense. Offenses committed against a member of the offender's family living with him at the time, as well as motoring offenses, would also be excluded from compensation.

Payments in general were to be made in a lump sum rather than periodically. For the living victim, payment would be equivalent to loss of earning or of earning capacity, but could not exceed twice the average of industrial earnings at the time when the injury was sustained.<sup>57</sup> There would be no exemplary or punitive damages. Provocation would be considered to reduce the amount of compensation or to serve to reject the claim altogether. Lady Wootton's objection to this provision, quoted below, failed to move the Government to alter it:

I think the end of this story will be that it will be found impossible to determine the measure of fault of the victim \* \* \* This attempt to assess people's needs after they have suffered serious and possibly permanent injury by the question of whether it is their fault or anybody else's fault is an illogical and uncivilised approach to the subject.<sup>58</sup>

Legal representation was possible at review hearings, where all material bearing on the case might be admitted. Costs of such counsel would not be reimbursed. Hearings were to be informal and private. Any common law satisfaction which the applicant might gain from the offender would be subtracted from his compensation or repaid to the board if an award had been made earlier.

It was, after all was said and done, with a certain humility found both unusual and refreshing by Parliament members that the Government put forward its victim compensation proposal:

There being virtually no previous experience anywhere in the world to draw upon, the Government readily accepts that there is scope for argument both on the principles and on the details of any compensation scheme, and do not claim that the arrangements proposed \* \* \* are incapable of further improvement in the light of experience. These proposals are put forward as a practical method of meeting what is now an acknowledged need simply and quickly, and of ensuring that, in all the consideration which is being given to new and more effective methods of treating offenders, the sufferings of innocent victims of violent crime do not go unregarded.<sup>59</sup>

<sup>52</sup> *Id.* at 260.

<sup>53</sup> CMD. 2323 at 4 (1964). See also 697 H.C. Deb. 89-94 (1964).

<sup>54</sup> "*Ex gratia*," (as "favour"). In contradiction to "as of right." 1 Dict. English Law 743 (Jowitt, ed. 1959).

<sup>55</sup> These debates, which well repay careful reading, are invaluable in indicating the arbitrary decisions that the Government obviously often had to make between alternative approaches, and the susceptibility to criticism of whatever conclusion may have been advocated or reached concerning ingredients of a victim compensation program. An anecdote presented to the House of Lords by Lady Wootton, an eminent criminologist in her own right, nicely illustrates the vulnerable position

of the Government proposal:

My Lords, we all know the story of the airman who came down by parachute at a lonely spot on the Yorkshire Moors and who asked the first person he met what was the best way to Leeds. The only answer he got was, "If I were to go to Leeds I wouldn't start here."

<sup>56</sup> 257 H.L. Deb. 1377-8 (1964).

<sup>57</sup> 694 H.C. Deb. 1131 (1964).

<sup>58</sup> About \$50 a week for men, \$25 for women in 1965.

<sup>59</sup> 257 H.L. Deb. 1381 (1964).

<sup>60</sup> CMD. 2323 at 7-8 (1964).



The first full report of the criminal injuries compensation board covered 8 months, from August 1964 through the end of the board's fiscal year on March 31, 1965.<sup>60</sup> During this period, 554 applications had been filed and 122 cases had been completed, drawing payments totaling £33,430, 14s. 6d. Expenditures on items other than compensation had come to £16,412, for an 8-month total of about £50,000 for operating the victim compensation program. This total, however, had been severely affected by the low number of applications made during the board's very first months of operation and by the fact that the settlements made represented the easiest and most simple cases.

Four cases had been carried to a hearing before three board members in this period. Two resulted in confirmation of a decision to reject the application. At the third, new evidence caused the board to increase the earlier award granted by a single member, and at the last a claim which had been disallowed was permitted after the applicant and a witness testified convincingly to the details of the offense upon which the application had been founded. Despite Parliamentary forebodings, the board was able to report that "so far we have had very few claims indeed which give rise to a suspicion of fraud."<sup>61</sup> Its only request, granted shortly thereafter, was to alter its procedure so that a single member might refer a case for board hearing without first having to allow or to reject the claim.

Three general matters came in for board comment. It was noted, without comment, that the board did not possess the power to award compensation for acts committed by persons under the statutory age of discretion (10 in England and 8 in Scotland) since, under law, these could not be considered criminal offenses. Second, it was pointed out, apparently because there had been some misunderstanding about the matter, that the board did not have power to provide any "reward" beyond compensation for public-spirited action by citizens in the aid of law enforcement personnel which did not result in injury. Finally, on the matter of recovering money from offenders, the board made the following observation:

Whilst we do not make any special inquiries about an offender's means, we are so far as possible keeping records to see whether any of them are worth "powder and shot." If the Scheme became statutory it might be thought proper to give us the power to recover from the offender by action in the Courts the amount which we paid to the victim by way of compensation. In our view such cases would be small in number.<sup>62</sup>

By the time the board had been operating for 18 months<sup>63</sup>—in February 1966—compensation payments had risen to £ 339,405, based on receipt of 2,489 applications, of which 1,432 had been disposed of to the time. A not inconsiderable body of precedent had been established, and attempts were being made to make uniform the rulings of single members on essentially similar appli-

cations. By now, it was also obvious that few compensated persons were likely to undertake civil actions against offenders. After 18 months, the board was not aware of a single instance of such action. Legal representation of applicants before the board also proved to be very limited, likely because of the provision that counsel expenses were not to be reimbursed. Delays of 12 to 15 days in reporting the event upon which the compensation claim was based were often considered by the board sufficiently long to eliminate the application. The quality of cooperation with the police also was indirectly taken into account, as the following case indicates:

An applicant was lured from a public house by a woman whom he recognised, and shot in the legs in a dark alleyway by a gunman he did not see, but whose identity he had reason to suspect. When interviewed by a police officer, he said: "You don't expect me to tell you, Guv—you know who it was—I will settle this my own way." Later, when the woman and the man he suspected had been arrested on other charges, he made a statement to the police. The shooting was not the subject of a prosecution. The board decided that the circumstances of the injury had not been reported to the police without delay, and it was not the board's concern to consider to what extent, if at all, the applicant's information would have assisted the police.<sup>64</sup>

The nature of the cases ran a considerable gamut, though a large majority fell into the general category of injuries suffered which could be "directly attributable"—the words of the White Paper<sup>65</sup>—to a criminal offense. Persons compensated included a prisoner attacked by a fellow prisoner with a knife, a policeman assaulted when arresting an offender, and a man who aggravated a slipped disc when chasing a suspect. Several awards were made even though it was not possible to trace the assailant.

By the end of May 1966, total compensation payments had risen to £570,327. The highest awarded by the board had been made the previous month—£15,580 to a 19-year-old university student who had been attacked by a gang of youths and struck over the head with a brick. The injury produced restricted right arm and leg movement, impaired vision of the left eye, and slurred speech as well as discernible personality changes and impaired intellectual ability.

For the month, 141 cases were resolved, 7 at hearings before 3 members of the board, either on appeal by the applicant or by a single member referring the case for such hearings. Final awards were made in 123 of the cases; in 6 of them the award was reduced because of the applicant's partial responsibility. No awards were made in 15 cases and 3 applications were withdrawn. Total compensation paid for the month was £77,026. Using the sum for this month, the last for which a board resume is presently available, it seems likely that the annual operating cost of the victim compensation program in Britain—when expenses other than those of payments are

<sup>60</sup> CMD. 2782 (1965).

<sup>61</sup> *Id.* at 6.

<sup>62</sup> *Id.* at 7.

<sup>63</sup> Harrison, "Compensation for Criminal Injuries," 110 Sol. J. 99-101 (1966).

<sup>64</sup> *Id.* at 100.

<sup>65</sup> CMD. 2323 at 5 (1964).



included—is on the verge of exceeding the estimated yearly total of approximately \$1 million cited in various early reports.

## VICTIM COMPENSATION IN THE UNITED STATES

It has often been observed that the federal jurisdiction and the 50 State jurisdictions in the United States provide an extraordinary laboratory in which divergent variations of the same experimental undertaking may be tested to determine which procedure is most efficacious. Sometimes, of course, local conditions insist that discrepant arrangements must prevail in one place as against another. In the instance of victim compensation, the merits as well as the drawbacks of the federal nature of American society in regard to determination and establishment of the "best" pattern of legislative procedure are clearly discernible.

In New Zealand, rather much by Government fiat, a plan of victim compensation was established for the entire country. Alterations inevitably will be made in this plan in the light of continuing experience with it. In Great Britain, statements and study by highly sophisticated groups ranging across the political spectrum were elicited before the Government, taking such material into account, determined the approach it would make to an experimental program of victim compensation. This program too undoubtedly will be altered in various ways dictated by practical experience and changing social conditions.

Contrary to these somewhat circumscribed and delimited approaches, which allowed the concentrated attention of some of the best talent in the various countries to be brought to bear on the question for a period of time, the emergence of the idea of victim compensation in the United States has been marked by a rather extraordinary range of legislative enactments and attempts at such enactments. Some States have gone their way along singularly unique paths, in efforts inaugurated and impelled primarily by one or two persons; other States, usually the larger and more metropolitan ones, have undertaken legislative inquiry into victim compensation and often elicited views quite different from any put forward in either New Zealand or Great Britain.

Interest in victim compensation in the United States was based in large measure on an awareness that the social and political conditions which proved hospitable to such a program abroad prevailed, often in fact in an aggravated condition, in this country. Arthur J. Goldberg, while a Supreme Court justice, served an important function as catalyst, able to provide legitimated support for importation of the idea of compensation for victims of criminal violence onto the American scene, and his reiterated suggestions that the United States pay attention to victim compensation are almost invariably quoted in discussions of such programs. Best known is Goldberg's passing reference to the subject during the fifth annual James

Madison Lecture which he delivered at New York University in February 1964:

Whenever the government considers extending a needed service to those accused of crime, the question arises: But what about the victim? We should confront the problem of the victim directly; his burden is not alleviated by denying necessary services to the accused. Many countries throughout the world, recognizing that crime is a community problem, have designed systems for government compensation of victims of crime. Serious consideration of this approach is long overdue here. The victim of a robbery or an assault has been denied the "protection" of the laws in a very real sense, and society should assume some responsibility for making him whole.<sup>66</sup>

The support in public opinion for Goldberg's position was clearly indicated in a Gallup poll survey conducted toward the end of 1965.<sup>67</sup> Though the issue addressed concerned homicide, usually the most extreme form of deprivation, it is not unlikely that the responses can be generalized with some validity to the underlying issue of victim compensation. In the Gallup survey persons were asked: "Suppose an innocent person is killed by a criminal—do you think the state should make financial provisions for the victim's family?" Sixty-two percent of the national sample thought that the state should make such provision, 29 percent disagreed, and 9 percent registered no opinion on the question. There were no differences between men and women on the issue, though there was a tendency for persons with lesser amounts of education and jobs in agriculture or those involving manual labor to be more favorable than persons in business and the professions. Republicans, Democrats, and voters who classified themselves as "Independent" all agreed with the question posed in about 60 percent of their responses, and support appeared fairly uniform in all regions of the country, though somewhat higher in the South (67 percent) and the East (65 percent) than in the West (59 percent) and Midwest (56 percent). As could be anticipated, the higher the person's income, the less likely he was to be in favor of State compensation for the family of the murdered man. Perhaps more surprising was the variation in community size and response, with residents of rural areas registering greater approval of the idea of compensation (66 percent) than residents of the largest metropolitan areas, cities with populations of more than 500,000 persons (59 percent). In sum, though, it was apparent that there existed a receptive public attitude toward the idea of victim compensation in the United States.

Since the time of the Gallup survey, at least nine States have considered various forms of victim compensation programs during legislative sessions, and in several other jurisdictions different officials have promised the introduction of such legislation. For the moment, California and New York represent the only States which have

<sup>66</sup> Goldberg, "Equality and Government Action," 39 N.Y.U.L. Rev. 205, 224 (1964). See also N.Y. Herald-Tribune, Oct. 17, 1965.

<sup>67</sup> Gallup Political Index, Rep. No. 5, Oct. 1965, p. 21.

enacted programs of compensation for victims of criminal violence, with the California program in particular differing sharply in significant aspects from those abroad. In addition, a bill on victim compensation has been introduced in the U.S. Senate and seven measures have been presented to the House of Representatives. The history and content of this legislative effort will be considered below.

#### CALIFORNIA

The victim compensation legislation effective at the beginning of 1966 in California provides for a program intimately tied to the operation of the State's social welfare system and to principles governing the administration of general relief and aid to dependent children. It is a program, its sponsor has stressed, geared to need and not to loss. The California program has consistently been under attack for this welfare emphasis, from sources both inside and outside the State. The welfare approach was categorically rejected during debates on victim compensation in Great Britain. "Victims should no longer be thrown, as too often they now are, upon the Public Assistance Board," Lord Shawcross maintained. Public assistance, he stressed, "however human its administration may be \* \* \* still retains for many respectable people a sort of stigma of the old Poor Law."<sup>68</sup> In Illinois, sponsors of victim compensation maintained that they were "aiming for something more closely resembling real compensation, not just another form of welfare dole."<sup>69</sup> Inside California, the Department of Social Welfare, which is charged with establishing eligibility and administering funds for victim compensation, complained that assisting persons who had financial resources of their own "violates our whole philosophy."<sup>70</sup>

Impetus for victim compensation, as has often been the case in other jurisdictions, was supplied in California by a specific situation which served to arouse strong emotions. In California, Francis McCarty, a Superior Court judge in San Francisco, was angered by a case in which an unmarried 50-year-old woman was robbed and beaten by two men, and incurred a loss of more than \$1,000, most of which went for hospital and medical bills. Ultimately, Judge McCarty submitted a letter to a State senator, requesting legislation to provide compensation for losses such as those which befell the assaulted woman. The law that emerged, Judge McCarty believes, "is very weak," though he regards it as "better than no law."<sup>71</sup>

The measure enacted in California is both laconic and inordinately vague. It provided an appropriation of \$100,000 for the 1965-66 fiscal year to the department of social welfare<sup>72</sup> for compensation of victims "if there is need of such aid." That department was charged with establishing criteria for eligibility for compensation which "shall be substantially the same as those provided for aid to families with dependent children, provided, however, that aid shall be paid regardless of whether or not the applicant meets the property qualifications prescribed for

that program."<sup>73</sup> The bill also set up a fund to receive fines levied against offenders convicted of crimes of violence:

Upon conviction of a person of a crime of violence resulting in the injury or death of another person, the court shall take into consideration the defendant's economic condition, and unless it finds such action will cause the family of the defendant to be dependent upon public welfare, shall, in addition to any other penalty, order the defendant to pay a fine commensurate in amount with the offense committed. The fine shall be deposited in the Indemnity Fund, in the State Treasury, which is hereby established, and the proceeds in such fund shall be used for payment of aid under this section.<sup>74</sup>

The obvious defects of the California legislative enactment include its ambiguity relating to the amount of the fines and the question of whether they are to be levied only against offenders whose victims have been compensated by the State or against all offenders convicted of violent acts. The law is silent on the matter of recovery by the victim himself, and uncertain regarding eligibility of applicants who do not have or are not themselves children. The California legislation has fairly been described as an attempt "simply to give crime victims a favored welfare position by making them eligible for welfare support without meeting property qualifications."<sup>75</sup>

The California Department of Social Welfare has twice amended its regulations since they initially became operative on January 1, 1966. The first set of regulations<sup>76</sup> provided that applications for compensation (the program is known as AVCV—Aid to Victims of Crimes of Violence) are to be processed by county welfare departments in the same manner as applications for Aid to Families with Dependent Children. If the family meets eligibility requirements for the latter program, it is handled under its provisions, except when its "total need" exceeds AFDC limits. Under such conditions, the grant may be supplemented by victim compensation funds. If the family is not eligible for AFDC because of its property holdings or for other reasons, but meets AVCV requirements, then it will come under the new law. The combined value of real and personal property is to be considered as income on a prorated basis in order to determine the need for compensation. Property valued at \$10,500, for instance, would be regarded as personal income of \$15 a month. Property valued at more than \$15,500 would automatically exclude its holder from compensation. So too, for a family of four, does an income of \$239 a month or more preclude compensation.<sup>77</sup> Proceeds from insurance or amounts recovered by court actions are to be regarded as personal property and "considered income available to meet the family's current needs." Medical and hospital bills are expected to be paid from the applicant's insurance benefits or through an appropriate State medical care program. Nonmedical needs are to be based on the

<sup>68</sup> 245 H.L. Deb. 263 (1962).

<sup>69</sup> Wall Street Journal, Jan. 17, 1966, p. 1.

<sup>70</sup> N.Y. Herald-Tribune, Dec. 27, 1965.

<sup>71</sup> Letter from Judge Francis McCarty, Mar. 3, 1966.

<sup>72</sup> This Department, according to the sponsor of the victim compensation legislation, was selected for the following reasons:

We had to place it somewhere. This particular department has for years had a great deal of association with standards, so we gave it to them. It is entirely possible that we may \* \* \* give it to the unemployment insurance people, give it to the workmen's compensation people. We are not sure exactly where it will rest eventually, but we had to place it somewhere.

WNBC Television, Transcript of "Violence, Victims, Compensation!", Open Mind, Feb. 23, 1966, p. 41.

<sup>73</sup> Cal. Welfare & Inst'n's Code § 11211 (1966).

<sup>74</sup> Ibid.

<sup>75</sup> Culhane, "California Enacts Legislation to Aid Victims of Criminal Violence," 18 Stan. L. Rev. 266, 270 (1965).

<sup>76</sup> Calif. Dept. Social Welfare, Dept. Bull. No. 648 (AFDC-AVCV), Dec. 8, 1965.

<sup>77</sup> A not unfair commentary is that by a newspaper reporter: "The regulations assure that crime victims in California will collect from the state at about the rate snowballs accumulate in Death Valley." United Press International, Sacramento, Dec. 27, 1965. Families in California on Aid to Dependent Children currently receive an average of \$170 a month from the State.

department's regular schedule, though extraordinary financial demands imposed by victimization are to be met by AVCV funds. Perpetrators of crimes and members of their families are not eligible for compensation. Eligibility is made retroactive for offenses which took place up to 5 years prior to the filing of an application for assistance and is restricted to crimes committed in California or elsewhere upon California residents.

A crime of violence is defined as an act "intended to do bodily harm to another." To fall within the category, an act must have resulted in a criminal complaint, the institution of grand jury proceedings, or the filing of a juvenile court petition. If prosecution is not forthcoming because of the death of the perpetrator, his legal incapacity, or through failure to apprehend him, eligibility for compensation may still be established if law enforcement agencies file a report indicating the occurrence of a crime of intentional bodily harm. The opinion of a prosecutor that a crime of violence has been committed upon the applicant will also establish eligibility even though prosecution may be foregone because of insufficient evidence to convict the suspected offender.

Immediate dispute broke out in California concerning the restriction of victim compensation to surviving children and families with children. Within a few months, in the face of pressure, the department of social welfare altered the regulations to include single adults and adult dependents of victims within the compensation program.<sup>78</sup> At the same time, it was pointed out that adults eligible for Old Age Security Benefits and Aid to the Blind could not receive victim compensation funds. A second revision near midyear decreased slightly the impact of real and personal property holdings upon calculations of income.<sup>79</sup>

Rules which forbid the identification of any welfare recipient or disclosure of the details of his case without his express permission have kept information from being available about many aspects of the California program's early experiences. By the end of 6 months, only four awards had been made in the State, and officials were speculating that the program either was still relatively unknown or that virtually all potential applicants were being assisted under other welfare provisions.

The first of the four cases treated under the new victim compensation law in California illustrates some facets of its operation. It involved a woman widowed during the course of an altercation between her husband and a neighbor's common-law husband over insulting words that the latter had delivered to her. Normally, the woman, who had three children, would have been eligible for AFDC, but she had been resident in California only 4 months, not long enough to qualify for relief, when her husband was killed. Welfare workers attempted to persuade her to return to the city in which she had previously lived; when she refused, they filed an application for victim compensation. Under her award, she receives \$211 a month from the State, an amount which she finds clearly inadequate for her needs. Her oldest child is maintained by the State in a private home for mentally handicapped children, with

efforts underway to transfer him to a State-supported facility. Funeral costs for her husband had been paid by social security and regular assistance from that source was expected momentarily, though it was uncertain whether the welfare department would reduce its contribution when this Federal income became available to the family.

#### NEW YORK

Unlike their counterparts in California, New York legislators devoted a considerable amount of time and attention to the subject of victim compensation before moving toward enactment of a measure. The case of Arthur Collins was often employed in New York to focus public attention upon the necessity for victim compensation. In October 1965, Collins had attempted to eject a disorderly person annoying two women from a subway car. In the process, he was stabbed to death in front of his wife and 15-month-old-daughter. Collins had served 2 years in the Army prior to securing a job as a computer programmer at Pan American World Airways, and was earning about \$6,000 a year at the time of his death. Pan American had continued his salary for an additional month, and given Mrs. Collins a job. Its employees had contributed \$3,000 for her, but in order to be able to work she had felt it necessary to send her daughter to her mother in West Germany.

Public concern with safety from violence on the streets, in apartment elevators, and on the subways was quickly concentrated on Collins' murder, making it a symbolic focus for reform campaigns. From the case emerged a corps of officers charged with riding subways during hours in which violence appeared most likely to occur, and a considerable amount of discussion and debate concerning the proper obligation of the State and the city of New York to assist victims of violence.

Several legislative committees had been investigating aspects of victim compensation, including the Commission on the Revision of the Penal Law and the Joint Legislative Committee on Crime and Control of Firearms, and at least two organizations had carried out investigations of their own on the subject. Reporting toward the end of 1965, the New York Republican Club strongly recommended inauguration of a victim compensation program in the State, and suggested that it be modeled largely upon the British approach. The main exception of the Republicans to the British scheme, one often taken with that program, concerned lump-sum payments. It was suggested that the difficulty of determining the course of recovery at an early point would dictate that compensation be made at regular intervals, dependent upon the victim's condition at each period, rather than in a single lump. It was thought that victim compensation might cost the State between \$3 and \$7 million annually; compared to the \$250 million expended each year for workmen's compensation, the club felt that victim compensation was an extremely attractive social bargain.<sup>80</sup>

A similarly strong endorsement of a State program to compensate victims of violent crime was put forward by

<sup>78</sup> Calif. Dept. Social Welfare, Dept. Bull. No. 648 (AFDC-AVCV) (Revised), Feb. 10, 1966.

<sup>79</sup> Id., June 3, 1966.

<sup>80</sup> N.Y. Republican Club, "The Victim," Oct. 4, 1965.

the Correctional Association of New York. Also modeling its recommendations largely upon the British experience, the association differed from that program in but a few regards. It would permit legal counsel at all stages of proceedings, and limit fees for such counsel in accordance with an established schedule. Workmen's compensation standards would be employed to determine payments for total or partial disability; otherwise, loss of earnings and medical expenses, including psychiatric therapy in appropriate cases, would be the major ingredients conditioning awards.<sup>81</sup>

Meanwhile, a victim compensation measure had been prefiled by the Assembly Majority Leader prior to the opening of the 1966 legislative session. This bill largely duplicated the California approach, tying compensation to the administration of public welfare, and establishing a fund modeled upon the California Indemnity Fund. The appropriation to administer the measure was to be \$500,000 for the fiscal year.<sup>82</sup>

Before the prefiled measure could be considered, the Governor, expressing his concern that "the innocent victims of violent crime are the forgotten men in our society," appointed a three-man committee to hold hearings and recommend legislation to ameliorate this situation. Three hearings—two in New York City and one in Albany—produced a wide range of viewpoints. Concern was expressed about the possible cost of victim compensation, and about its philosophical justification. One person, taking note of the then-current subway workers' strike, suggested that the State with equal justification could compensate persons who develop heart ailments because of the "strains \* \* \* involved in coming into a city with no transportation."<sup>83</sup> Another thought that through providing incentive to report offenses, a victim compensation measure would serve to decrease crime by mobilizing public opinion and supplying better information to law enforcement agencies.<sup>84</sup> A witness representing the district attorneys hoped that the willingness of the victim to assist in prosecution would be a condition of his recovery from the State.<sup>85</sup> G. O. W. Mueller, a professor at the New York University School of Law, put the committee on warning regarding the possibility that victim compensation might contribute to an increased crime rate, on the ground that "the inducement to crime is \* \* \* a subliminal fault of the victim," and he stressed that "any proposed victim compensation scheme should be tied in with our total correctional policy."<sup>86</sup> A colleague of Mueller's at the same law school felt that the denomination "victim compensation" was misleading. "You are talking about victims of personal injury, criminally caused," he suggested.<sup>87</sup> The representative of the trial lawyers' association thought that compensation should be awarded only after a hearing before a jury.<sup>88</sup> At the conclusion of testimony, the attorney general of the State, the ad hoc committee's chairman, summarized matters:

I know we will not have a perfect bill, but one assurance that we will give you, whatever we propose will come after due consideration, having in mind

the views expressed at the three hearings, or in other jurisdictions.<sup>89</sup>

The New York legislative measure, introduced soon thereafter,<sup>90</sup> called for the appointment by the Governor of a three-member Crime Victims Compensation Board. Board members were to be lawyers of at least 10 years' standing, and would serve full time for a period of 7 years. Compensation, "a matter of grace," would be limited to crimes causing a personal physical injury or a death which, except for unusual circumstances, had been reported to the police within 48 hours. Out-of-pocket expenses for medical and hospital services as well as loss of earnings or loss of support would constitute the major reimbursable items, with a board member being permitted to make an immediate grant of \$500 in a case of hardship which appeared likely to come within the compensation program. The minimum claim would be \$100 or 2 weeks' loss of earnings, and the maximum award would be \$15,000. Grants would be reduced by amounts received from insurance and from similar sources.

The crime victims compensation board was charged with determination of whether the claimant would suffer "serious financial hardship"<sup>91</sup> as a result of the crime; if not, compensation would be denied. Single members would review claims, with both the board member and the claimant permitted to request a full board hearing. No judicial review was permissible, though the State could obtain court consideration if it believed that any award was improper or excessive. The act would be applicable only to crimes committed in New York, and only to those committed after October 1, 1966. It would be financed by an appropriation of \$500,000 for the 1966-67 fiscal year.

Recovery from the offender is treated in the following manner in the New York bill:

Acceptance of an award made pursuant to this article shall subrogate the state, to the extent of such award, to any right of action accruing to the claimant or the victim to recover payments on account of losses resulting from the crime with respect to which the award is made.<sup>92</sup>

Fighting the deadline for legislative adjournment, the New York bill was passed by the Assembly after the Majority Leader abandoned his own prefiled measure and took over its sponsorship.<sup>93</sup> Finally, during the last days of the session, the New York measure became the second<sup>94</sup>—and at the same time the most satisfactory—victim compensation law in the United States.

#### FEDERAL LEGISLATION

One bill in the U.S. Senate and seven companion measures in the House of Representatives have focused national attention on the possibility of federal compensation to victims of violent crime. The limited jurisdiction of the Federal Government over offenses involving violence

<sup>81</sup> Correctional Ass'n of N.Y., Rpt. of Ad Hoc Committee on Victim Compensation, Dec. 16, 1965.

<sup>82</sup> A.B. 1 (Jan. 5, 1966—Weinstein).

<sup>83</sup> Governor's Committee on the Compensation of Victims of Violent Crime, Transcript of Hearings, Jan. 3, 1966, p. 34 (Kuh).

<sup>84</sup> Id. at 60 (Wickersham, Jr.).

<sup>85</sup> Id. at 70 (Thomas).

<sup>86</sup> Id., Transcript of Hearings, Jan. 14, 1966, pp. 145-6. See also Mueller, 8 J. Public L. 218 (1959); Mueller, "Should Society Pay Crime's Victims?: No," 107 Rotarian 23 (Sept. 1965). Cf. Wolfgang, "Victim Precipitated Criminal Homicide," 48 J. Crim. L., C. & P.S. 1 (1957).

<sup>87</sup> Transcript of Hearings, Jan. 14, 1966 at 154 (Childres). See also Childres, "Compensation for Criminally Inflicted Personal Injury," 39 N.Y.U.L. Rev. 444 (1964); Childres, "Should Society Pay Crime's Victims?: Yes," 107 Rotarian 22 (September 1965).

<sup>88</sup> Transcript of Hearings, Jan. 24, 1966 at 13 (Mahoney).

<sup>89</sup> Id. at 32 (Lefkowitz).

<sup>90</sup> S.B. 4699 (Apr. 25, 1966—Committee on Rules). The measure is to be N.Y. Exec. Law, art. 22 § 620-635.

<sup>91</sup> Id. at 635.

<sup>92</sup> Id. at 631 (6).

<sup>93</sup> N.Y. Times, Apr. 21, 1966.

<sup>94</sup> N.Y. Times, July 7, 1966.

and personal injury, however, has made such legislative efforts primarily educational and demonstration pieces rather than inclusive attempts to deal with an issue of basic federal importance.

The measure introduced by Senator Yarborough<sup>95</sup> received its primary impetus from the writings of Ambassador to the United Nations (then Justice) Goldberg. In part, it drew its rationale from the inequity existing between workmen's compensation and the position of the victim of criminal violence. In presenting his measure, Senator Yarborough drew the following parallel:

In this country today we have the peculiar situation that a worker who is disabled while on the job may receive thousands of dollars of compensation even though his negligence in part contributed to the injury, while the same wage earner if disabled from a criminal attack for which he bore no responsibility whatsoever must face a future without any compensation at all. That such a situation should exist in this, the richest nation in the world, I find deplorable.<sup>96</sup>

Its sponsor succinctly summed up the ingredients of his bill when presenting it to Congress:

I am proposing to create a Federal Violent Crimes Compensation Commission. This would be a three-man tribunal. The Chairman and the two other members, chosen because of their legal experience and expertise, are to be appointed for 8-year staggered terms by the President with the advice and consent of the Senate. The Commission will consider the claims of those injured by criminal violence. It will be the Commission's job to examine the evidence presented to it both to determine what level of compensation should be granted and whether, in fact, the person making the claim was truly an innocent victim. In setting the compensation, the Commission will provide only for actual losses incurred by the victim, or, in the case of murder, his dependents. The amount of compensation that can be awarded could not exceed \$25,000 in any case. The determination of the Commission is to be considered final. \* \* \* A victim \* \* \* must submit his request within 2 years after the injury occurred.<sup>97</sup>

The bill was to apply only to those areas where the Federal Government exercised general police power. Senator Yarborough took pains to indicate his measure would not interfere with the control of the individual States over matters occurring within the jurisdiction of these States:

It is (in the District of Columbia and the special federal jurisdictions) that rape, murder, and assault are Federal crimes. This territory includes, besides the District of Columbia, American ships on the

high seas and international waters, lands reserved or acquired for the use of the United States and under the exclusive or concurrent jurisdiction of the Federal Government—including forts, dockyards, and arsenals of our Armed Forces—and American aircraft over the high seas or international waters. The bill will not in any way extend the plan to territories outside the direct jurisdiction of the Federal Government. It will in no way impinge on the rights of the several States, but I would hope that Federal action of this nature would encourage States to adopt similar plans in the several States.<sup>98</sup>

Other provisions of the bill presented by Senator Yarborough include a limit of 15 percent of any award exceeding \$1,000 for attorney's fees. The measure spells out 14 specific crimes which would entitle their victims, if other qualifications are met, to be compensated, and it includes "pain and suffering" as a compensable loss. Recovery from an offender whose victim had been compensated can be sought by the Violent Crimes Compensation Commission in federal district court for all or any part of the money which had been granted as aid.

Though it has not yet been accorded a hearing by the Judiciary Committee, Senator Yarborough's bill has received an exceedingly good press,<sup>99</sup> marred only by quibblings that citizens other than the newspaper editorial writer discussing the proposal might be offended by the impression that the Government is further "socializing" American life. In general, though, supporters have looked at the Yarborough bill in terms of recent Supreme Court decisions regarding newly elaborated constitutional rights of criminal defendants and found it an attractive counterbalance. Specific criticisms of the measure have focused on its lack of a standard of need against which claims might be judged, its overspecificity in denominating offenses, its failure to provide for appeal, and its omnibus jurisdictional sweep. It has been suggested that a well-run and well-monitored program for the District of Columbia might better serve educational and laboratory purposes for victim compensation. Some contention has also centered about the inclusion of awards for "pain and suffering" in the bill.

The legislation introduced into the House of Representatives, all of which is presently in the Judiciary Committee, draws heavily upon Senator Yarborough's bill. Five of the measures are exact replicas of the Senate bill.<sup>100</sup> Representative Hathaway's bill varies in but one detail, adding a 15th item to the specified list of compensable crimes—"Any breach of peace or felony."<sup>101</sup> This is done, according to the measure's sponsor, "to preclude technical arguments as to whether a certain crime falls within the intent of the bill."<sup>102</sup> Representative Edith Green, though she duplicated much of the Yarborough procedural and definitional material, made some striking departures from the Senate bill. Particularly, she called for a nationwide program of compensation financed from federal sources rather than a system applicable only

<sup>95</sup> S. 2155, 89th Cong., 1st Sess. (June 17, 1965). Reproduced Yarborough, "S. 2155 of the Eighty-Ninth Congress—the Criminal Injuries Compensation Act," 50 Minn. L. Rev. 255, 266 (1965); Kutner, "Crime-Torts: Due Process of Compensation for Crime Victims," 41 Notre Dame Law, 187, 501 (1966).

<sup>96</sup> 111 Cong. Rec. 13533 (daily ed. June 17, 1965).

<sup>97</sup> Id. at 13534-5.

<sup>98</sup> Ibid.

<sup>99</sup> See, e.g., Washington Sunday Star, Jan. 30, 1966; Washington Post, Aug. 1, 1965; Boston Sunday Herald, Sept. 26, 1965.

<sup>100</sup> H.R. 10896 (Sept. 8, 1965—Brown of Calif.); H.R. 11211 (Sept. 22, 1965—Bingham); H.R. 11291 (Sept. 27, 1965—Matsunaga), all 89th Cong., 1st Sess.; H.R. 11894 (Jan. 10, 1965—Horton), 89th Cong., 2d Sess.

<sup>101</sup> H.R. 11552, 89th Cong., 1st Sess. (Oct. 12, 1965).

<sup>102</sup> Office of Rep. Hathaway, Press Release, Oct. 12, 1965.

to areas of Government jurisdiction. Instead of enumerated offenses, her plan would cover "personal injury and death which results from the commission of a crime or offense which is a felony under State or Federal law." Mrs. Green's bill omits both compensation for pain and suffering and the provision for subrogation of the victim's claim on the offender found in the Yarborough-sponsored legislation, but adds a provision to place a minimum figure (\$300) upon compensable losses.<sup>103</sup>

#### OTHER JURISDICTIONS

The growing national interest in victim compensation is clearly indicated by the widespread legislative attention that has been given to bills calling for State assistance to persons injured or deprived of their support through the commission of crimes of violence. For the moment, California and New York remain the only States that have placed a compensation law on their statute books, but at least eight others, in addition to the Federal Congress, currently have or recently have had compensation provisions before them. In addition, attorney generals in two other States have indicated that they will sponsor compensation legislation.

The New York State approach by way of committee investigation has been duplicated in Illinois, Rhode Island, Maryland, and Massachusetts. The 15-member Illinois Commission on Compensation to Victims of Crimes of Violence was appointed late in 1965 and is expected to report its recommendations to the next session of the legislature.<sup>104</sup> The Rhode Island legislature received a bill modeled closely upon the California measure, placing compensation responsibility in its Department of Social Welfare, but permitting aid to the amount of \$10,000 "so as to assure \* \* \* families a standard of living comparable to that which they enjoyed prior to the commission of such crime."<sup>105</sup> Rather than acting upon the measure, the legislature created a study commission to report back to its next session on the matter.

In Maryland, an 11-man commission appointed by the Governor was established to return a recommendation on victim compensation in October 1966.<sup>106</sup> The commission is to consider, among other items, a Criminal Injuries Compensation Act calling for a program fully administered under the existing facilities of the Workmen's Compensation Commission. An indemnity fund similar to California's has been included in the Maryland bill, which calls for an appropriation of \$250,000.<sup>107</sup>

In his message to the Massachusetts legislature in March 1966, the Governor requested—and quickly received—a study commission to review the desirability and feasibility of a victim compensation program in the Commonwealth.<sup>108</sup> Earlier, two measures, both in rather rudimentary form, had been placed before the legislature.<sup>109</sup> In declaring his support for compensation to victims of crimes of violence, the Governor indicated, among others, the following reasons for his advocacy:

It might be noted that if a compensatory system were established it would likely accomplish another salutary purpose in addition to providing simple justice to victims—it would likely serve to create awareness on the part of us all of the hidden costs of crime and violence, and thus place the costs of our crime prevention programs into proper perspective.<sup>110</sup>

Compensation bills were also placed before the legislatures in Oregon, Pennsylvania, and Wisconsin. The Oregon bill, the first introduced in the United States, called for an unpaid three-member Criminal Injuries Compensation Commission, and provided minimal compensation for victims—a single person partially or totally incapacitated for work, for instance, was to receive \$20 a week. Drawn in careful detail, and patterned in many respects on the New Zealand legislation, the Oregon measure requested a biennium appropriation of \$100,000 to finance its operation.<sup>111</sup> Introduced late in the legislative session, the bill received considerable editorial support,<sup>112</sup> but was not enacted. It is expected that it will be presented again in 1967, though altered to include a formula to distribute at least a portion of the cost of the program among local units of government.<sup>113</sup> A compensation measure presented to the legislature in Pennsylvania had duplicated the California legislation,<sup>114</sup> while, at the same time, a Senate concurrent resolution had called for the creation of a joint legislative committee to investigate possible compensation programs.<sup>115</sup> Neither Pennsylvania attempt received support during the 1966 legislative session.<sup>116</sup> The Wisconsin bill,<sup>117</sup> which also failed at enactment, has a rather unique provision calling for recovery from municipalities by persons physically injured, but only if the acts were committed by juveniles.

Both the Michigan<sup>118</sup> and the New Jersey attorney generals indicate an intention to introduce victim compensation laws during forthcoming legislative sessions. New Jersey's prospective bill was reported to be modeled upon the program in Great Britain.<sup>119</sup>

The roster of jurisdictions involved in victim compensation can be completed by reference to proposals in New York City and Philadelphia. The New York City Council had passed a good samaritan measure upon the heels of the death of Arthur Collins, which allowed the municipality to make awards for persons injured while attempting to prevent the commission of a criminal offense.<sup>120</sup> Under its provisions, Mrs. Collins was awarded \$4,200 a year for the remainder of her life.<sup>121</sup> Subsequently, the council considered, but did not approve, a victim compensation measure.<sup>122</sup> In place of such approval, it passed a resolution calling upon the Governor to undertake a study of the feasibility of State-wide legislation on the subject.<sup>123</sup> The same road was taken in Philadelphia, where the city council's committee on law and government came to the conclusion that the matter was better left for State consideration,<sup>124</sup> though public hearings are scheduled on a council measure<sup>125</sup> in order to alert State officials to victim compensation issues.

<sup>103</sup> H.R. 11818, 89th Cong., 1st Sess. (Oct. 22, 1965).

<sup>104</sup> H.B. 682, approved Aug. 10, 1965.

<sup>105</sup> H.B. 1109 (Jan. 19, 1966—Sweeney, Jr.).

<sup>106</sup> Washington Star, Mar. 23, 1966.

<sup>107</sup> S.B. 151 (Feb. 4, 1966—Steffey).

<sup>108</sup> H. Doc. No. 3276 (Mar. 28, 1966); H. Res. No. 3266 (Mar. 28, 1966).

<sup>109</sup> H.B. 2634 (1966—Morrissey); H.B. 3010 (1966—Gammal, Jr. & Lombard).

<sup>110</sup> H. Doc. No. 3276 at 13 (Mar. 28, 1966).

<sup>111</sup> H.B. 1822 (Mar. 4, 1965—Roberts).

<sup>112</sup> See, e.g., Gresham Outlook, June 3, 1965; Eugene Register-Guard, Aug. 26, 1965.

<sup>113</sup> Letter from James R. Faulstich, Oreg. Legis. Council, Mar. 2, 1966.

<sup>114</sup> H.B. 2136 (Oct. 19, 1965—Polaski et al.).

<sup>115</sup> S. Concurrent Res. 116 (Sept. 1, 1965—Casey et al.).

<sup>116</sup> Philadelphia Inquirer, Jan. 30, 1966.

<sup>117</sup> H.B. 450 (Apr. 27, 1965—Sussman).

<sup>118</sup> Detroit Free Press, Dec. 16, 1965.

<sup>119</sup> N.Y. Times, Jan. 2, 1966.

<sup>120</sup> N.Y. City, Local Law 103 of 1965.

<sup>121</sup> N.Y. Post, Dec. 30, 1965.

<sup>122</sup> Bill 62 (Feb. 15, 1966—Sharison & Curry).

<sup>123</sup> Res. 1 (Jan. 11, 1966).

<sup>124</sup> Philadelphia Inquirer, Feb. 24, 1966.

<sup>125</sup> Res. 178 (Feb. 3, 1966—Bellis).



## SUMMARY AND CONCLUSIONS

Two items stand out clearly in a review of victim compensation in the United States and abroad. The first concerns the insistent movement toward enactment of legislation to ameliorate the consequences visited upon victims of crimes of violence and the second concerns the variegated methods by which different jurisdictions have gone about the task of providing aid to such victims.

The pioneering nature of victim compensation obviously caught legislatures and their advisers short regarding substantiated information on probable or possible costs. Studies regarding the implications of crime for its victims are notably in short supply; the same may be said, in fact, for studies regarding the impact of crime on those close to the offender. Considerable disagreement also prevails concerning the goals that victim compensation seeks to achieve. It is not surprising, under such conditions, that nobody is certain what are the better and what the less useful approaches to victim compensation and which pattern of compensation, presuming that a particular pattern will prevail, will come to dominate the State and federal scene. Political, pragmatic, and idiosyncratic variations all have gone into the cauldron that contains the current mixture of compensation programs and recommendations for such programs. A remark by a member of the House of Lords during debate provided a basic ingredient of the British victim compensation scheme.<sup>126</sup> In Oregon, introduction of legislation was the outcome of a chance conversation between a State assemblywoman and a friend.<sup>127</sup> In California, the emergent compensation measure was spurred by the reaction to a courtroom experience on the part of a trial judge.<sup>128</sup>

Strikingly little discussion has dealt with the fundamental issue of whether victim compensation measures are desirable forms of social action. It may be argued that such measures will have unfortunate consequences on the behavior of citizens, will inhibit the rehabilitation of offenders, and will provide a significant wedge into which similar forms of legislation, viewed as unattractive for ideological reasons, will intrude. It is equally possible that victim compensation, by dealing with a social need seen as pressing, will forestall more wide-ranging consideration of basic issues regarding provision of assistance to all citizens unduly deprived. The impact of victim compensation on penal policy must also remain a speculative matter. It is possible that because of victim compensation programs society will be more hospitable to attempts to render prison rehabilitation programs more effective, particularly in regard to conditions of labor and remuneration. It is not unlikely, on the other hand, that more intense concentration on victims will engender a deeper hostility toward the perpetrators of violent depredations. Successful prosecutions may increase because of the belief, real or imagined, that compensation will follow more certainly in the wake of convictions. On the other hand, successful prosecutions may decrease because the victim, assuming that he will be compensated

nonetheless, will be more charitable in various overt or subtle ways toward his assailant. The impact of compensation on sexual offenses alone is a subject containing an inordinately wide range of issues, though again it must be stressed that such hypothetical speculation should not foreclose attention to the likelihood that the outcome of victim compensation programs may be very limited and insignificant when examined in terms of broader characteristics and trends in the society.

Victim compensation represents too attractive a social goal to have gathered much articulate opposition. Opposing it is rather like attempting to put together forceful and compelling arguments against compassion, mercy, and decency on the ground that such indulgences may in the final analysis produce cruelty, ruthlessness, and indecency. It is almost invariably assumed as a matter of course that evil acts cause evil consequences and that good acts produce desirable consequences. For victim compensation, it is not unlikely that this adage is quite accurate, though a balancing up, ledger-style, of the almost infinite mass of far-reaching social consequences of a given item is an overwhelming and perhaps a foolhardy and superfluous task. But the deep and compelling necessity to assess victim compensation programs as adequately as possible when they go into operation can never be emphasized too strongly.

A good deal of verbal and intellectual verve has been expended looking for a satisfactory rationale for victim compensation. Most often an attempt is made to deny the implication that the State is liable because of inadequate performance of its police functions. Such exercises in ingenuity often appear to be rather tortured. A legal framework for victim compensation could readily describe its ingredients without recourse to a placing of responsibility. The soundest approach to the matter of an ethos for victim compensation appears to be that suggested by Rupert Cross:

I am content to do without theoretical justifications \* \* \*. After all, these are questions of public welfare and they should be determined by public opinion. Human needs account for the most of the Welfare State, and its evolution has nothing to do with tortuous lines of reasoning \* \* \*. If there is a widely recognized hardship, and if that hardship can be cheaply remedied by state compensation, I should have thought that the case for such a remedy was made out, provided the practical difficulties are not too great. The hardship in these cases is undoubtedly widely recognized \* \* \*.<sup>129</sup>

A review of the various forms of victim compensation which have been established or suggested provides a final basis for comment and summary suggestion. Only a few aspects of such programs will be noted at this point, since major considerations involved in victim compensation have generally been attended to earlier in those contexts in which they arose. In addition, a considerable number of resolutions of different procedural issues

<sup>126</sup> Lord Denning's recommendation of *ex gratia* payments in 245 H.L. Deb. 274 (1962).  
<sup>127</sup> Letter from Betty Roberts, Mar. 23, 1966.

<sup>128</sup> Letter from Francis McCarty, Mar. 3, 1966.

<sup>129</sup> Cross, "Compensating Victims of Violence," 49 Listener 815, 816 (1963).



appear to represent nothing more substantial than a choice between unknowns, made hesitantly and tentatively pending further information on the actual outcome of the matter in practice.

The two programs inaugurated outside of the United States appear to have been working without a good deal of difficulty during their early stages. Reports from England would seem to indicate that victim compensation may be benefiting from a honeymoon glow that likely follows inauguration of a new aid program. Having expected nothing, persons tend to be quite grateful to discover that, by a quirk of chronology, they are to benefit from a recently established compensation program. This kind of good fortune can do much to blunt for a while potential unhappiness about the amount of an award, the manner in which it was determined, and similar procedural matters. Later, when comparative standards may be invoked by applicants and when they may come to see victim compensation as something to which a person is entitled as a matter of law and policy, the pleasure of receiving any grant may be less readily forthcoming.

The pioneering New Zealand approach to victim compensation provides at least one noteworthy feature that, despite its legislative priority in the history of victim compensation, has not been duplicated elsewhere. Inclusion in New Zealand of nonlegal personnel on the compensation tribunal is an approach that would appear to merit closer attention. To the extent that the law is today becoming more closely bound to concerns often beyond the traditional reach of legal training, it would appear to be an attractive policy to blend legal considerations with lay wisdom and legal wisdom with lay considerations on a compensation tribunal. The creation in New Zealand of a separate compensation tribunal rather than the placement of the program into preexisting agencies or boards appears basic to any sophisticated approach requiring the accumulation of expertise in a complex field. Awards possible in New Zealand for pain and suffering may provide testimony to the thrust of the program toward returning individuals as far as possible to pre-existent conditions, but, especially in view of the modest amounts available, it would appear sounder to eliminate this category rather than risk cluttering the operation of victim compensation at this nascent stage.

No jurisdiction appears to be particularly comfortable with the prospect that compensation may be accorded to persons who turn it to profit or who could easily have assisted themselves from their own resources. New Zealand's view that "a man should not be penalized for having the foresight to insure himself"<sup>130</sup> is an attractive one. Its consequence would undoubtedly be to reduce the amount of insurance, probably very slight at any rate today, sought by persons to protect themselves against the consequences of personal injury inflicted by crimes of violence. On the other hand, State movement into the field of medical assistance, already far accomplished in New Zealand and Great Britain, and underway in the United States, would serve in many instances, where need provisions surrounding such assistance are not oppressive,

to reduce the expenses of victims of violent crime. The entire subject of the relationship between auxiliary kinds of assistance available to individuals in the event of deprivation by violent crimes is one requiring a considerably greater amount of empirical foundation before it can reasonably be unraveled and the consequences of alternative approaches indicated and weighed.

A major contribution of the British program has been its concentration on a generic definition of those kinds of acts which bring the victim within the jurisdiction of the compensation scheme. Elsewhere, painful attempts to delineate specific offenses have fallen constant prey to writers who readily can demonstrate that the omission of one or another specific offense is very likely to deprive a person requiring assistance from such help even though his case is patently one more deserving than many eventuating from the offenses which are included on the list of compensable crimes.

The possibility of reparation by the offender to the victim has been said to represent the most promising underlying thread in victim compensation programs. It is not unlikely that at some point the cost of victim compensation will be seen as an undue public burden and that this public attitude might then provide leverage for the inauguration of programs making it possible to transfer, in theory if not altogether in economic fact, the fiscal load to offenders. Only recently, and probably inspired in large measure by public discussion of victim compensation, a British writer has suggested the establishment of a "self-determinate sentence" for prisoners under which they would be required to work a 42-hour week, at full union rates, "until their crimes were paid for out of their earnings, and their victims compensated."<sup>131</sup>

Perhaps the easiest target is the inclusion of victim compensation within a welfare program in the manner that California has undertaken. The results to date in that State indicate, at least in a preliminary way, that the program was so tightly drawn that it defeated its own purposes and managed only to absorb within it a few individuals who for special reasons, such as failure to meet residency requirements, had not otherwise qualified for welfare assistance. R. D. Childres' critique of the welfare approach seems eminently sound:

Welfare programs are analogous to victim compensation only in that they deal with destitution, which compensation is intended to prevent. Welfare and compensation are unrelated in their rationale, their victims, and the social problems they seek to alleviate \* \* \*. Victims of crime ought not be required to divest themselves of all resources before qualifying for compensation. Nor should they receive payments at a level kept low in part to induce people to return to the work force.<sup>132</sup>

Similarly, the question of providing payments on an *ex gratia* basis rather than by statutory enactment, as Britain is presently doing, is open to question. This approach suggests an element of condescension which poorly

<sup>130</sup> N.Z. Parl. Deb. 2633 (1963).

<sup>131</sup> Smith, *A Cure for Crime*, 13-14 (1965).

<sup>132</sup> Childres, "Compensation for Criminally Inflicted Personal Injury," 39 N.Y.U.L. Rev. 444, 462 (1964).

serves the relationship between a State and its citizens. At the same time, as Rothstein notes, *ex gratia* is "a term connoting arbitrariness of administration and discouraging safeguards that would surround the dispensation of a right."<sup>133</sup> On the other hand, the experimental nature of the British program in compensation may more than adequately exculpate an approach allowing flexibility and experimentation during a period in which more substantial information is being sought.

There are, as indicated earlier, diverse other questions which require closer attention, such as items relating to the relationship between compensation and reporting to and cooperation with the police. The idea of tying compensation awards to industrial wages and the placing of ceilings on possible compensation grants is arguable. The role of attorneys in compensation programs is one that has produced varying reactions, with the American legislatures being more likely than their foreign counterparts to create a place for attorneys, though one with limits set upon possible fees. The amount of publicity to be given hearings on compensation claims is a question related to issues of individual rights and well-being and issues regarding the integrity of criminal proceedings as well as those concerned with the public's right to be made aware of the operation of its agencies. Attempts to limit compensation to injuries that have taken place upon State residents only within the geographic limits of a State may create difficulties and discontent.

Federal legislative efforts regarding compensation to victims of criminal violence have and will continue to provide a national forum that will likely influence for the better the development of victim compensation statutes. The suggestion that the Federal Government create a well-run, model victim compensation program in the District of Columbia seems particularly well-taken and attractive.

These and other matters, as indicated at the outset, must be considered in terms of administrative and ideological predilections. Such positions will often provide ready resolutions of issues involved in compensation programs. At the same time, experience and research should come to offer a substantiated body of data that will allow more knowledgeable consideration of substantive and procedural matters.

It would appear proper that final attention be returned to Margery Fry, the intelligent, shrewd, and indomitable reformer who was largely responsible for the reappearance of victim compensation as a matter of public concern and action. Tributes to Miss Fry pervade the debates on victim compensation in Britain. In them, many of her friends and colleagues provide moving testimony to her lifelong career of devotion to the ideals of reform in the administration of criminal justice and the treatment of criminal offenders. The final paragraph of Miss Fry's last book supplies a fitting statement of the attitude that underlay her advocacy of victim compensation and matters of penal reform as well as the spirit in which she desired such subjects to be considered:

We are looking towards a \* \* \* system which shall renounce the ideas of weighing wickedness and turn instead to estimating danger, which shall at once acknowledge our ignorance and employ our knowledge to the full; strong enough for gentleness and wise enough for tolerance.<sup>134</sup>

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# NATIONAL CRIME DATA REPORTING SYSTEM: PROPOSAL FOR A MODEL

by Peter P. Lejins

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This proposal is predicated on the recognition that a nationwide system of information about crime, juvenile delinquency, criminals and juvenile delinquents, law enforcement and corrections processes, and preventive efforts is needed and recommends the development of such a system.

## GENERAL UNDERLYING CONSIDERATIONS AND RECOMMENDATIONS

In deciding on a national crime data reporting system, the following issues should be considered and decisions with regard to them must be reached. These issues are here identified and in some instances decisions are recommended.

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## GOALS AND OBJECTIVES

It is obvious that in the most general terms, the goal of a national crime data reporting system is to provide information on a national scale about crime and delinquency, criminals and delinquents, law enforcement, and correctional and preventive processes. Specifically what information is to be provided must be established through an analysis of the interests and needs of the "consumers" of that information.

## CONSUMERS OF CRIME DATA AND THEIR NEEDS

The consumers of the crime data fall into two distinct categories: The operational agencies in the area of law enforcement, corrections, and prevention, which are the source of the information as well as consumers thereof; consumers other than the operational agencies, who can be classified into the following major categories: The general public, government, mass media, private organizations, and research.

1. The operational agencies in the area of law enforcement, correction, and prevention are the police, the jails, lockups, and other detention facilities, the prosecuting attorneys, the criminal courts, probation, the penal and correctional institutions, parole, and various types of preventive programs developed especially in the last few years both nationally and locally. These operational agencies provide or are capable of providing, on the one hand, information about the offenders they handle and, on the other hand, information about their own actions with regard to these offenders; e.g., arrests, court decisions, parole decisions, etc. At the same time, the operational agencies should also have and use information about the offenders they handle and about their own activities as viewed in the perspective of the activities of the entire law enforcement and correctional systems. As already indicated, these agencies thus appear both as sources and as consumers of the information or data. The

information needs of an operational agency can be further differentiated into two basic types; namely, operational information needs and general information needs.

a. Operational information needs mean information that is used directly by the operational agency with regard to the people it is dealing with, its own actions and the results of these actions and contributes to better performance of its tasks. If the functioning of the agency is interpreted as a decisionmaking process, then the purpose of the information is to provide a sound basis for the decisionmaking. An operational information system envisages the feedback of information into the operational system with an ensuing modification of the operational system itself and corresponding adjustments in the information system as well.

b. General information needs mean information that is not directly applicable to the operational task of the agency but that obtains to the general area of the activities of the agency, in this case crime, law enforcement, and corrections, and in that sense less directly but still importantly contributes to the performance of the immediate tasks. Occasionally the term "administrative use of information" is used in this connection. It should be recognized that the line of distinction between operational and administrative functions of information is not necessarily sharp, but the distinction as such is useful. The need of a police department for information on national crime trends and crime trends in communities similar to its own, or the need of a State correctional institutions system for information on national trends in prisoner populations, are examples of consumer needs for general information.

The numerical growth of the population of this country, which makes for a mass society, the persistent change of the pattern of living from the rural to the urban and metropolitan, all of which leads to the disappearance of relatively stationary primary community living in favor of mobile societal living, the ever-increasing farflung operations of the governmental agencies, business enterprises, and organizations with nationwide transfers of personnel, the steadily growing facilities for transportation—all this is making the population of this country more and more mobile. In terms of law enforcement and corrections, this means that the number of people living their whole life or even a considerable portion thereof within one and the same jurisdiction is rapidly diminishing. Crime itself, especially persistent professional and organized criminality, is making use of the opportunity to move from place to place, utilizing the advantages of being unknown in the area of operation as well as of the limitations imposed on law enforcement by its traditional local nature.

It is generally recognized that it is becoming more and more difficult for the law enforcement and correctional agencies to deal with offenders on the basis of information which they themselves can secure within their territorial jurisdiction. More and more offenders leave their original jurisdictions to return after having spent a segment of their lives and criminal involvements in other jurisdictions. It is becoming abundantly evident that in the type of society that the American society is getting to

be, the law enforcement and correctional systems, in order to be effective in the performance of their tasks, must have access to information about their clients that is in the possession of other jurisdictions. All this suggests the need for an information network of national scope.

It is often suggested that metropolitan-areawide information systems, involving occasionally several States, a number of counties and sometimes hundreds of police jurisdictions, are sufficient. The New York City metropolitan complex, Chicago, Washington, D.C., and others are cited as examples. Also regional information systems are occasionally advocated. The implied suggestion sometimes is that this is as far as one needs to go at the present time, the metropolitan areas and the regions presumably being the extent of the necessary expansion. On the other hand, it is being pointed out that the metropolitan and regional limits do not contain the offenders whose operations and mobility are nationwide. Strong evidence can be advanced even now for the need of a national information system to satisfy the operational needs of law enforcement and correctional agencies, and the argument in favor of a national system grows stronger every year. The links combining the metropolitan and regional information systems into a unified national one do not per se represent such a large additional expense, if at all, as to make them financially too burdensome if one accepts the premise that the metropolitan and regional systems must be developed and linked in any case. Some ideas as to cost can be derived from ADP Report No. 52 of the Home Office and Metropolitan Police Joint ADP Unit, "Chapter V: Equipment in Central and Regional Record Offices," especially page 35; also "Chapter VI: Communications."

2. Outside of the operational agencies themselves, the following should be singled out as the major categories of crime-data consumers.

- a. The general public, which in the case of the United States means the electorate. The general public in this country is intensely interested in crime and delinquency and in their control and prevention; and it is very important that it be properly informed as it is the electorate which in the final analysis determines the national and local policies and action.
- b. The government (other than operational agencies): this means the legislators and the executive, both as they act on the basis of the general image which the country has about crime, its control and prevention, and as they request more specific data on crime and delinquency in connection with legislative and administrative activities, which data must rest on the available basic system of data and cannot rely solely on ad hoc data gathering for each specific task.
- c. The mass media, such as the daily press, radio, TV, and periodicals are the vehicle through which the general public—the electorate—and the government (legislators and administrators)

receive most of their general information about crime and related matters. Thus, the mass media as consumers of crime and delinquency data are extremely important and should be supplied accurate and meaningful information.

- d. Private organizations, through which the general public expresses its interest and desire to act on crime and delinquency problems in addition to its action as the electorate. Such organizations as the YMCA, YWCA, Boys Clubs, Boy Scouts, Girl Scouts, Campfire Girls, and many denominational organizations are all, at least in part, motivated in their programs by the juvenile delinquency problem. Yet the dearth of appropriate data prohibits these organizations from planning their programs on a realistic and sound basis as regards delinquency.
- e. Research in the area of crime, delinquency, law enforcement, corrections, and prevention is such an all-encompassing term that a general reference to it as a consumer of data and a further general reference to its needs for data is meaningless. Presently, in view of the existence of an endless variety of theories of criminal behavior and ensuing theories and action proposals for law enforcement, correctional and preventive programs, any data with regard to crime and delinquency may be requested as a research requirement. Hence, the research needs for data cannot be anticipated by any national or local crime-data collecting or reporting system. Thus, the needs of research as a consumer of data, addressed to an ongoing crime data reporting system, must be identified in terms of very specific issues and definitions. Here is a listing—not necessarily an all-inclusive one—of some of such issues, together with recommendations for the stand to be taken on them.
  - (1) A clear distinction must be made between the help which a national crime data reporting system may give research and the help by some sort of national agency for evaluation, planning and funding of research in crime, law enforcement, and correction and prevention, some sort of national academy of criminology or national foundation. Creation of such an academy or foundation is potentially a very timely and important task but is not the assigned subject matter of this proposal.
  - (2) There is a general and recurring need on the part of research for certain basic data on occurrence of crime, actions of law enforcement and correctional agencies and preventive programs. This information, at least in part, can be considered as a natural and necessary byproduct of the properly developed "accounting procedures" of the operating agencies and can be made available to research through the national crime data reporting system. The need for varied research activities of the so-called baselines, as this is often formu-

lated, would be satisfied by such information. In part, it could be some limited amount of information over and above that which flows from the accounting procedures of the operational agencies, collected and made available to research and other nonoperational consumers of crime data as these were listed above. It is the assumption of this proposal that such base data should be of use to research, and it would be important to provide it.

- (3) The "sampling" versus "universe" issue has frequently been raised with regard to a national crime data collection. By way of illustration, the "Uniform Crime Reports" of the Federal Bureau of Investigation collect data on offenses becoming known to the police and on arrests for the entire United States. The Juvenile Court Statistics of the Children's Bureau, on the other hand, operate their program on the basis of a sample. It is occasionally pointed out that most of the information that research is interested in can be provided by sampling. The relative organizational simplicity of the sampling and its low cost in terms of time, personnel, and funds is further indicated. In choosing between these two alternatives, the following two considerations are of importance: First, the all-inclusive broadness of the term "research," which has already been pointed out, suggests that certain but not necessarily all types of research needs may be satisfied by a sample rather than by universe reporting. Secondly, if the national crime data reporting system is to have the operational information function in law enforcement and corrections, then the data collection for the entire universe would be necessary for operational purposes. Thus, research would be receiving the total information as a by-product of the operational system.

The time element involved in the development of a universal data reporting system has often prompted the researchers to ask for data based on a sample at present, even if universal reporting is the ultimate goal. This should not necessarily be rejected, since in some instances, the collection of data on the basis of a sample can be combined with experimentation, on a pilot project basis, for the development of a complete reporting system.

- (4) Somewhat related to the "universe" versus "sampling" issue is the occasionally raised point that research does not really need a national crime data reporting system and can instead proceed on the basis of the study of samples and of control groups. While it should be recognized that certain types of research objectives may be accomplished without a baseline derived from an ongoing data reporting system, and that some research may always have to depend on such methodology, there are other research objectives which must or can more easily be satisfied by the



availability of crime data baselines. It is assumed in this proposal that nobody would seriously deny the advantages accruing for research from the availability of good basic data on crime, delinquency, law enforcement, and corrections.

- (5) Although the distinction between agency statistics and the criminal-career records is made and discussed elsewhere in this proposal, the need of research for criminal-career histories of individual offenders over and above presently available agency statistics is well known. It is hardly debatable that the establishment of a system of criminal career records and making them available to research would open a novel type of opportunity of unprecedented promise for scientific exploration of factors operative in criminality as well as the effect of law enforcement and corrective measures.
- (6) Access to national crime data reporting system information for research purposes. Given on the one hand, the operational function of the national crime data system and on the other hand the interests of research, provision must be made for differential availability of the information to the various types of consumers, because the information which for operational purposes must be identified with the individual offenders cannot be indiscriminately made available to research or other consumers. Thus, the national crime data reporting system must have devices built into it which constitute selective and limited access to certain segments of the information contained in it.

That the interest of the crime-data consumers other than the operational agencies is in national information, rather than State or local only, hardly needs elaboration. The general public is concerned about the local crime and delinquency situation and the effectiveness of the measures taken against it, but an always-present companion of this concern is interest in comparing the problems of one's own community with the similar problems of other communities and of the Nation, and their solution. Take away these comparisons and the local concern becomes totally blind, losing all knowledge and guidance as to whether there is cause to be concerned or whether there is something that can be done. Reliable and meaningful information with regard to the problem elsewhere and especially in the Nation as a whole is an indispensable prerequisite for any evaluation of the situation and for decisionmaking and action.

Exactly the same observations apply to the need for information on the part of the government, the mass media, and private action agencies, the latter of which represent nothing else than another action arm of the general public. All this simply means that a nationwide democratic action process in the area of crime and delinquency must be based on nationwide information to ensure an enlightened electorate and informed government.

The research needs have been characterized in suffi-

cient detail to warrant the conclusion that a great deal of research on crime and delinquency can be done and many answers can be given without necessarily having a national crime data reporting system. But the information provided by such a system would facilitate major segments of research by providing readily available baselines for evaluation purposes and would make certain types of research possible.

#### DEVELOPING A NATIONAL CRIME DATA REPORTING SYSTEM: BASIC NEEDS

##### *The Present State of the National Crime Statistics in This Country*

A simple overview of the agencies which operate in the area of law enforcement and corrections and which are engaged in the decisionmaking and action with regard to offenders readily discloses that only very few of these agencies presently take part in any national reporting program of their activities, and there are many whose records, even on a local basis, are inadequate or not available. The absence of nationwide statistical information, which our modern society often expects to be there and actually requests, suggests the need for the development of national crime and delinquency statistics in the areas where there are none; and further suggests the development of the necessary apparatus for producing these statistics: an appropriate National Agency.

In those areas where strong national statistics already exist, the National Agency would not necessarily have to take these over, but only function as recipient of the results for the purpose of integrating these into the total statistical picture. This country has national police statistics, comprising offenses known to the police and arrest data, compiled and published through the "Uniform Crime Reports" by the Federal Bureau of Investigation with the cooperation of the International Association of Chiefs of Police. This country also has "National Prisoners Statistics," dealing with prisoners in State and Federal Institutions, compiled and published by the Federal Bureau of Prisons. There are also juvenile court statistics, prepared on the basis of a sample by the Children's Bureau. There are, however, no national statistics from the area of criminal prosecution such as bail statistics, statistics on release on one's own recognizance, detention statistics, prosecuting attorney statistics, jail statistics, no judicial criminal statistics, probation statistics or parole statistics, to name the major ones. It appears obvious that for the development of these statistics on a national scale, creation of a National Agency is indispensable for promotional purposes, for development of uniform categories for reporting the relevant data, for the development of standard reporting procedures, and for the actual operation of these systems.

##### *The Method for Securing Crime Data for a National Reporting System*

A major problem with regard to the method to be used to secure the data for the national systems in the area of

crime and delinquency so far has been a difference of opinion as to whether the National Agency charged with the compilation of the data should collect the data from the individual law-enforcement and correctional agencies as is being done by the FBI in the collection of offenses known and arrest data directly from over 8,000 separate police departments, or whether the National Agency should receive its information from State statistical agencies which would be responsible for collecting all the necessary information within their State.

The major argument in favor of the first plan is that if the national reporting system were to rely on State statistical agencies as the source of data, it would have to await the development of such agencies by the States, which might mean an almost indefinite postponement of the national system, since only very few States presently have adequate criminal statistics and even these by no means cover all the categories being discussed in this proposal.

The major argument for the second plan is the fact that because of the legal, law-enforcement, correctional, and sociocultural idiosyncracies of the different States, the true meaning of the statistical data can be obtained only with the help of the competent interpretation by a State agency that is cognizant of these idiosyncracies and which then transmits the data to the National Agency in uniform categories.

This proposal recommends combining both of the above plans so as to avoid delay and take advantage of what is already available in the sense that the National Agency would accept the statistical data from the State agencies where such exist, and deal with the individual law-enforcement and correctional agencies directly as long as no statewide statistics have been developed. This combined plan would make use of the advantages of well-developed State reporting systems where and whenever such systems are available. At the same time, this procedure would avoid delaying the development of the national system until all such State systems are ready.

### *Technology*

The ultimate condition which is responsible for the preparation of this proposal for a national crime data reporting system as well as for the entire current revolution in the collection of data on crime, criminals and law enforcement and correctional activities is, of course, the emergence of electronic or automated data processing. This development, which started with the punch card, the sorter, and calculator and recently reached new dimensions in data collection, storage, retrieval, transmission, and analysis by means of computers, has opened new horizons for more effective law enforcement and unprecedented opportunities for the analysis of factors leading to criminal and delinquent behavior and the understanding of the true effect of corrective and preventive measures, which at last seem to be accessible to a direct check of their effectiveness rather than only to a theoretical justification as heretofore. The extent of the opportunities offered by EDP for empirical proof of scientific propo-

sitions and hence justification also of practical measures cannot even be grasped at the present time.

The main difficulty in designing proposals and models for the collection and use of crime data seems to be the uncertainty concerning what is actually feasible from the point of view of electronic technology, and its cost, and the fact that this technology is in a process of such rapid development that the technological premises of the designs are out of date almost as fast as these are put on paper.

Thus, it is proper to state that the model for the national crime data reporting system developed in this proposal is predicated entirely on the presently available electronic technology. The exact technological arrangements can hardly be fully anticipated until the proposal is on the verge of implementation. References to this fluid state of possibilities are made throughout the proposal.

### ORGANIZATIONAL SETTING OF THE SYSTEM

For the purpose of developing a national crime and delinquency data reporting program, the establishment of a special national agency is recommended. In this proposal, this agency will be referred to as the National Crime Data Agency; for the purpose of brevity, it is occasionally cited simply as the National Agency.

While one may assume that geographically such an agency should be located in the Nation's Capital, from the administrative standpoint, several possibilities exist and should be studied further. Location in the Department of Justice or the Bureau of the Census, and status as an independent agency have been suggested. At this point of the deliberations, it appears to be most advantageous, and this proposal so recommends, that the Agency be located in the Department of Justice. While this location would convey as much prestige and authority as any, an additional factor in its favor is the fact that most of the Federal, State, and local agencies whose cooperation in the program must be secured are in one way or another connected with the administration of justice.

The purpose and primary objective of the National Crime Data Agency is the operation of a national crime data reporting system. For the purpose of brevity, the latter is occasionally cited in this proposal as national reporting system or simply as system. It should be handled by what might be called the Office of National Crime Data Reporting within the Agency. It should be recognized that the information which is by and large available with regard to crime, its control and prevention, falls into two major categories:

1. First, there is what is generally and popularly known as criminal statistics and what actually consists of reported actions of the law enforcement and correctional agencies with regard to offenders, and data collected by the respective agencies about these offenders. Thus, police statistics report either the fact that an offense has been registered by the police as a "crime known to the

police," or they report the arrests. The criminal court statistics report the cases filed with the court and the court dispositions in these cases. The parole statistics report the offenders released on parole and placed with the parole system, violations of parole, successful termination of parole, etc. This type of crime data is referred to in this proposal as "agency statistics." These statistics report the volume of actions by the various law enforcement and correctional agencies and data about offenders in terms of certain characteristics and in the form of tabulations. For instance, the National Prisoners Statistics report that on December 31, 1963, there were 217,280 sentenced prisoners confined in State and Federal institutions for adult felony offenders and that 7,745 of these were females. They further report that embezzlement, fraud, and forgery comprised 23.6 percent of the total commitments for women received from court by State institutions in that year. These statistics do not as a rule identify agency action with an individual and thus it is impossible to connect the actions of two or more agencies with reference to one and the same individual offender.

2. Secondly, there is another type of information about offenders, which consists in a listing of law enforcement and correctional involvements of a particular offender, usually supplemented by identifying information and possibly some background data. This is properly referred to as a criminal career record, and in police circles is popularly known as the rap sheet. An orderly collection of such criminal career records or files on individual offenders that is kept up to date is considered by many an especially valuable source of information both for understanding the career of a criminal offender and for evaluating the effectiveness of the law enforcement and correctional measures which were applied to him—more valuable than the impersonal tabulations of the agency statistics.

In view of the above, it is here being proposed that the program of the national reporting system should consist of two parts: The operation of an all-inclusive national system of agency statistics in the area of crime and delinquency, which will be referred to in this proposal as System A, or agency statistics system; and the operation of a national criminal-career records system, which could be described as a national registry of criminals but from the point of view of constitutional law and civil rights might better be called a national law enforcement and correctional registry, a title which would emphasize not so much the identification of a person as a criminal, but the fact that certain law-enforcement and correctional actions have been taken with regard to an individual. In this proposal, the latter system will be referred to as System B.

It can be speculated that the agency statistics and criminal-career records, although outwardly very different, basically are linked together and in the case of perfect

reporting actually contain the same information. The tabulations of the agency statistics are after all made on the basis of individual reports, punchcards or "line items" pertaining to individual offenders. Likewise, the criminal-career records are made up of items which represent the actions of law-enforcement and correctional agencies and are reported also in the statistical tabulations of these agencies. One can further speculate that, given perfect reporting and modern electronic equipment, both agency statistics and criminal-career records may be stored as a single repository of data, subject to recall for different purposes. A request for all the actions taken by law enforcement and correctional agencies with regard to a certain individual will produce his criminal-career record; a request for all violations of probation by commission of a new offense in a certain year by an offender population of a certain jurisdiction will produce an agency statistical tabulation.

It should be noted that while System A as such is to be interpreted as an information system serving all the consumers of such information identified earlier in this proposal, System B is envisaged as a combined operational and information system in the sense that, on the one hand, it will perform the functions of the present criminal identification sections or bureaus of the police departments, supplying law-enforcement agencies with identification and criminal-record data and expand this service to correctional agencies, and, on the other hand, it will serve as a national source of data on criminal careers and life histories of criminals and juvenile delinquents for research purposes, thus providing the presently lacking material for broad-scope studies of the effects of law enforcement and correctional measures on the criminal as related to his background, thereby making possible the evaluation of the law-enforcement and correctional programs.

It is further recommended that besides the administrative setting for the operation of the national crime data reporting system, the National Agency should have as a second major component an Office of Analysis and Development. The traditional title of "research and development" is deliberately avoided here, because the term research would give an undue emphasis to a function which is not envisaged as a major function of the Agency (see in this connection the reference made above to an agency of the type of a "national academy of criminology"). The Office of Analysis and Development would be charged with the performance of three major tasks:

1. Development of national statistical and criminal-record programs, this development to be handled by the Program Development Section. When these programs are ready for routine operation, they are to be handled by the Office of National Crime Data Reporting. The program-development task can be further analyzed into two types of activities:
  - a. Development of uniform categories for the data to be reported by the law enforcement and correctional agencies as well as the setting of

standard reporting procedures to be followed by the cooperating agencies. The wide variation in the legal and administrative provisions as well as in the practices of law-enforcement and correctional agencies, which are for the most part matters of State and local rather than national government, makes this task of developing uniform categories and standard reporting procedures one of the most crucial, if not the most crucial element in the development of the national reporting program. The experience of the "Uniform Crime Reports" in developing uniform crime categories and reporting procedures in the area of police statistics should serve as an example and as a starting point for similar developments for all the other types of crime data reporting.

- b. Promotion of the new statistical programs by exploring and developing the best methods for securing the cooperation and compliance with the set procedures by the law-enforcement and correctional agencies.
2. Interpretation of the statistical data at the time of publication is to be handled by the Analysis and Interpretation Section. The experience of the several last decades has shown that one of the major problems with the publication of statistical data in the area of crime in this country is the interpretation or rather misinterpretation thereof especially by the mass media and the general public, and hence by the electorate. Therefore, it is recommended that a competent unit be developed for the basic analysis and interpretation of the data—even if minimal and limited to the indispensable and noncontroversial—simultaneously with their release. Especially since this is not a proper task and area of competence for the operating agencies, the availability of a National Agency as a location for such an interpreting function is very important. This proposal recommends that no raw statistical data on crime of national scope ever be published without being accompanied by a competent basic interpretation. This basic interpretation does not, of course, preclude—and hopefully will invite—further analysis, interpretation, criticism, etc., by individual students of criminology and private organizations.
  3. In addition to administering the basic crime data reporting system, the National Agency must have facilities for conducting studies which would aid in the interpretation of the data supplied by the basic systems or would add to this information. A Special Studies Section should be in charge of this assignment. These studies can be sample and/or control group studies; they can be done once, from time to time, or periodically. An example of such a study might be a series of sample studies done from time to time to ascertain the relationship between reported and unreported crimes, or

a study to ascertain the role of price markup to cover up losses from theft in the retail trade as a factor in under-reporting this type of larceny.

## THE NATIONAL CRIME DATA REPORTING SYSTEM

The location of the national crime data reporting system within the proposed National Crime Data Agency in the Department of Justice and its basic structure were already discussed under the section of the proposal entitled "Organizational Setting of the System". In this part of the proposal the program of the system, inclusive of the development of this program and its support by other components of the proposed Agency is presented.

### PROMOTION OF NEW CRIME DATA PROGRAMS

As was already pointed out, the number of currently functioning criminal statistics programs on a national scale is very small and comprises only a fraction of the information in this area that is needed and that can be made available by means of modern electronic data processing technology. Therefore a first step in planning the program of the national reporting system may well be the consideration of the expansion of the collection of data to additional fields.

### *Difficulties in Developing National Statistical Compilations*

"It has generally been recognized that the difficulty in producing criminal statistics on a national scale is in large measure due to the basic organizational structure of law enforcement in the United States, that is, the fact that it is organized and operated as a responsibility of local government—the State, the county, and the municipality—rather than of the Federal Government. Therefore, the statutes governing law enforcement, the operational procedures, and hence the concepts, definitions and categories are not uniform and frequently are not even comparable. At the same time, there is no authority capable of requiring cooperation in reporting the data. As the Committee on Uniform Crime Records of the International Association of Chiefs of Police, which was responsible for devising the original plan for the present system, observed in 1929: 'Under our Federal system, the national government cannot compel local governments to report on their operation.' In 1957 Professor Thorsten Sellin brought this fact to general public attention in his well-known statement concerning criminal statistics in this country.

"The difficulties encountered in compiling criminal statistics under the circumstances could perhaps be considered as falling within three distinct categories. First, the absence of a central authority to require cooperation in any kind of national program results

in complete dependence upon voluntary participation for all contributions. The will to participate is only intermittently present, and even if there is willingness to participate, there is always the question in this completely permissive situation whether the necessary time, manpower, and funds will be available. Second, since a potential contributor of data to the national program does not have complete control over the entire law enforcement system in his own locality, but only of a segment, he very often cannot secure uniform data because the rest of the local units cannot be modified, either by him or by the national program, so as to provide comparable information. For instance, a police chief, though understanding of the importance of uniform offense categories and willing to supply the data from his department in terms of such categories, may not be able to influence the legislature or the courts to make it possible for him to operate in terms of such uniform categories. Moreover, the local legislature or the courts may not be easily moved to see the advantages of uniform categories for police statistics, and may not assign sufficient importance to the need for general cooperation to obtain meaningful results. Third, the divergence of views on the value of various kinds of data and their usefulness for law enforcement which exists among the personnel of law enforcement systems is apt to cripple the needed voluntary cooperation. If the local personnel and the central agency responsible for the series are unable to agree on the kind of information that should be collected, then this needed cooperation is in great danger. This divergence of views stems to a great extent from the disparity in educational levels and professional sophistication of the personnel."<sup>1</sup>

While the issue of the lack of uniformity of data will be discussed in the next section of the proposal, which deals with the methods of securing such uniformity, the question of securing the cooperation of the State and local agencies and their personnel will be handled here. Experience with attempts to develop national reporting programs has shown that, although the obstacle of local independence and lack of motivation to cooperate has proven unsurmountable in many instances, in some cases it has been overcome.

The attempted Judicial Criminal Statistics are a notorious example of failure in this respect. Started by the Bureau of the Census in 1932 on the basis of an act of Congress approved March 4, 1931, the series was continued until 1946, when it was given up on the basis of the recommendation of a committee of experts convened for the purpose of evaluating this program. The main reason for the failure and discontinuance was inability to secure the cooperation of the courts in reporting their data to the Census. The maximum number of States that ever participated was 30, but about one-third of these dropped out at one time or another and about one-quarter of all States never took part in the program. Also not all of the courts of general jurisdiction which were supposed to be covered by the program took part in

it in those States that were supposed to be participating. Thus in 1937 only 43 Ohio counties sent in their data, while in 1938, 67 counties so did; but even that latter figure represented only 88.2 percent of the State population.

This dismal picture of noncooperation by the courts, however, must be viewed together with the fact that extremely limited staff support was made available to the program by the Bureau of the Census. The writer of this proposal, who was a member of the above-mentioned committee of experts in 1946, heard one of the assistant directors of the Census state that the total staff resource available to the Judicial Criminal Statistics program was one-eighth of the time of one employee a year. Dr. Harry Alpert, who at the time was serving with the Division of Statistical Standards of the Bureau of the Budget, in an article entitled "Judicial Criminal Statistics Discontinued" stated that this statistical series "acquired a 'step-child' status" in the Census.<sup>2</sup> This staffing situation raises the question to what extent the noncooperative attitudes of the local agencies were in fact at fault, since a lack of real effort on the part of the national agency may well have been the crucial factor.

This latter observation has support in the case of another national statistical series that is eminently successful in securing the cooperation of the local agencies. This is the case of the Uniform Crime Reports, which in their "offenses known" presently have the cooperation "... from law enforcement agencies representing 97 percent of the total U.S. population living in standard metropolitan statistical areas, 89 percent of the population in other cities, and 75 percent of the rural population. The combined coverage accounts for 92 percent of the national population".<sup>3</sup> It is usually hypothesized that this remarkable success in securing the cooperation of approximately 8,000 local law enforcement agencies is due to:

1. The prestige of the national agency collecting the data with the local agencies.
2. The also otherwise cooperative relationship between the national agency and the local agencies, which depend in their work on the FBI fingerprint and identification files.
3. The maintenance of a continued relationship with the proper professional organization, in this case the International Association of Chiefs of Police, whose special Committee on Uniform Crime Records is in continuous liaison with the program in advisory capacity.
4. Continued emphasis on the usefulness of the statistical information provided by the Uniform Crime Reports to the law enforcement agencies in the performance of their tasks; the climate of a give-and-take relationship is continuously maintained.
5. The educational program carried out by the National Agency, e.g., in its FBI National Academy training sessions, which are convened twice a year, with about 100 law enforcement officers

<sup>1</sup> Peter P. Lejins, "Uniform Crime Reports", *Michigan Law Review*, April 1966, vol. 64, No. 6, pp. 1012-1013.

<sup>2</sup> Harry Alpert, "National Series of State Judicial Criminal Statistics Discon-

tinued," *Journal of Criminal Law and Criminology*, vol. XXXIX, No. 2, 1948, pp. 181-188.

<sup>3</sup> Uniform Crime Reports—1965, p. 43.

from all over the country enrolled, for instance, in the 78th session presently taking place; the subject of uniform crime reporting is invariably given a considerable amount of attention. The graduates of the Academy, who in view of the policies for selecting the students are for the most part in leadership positions in the field, later serve as supporters and knowledgeable persons in the area of reporting. Thus the 1965 Uniform Crime Reports state (p. 45): "Uniform Crime Reporting has been taught to all law enforcement officers attending the FBI National Academy. The Academy was established in 1935, and there are 2,972 graduates who are still in law enforcement, over 27 percent of whom are the executive heads of law enforcement agencies. The FBI also presents this subject to regional police schools throughout the country."

6. The services of the special agents who are stationed throughout the country and are available for personal visits with the local law enforcement personnel on behalf of the reporting program.
7. The vigorous staff support given the program by the National Agency, which besides the services of the available data processing personnel has some 50 clerical employees and the time of about 5 professionals in the Statistical Section. For instance, according to the 1965 report (p. 45), as many as 17,101 letters were sent to the contributing law enforcement agencies in 1965 for the purposes of verification and evaluation.

#### *Recommended Promotional Procedures*

The following are recommendations for the promotion of the new national statistical programs that are to be developed by the National Crime Data Agency. These recommendations emerge in part from experience with the national programs as just exemplified by the Judicial Criminal Statistics and the Uniform Crime Reports, and in part from a series of discussions with persons experienced in this area.

1. Emphasis on the importance of the program in question should be brought home by having appropriate top leaders of the Nation, such as the Attorney General or even the President of the United States, issue statements in support of the program and convene major conferences of the top executives of the agencies involved for planning the program.
2. Close liaison should be established and maintained with the professional organizations in the area to which the program in question pertains, securing their endorsement and active support to the extent of actual participation at least in an advisory capacity in the program itself.
3. The reciprocity of the services rendered to the program and the advantages derived therefrom by the cooperating agencies should constantly be

reiterated. To the extent possible the information provided by the particular statistical program should at least in part be of direct interest and usefulness to the contributing agencies. There is of course no question of this being the case in programs of an operational information nature, such as, for example, the criminal-career records program.

4. A vigorous educational program directed both toward the interpretation of the importance of the statistical program in question and toward the inculcation of proper methods of administering and operating it should be continuously directed toward the various levels of personnel of the cooperating agencies.
5. Adequate staff and budget support must be assured and later provided for the program in question, and this should be made explicitly known to the agencies whose cooperation is being sought.
6. A frequently recurring recommendation which this proposal would also like to voice is that direct Federal financial support is needed for the participating agencies to employ additional staff for the recording and reporting of data needed by the program. An arrangement in terms of matching funds should be explored. It is generally recognized that many local agencies in the area of law enforcement and corrections do not have sufficient staff whose time could be diverted into the reporting function. The Federal financial support does not have to be interpreted exclusively as a promotional instrument, but can also be viewed as a fair sharing of the expenses of a system which transcends local boundaries.
7. Logistic support should be provided by the National Crime Data Agency in terms of the preparation and supplying of forms, punchcards, etc., for the recording and reporting of the data. As experience shows, the availability of appropriate forms, etc., from a national source in many cases stimulates better record keeping by the agencies themselves and makes them more amenable to passing on their data.

#### UNIFORM CATEGORIES AND STANDARD PROCEDURES

It has already been pointed out that one of the main obstacles in the way of developing national statistics in the area of law enforcement and corrections is the fact that because these functions are the responsibility of the State, the county or the municipal governments, the statutory provisions, administrative arrangements, operational procedures, the concepts, definitions and categories are not uniform, vary from locality to locality, and the data cannot readily be combined into a sound statistical summary or used for comparison purposes because their meaning is likely to be different.

The first step in the development of the Uniform Crime Reports was the development of a system of uni-



form offense categories in accordance with which the local agencies could then report their data. This work resulted in the publication in 1929 by the Committee on Uniform Crime Records of the International Association of Chiefs of Police of the now famous volume on "Uniform Crime Reporting," which still serves as the basis—with certain modifications—for the classification of offenses currently being used by the Uniform Crime Reports.

This classification of offenses was worked out and is being used by the police and for the recording of the police data. If the National Crime Data Agency is to develop under its national crime data reporting system other types of statistical programs, a similar task of developing uniform categories must be performed. Thus, uniform categories for reporting relevant facts in the area of prosecution, jails, court activities, probation, institutions, parole, etc., must be developed.

There seems to be rather general agreement among knowledgeable persons who were approached on this subject, that one of the earliest steps in the launching of a national program of crime data must be the convening of a conference and establishment of a committee or other appropriate work group or task force for the purpose of developing the uniform categories for the relevant facts throughout all stages of the law enforcement and correctional processes. Representatives of the police, the judiciary, and the correctional field should participate. The present classification of offenses of the Uniform Crime Reports, which should be refined and then expanded to the other areas indicated above, may well serve as a starting point. Special work groups would have to work out the uniform categories in special areas of activities such as, e.g., probation, parole, halfway houses, etc., and then present their recommendations for integration into the major master plan.

Since the development of the uniform data categories for the entire law enforcement and correctional processes is a time-consuming task requiring expert participation, collection of the proper materials, and work on several levels of generality, this task should be entered into at the earliest possible moment, since on the availability of uniform categories and standards for the reporting procedures hinges the beginning of any actual work on the collection of data.

#### LAW ENFORCEMENT DATA AND CORRECTIONAL DATA

##### *Differences Between Law Enforcement Data and Correctional Data*

In developing the national crime data reporting system, the fact must be taken into consideration that there co-exist in this country two relatively independent systems of handling the crime problem: the law enforcement system and the correctional system. Although these two systems represent parts of what has now become a more or less continuous process of dealing with an offender—a process which correctional people often refer to as the correctional process—and although these systems are urged to

cooperate with each other and to a certain extent do cooperate (e.g., the probation officer's presentence investigation for the judge), there are certain factors which tend to keep the two systems apart. Briefly these factors are:

1. The differences in historical origin: The law enforcement system being by far the older of the two, stemming with its police and courts from the early beginnings of Western civilization, while the correctional system appeared on the scene only in the 19th century.
2. The difference in the underlying theoretical propositions—the law enforcement system relying on punitive crime control by the threat of punishment and an appeal to the self control of the individual in terms of the concept of responsibility, while the correctional system, on the other hand, interprets criminal behavior as caused behavior and relies on the removal of its causes as the chief method of eliminating crime and delinquency.
3. The difference in institutional organization, with law enforcement operated by the traditional agencies of the police, prosecution, and the courts, while corrections is operated by the probation and parole departments and the correctional-treatment segments of the penal and correctional institutions.
4. The difference in the educational preparation and the types of knowledge involved: With law enforcement relying primarily on legal education and criminal law and training in such law enforcement skills as police work, while corrections ideally relies on personnel trained in the behavioral sciences, on behavioral-science interpretations of criminal and delinquent behavior and on criminology as an underlying scientific discipline.

The differences in these two systems have their repercussions also in the nature of the data reported by them in the areas of their operation. On one hand, there are police records and statistics, other law enforcement statistics and court records and statistics, developed to a differing degree in this country. On the other hand, there are the beginning of parole, probation, and institutional statistics, the latter of the three being the one most developed in this country. But above all there are the case histories developed by correctional agencies, which include data on the offender secured through interviews, tests, and observation. The information stemming from the two systems by and large is not brought very much together even on the local level. Although no uniform pattern can be found, one might observe that this relationship presently is pretty much a one-way street: In the case of a recidivist, for instance, the correctional agencies usually do have the previous criminal record (the rap sheet) made available to them, but the police and even the courts are often limited to the criminal record and do not as a matter of routine receive the information on the offender and his background developed by the probation, parole, or in-



stitutional studies, unless the case, as has already been pointed out, involves a presentence report developed by a probation officer. The availability of the information developed by the correctional personnel is quite limited and sporadic even between the correctional agencies themselves.

The law-enforcement and correctional information differs also as to its basic content. The law-enforcement information consists primarily of a registry of actions of the law-enforcement agencies involved, such as an arrest, the court finding in the case, the type of conviction, etc. The correctional information, although presently also often consisting in a listing of actions of the agencies, such as admission to an institution, release on parole, establishment of the fact of the violation of parole, etc., is in essence centered around the data about the offender which constitute the content of the probationary reports, presentence investigations, preparole investigations, etc., and which potentially could be reflected in the criminal-career records when such are developed.

This proposal strongly recommends that the national crime data reporting system give its utmost consideration to combining the information from the law-enforcement and correctional system, which will constitute a true breakthrough for the behavioral-science oriented understanding of crime and delinquency and new opportunities for the evaluation of preventive and control measures and programs. While, in the process of developing such a combined system, the national crime data reporting system would perhaps refine the reporting and increase the availability of the law-enforcement data, it would have to perform the true pioneering task of planning the selection and availability of the behavioral-science data to be included.

In System A, dealing with the agency statistics, this would mean the development of a number of new national compilations of correctional statistics, such as probation statistics, more comprehensive institutional statistics, parole statistics, etc.

#### *Inclusion of Case History Data Into Criminal-Career Records; Issues of Selection and Access*

In System B—the criminal-career records or national law enforcement and correctional registry, a comprehensive analysis of the wide variety of data presently accumulated by various correctional agencies with regard to the offender also in the sense of social, psychological, and psychiatric case studies must be undertaken for the purpose of determining which of this information is to be translated into uniform reporting categories as correctionally relevant and added to the standard criminal-career record.

The inclusion of the correctional information into the criminal-career records will raise a number of issues, two of which will be brought up here:

1. The extent to which the correctional information from the individual record of the offender should

be included into the criminal-career record to be located in the national law enforcement and correctional registry. Exactly what should be included and what not. Should the psychiatric diagnosis or a caseworker's recommendation be computerized and be available for recall? Or should the criminal-career record only show the availability of such information and the information itself, stored in the particular agency, be available upon request.

2. The need for selective access to the information stored in the national law enforcement and correctional registry. Should limitations be placed on access to certain types of information even for other law enforcement or correctional agencies? For instance, in the case of an arrest of a suspect, should the local police agency, upon requesting his previous record, have access to the psychiatrist's diagnosis of the offender, made for a correctional case study of the same individual in conjunction with an earlier offense? If certain limits are placed on access to such information, what are the technological devices which have to be used to insure such selective access and what organizational or administrative guarantees must be built in to insure that the information obtained by an authorized agency is not inappropriately divulged to the unauthorized colleagues in the field, not to speak about general indiscretion with regard to confidential personal data.

If, overwhelmed by the complexity of the problems just raised, one were to attempt to cut across this difficulty by suggesting that things should be left as they are; i.e., the correctional agencies should keep their confidential records to themselves, one would be confronted with the legitimate query why the results of studies of individual offenders by competent correctional personnel should not be made available to other correctional agencies upon request as readily as the "rap sheet" is available to a law enforcement agency, thus avoiding delays, duplication of effort, and unnecessary waste of precious professional time and money.

In the light of the above discussion it is recommended that one of the early tasks of the National Crime Data Agency should be to convene a conference and/or establish a competent study group to work out a plan for reporting the correctionally relevant information presently contained in the records or case studies of the individual offenders. The question of the availability of this data if electronically stored in a national repository should be a related issue. Since the issues involved here in many ways represent virgin territory, opened up by the current EDP developments, these studies would serve not only the needs of a national criminal-career record repository, but also the information needs of all State, regional, metropolitan, or local crime data systems.

It should be noted that the work of the study group recommended here should be coordinated with the work of the study group on uniform categories and standard

procedures or reporting and can, as a matter of fact, be interpreted as a more detailed operation within the scope of this latter task.

#### ADULT CRIME AND JUVENILE DELINQUENCY DATA

It is fair to say that at the present time there are not one but two quite distinct law-enforcement systems in the United States, one for adults and one for juveniles. The juvenile system, started with the establishment of the first juvenile court in this country in Chicago in 1899, is by now nationwide. The pivotal points in the ideology of developing a separate system for juvenile offenders were:

1. The separation of juvenile offenders from adult offenders.
2. Creation of a separate agency system for dealing with the juvenile offenders.
3. Organization of this separate system exclusively around the goal of correction.
4. Development of a frame of reference for dealing with juvenile delinquents that is at considerable variance with the punitive-correctional frame of reference applicable to dealings with adult offenders.

Consequently the data pertaining to the juvenile system in this country are completely separate from the adult crime data not only in terms of their appearance in different compilations, but also in terms of their meaning.

In view of the above situation, the following recommendations are being made in this proposal for the national crime data reporting system:

In spite of the existing separateness, the system should include data on juvenile delinquency and delinquents, first, because the involvements in delinquent behavior often continue as adult careers in crime, and secondly, because juvenile delinquency represents a very serious problem, which—as is generally recognized in this country—is closely related to the problem of adult crime.

In developing a juvenile delinquency data system, most serious consideration must be given to the differences in the nature and meaning of the data stemming from the two systems. From among these differences the following two should be singled out for special attention.

1. While in the adult system the principle prevails that all behavior that descriptively represents criminal behavior should be officially acted upon as such, the actions of all agencies and officials within the juvenile area are oriented around the principle that the decision to act officially in the case of a juvenile should depend on the effect of this decision on the ultimate correction of the juvenile. If it is considered that an ingression by the law-enforcement agencies may lessen the chances of straightening out the delinquent, even the official position is against such ingression. In that case, the police usually have an official opportunity not to act and the judge, not to adjudicate the child a delinquent. The popular formulas of "give the kid a break" and "don't give him a record" correctly express the attitudinal climate of decisionmaking and action

in the area of juvenile delinquency. The attitudes go even a step further in the recognition that the stigmatization of the child as a delinquent actually contributes to his becoming a delinquent, both through the medium of the attitudes of the society and the medium of the delinquent's own self-concept. Unquestionably these premises and attitudes seriously affect the process of "making a juvenile into a delinquent by an official action" and influence both the statistics and the lives of the individual offenders. All this implies that the adult crime data cannot simply be added on to the juvenile delinquency data, because the two represent phenomena of two different kinds.

The impact of the above analysis can be illustrated by the procedure followed by the Uniform Crime Reports in producing the statistics of juvenile arrests. The procedures used are, briefly, as follows: the Uniform Crime Reports collect the information on offenses as these become known to the police. At this point, at least theoretically, the offender becomes known, at the point of arrest, that the age also becomes known and it is possible to differentiate between juvenile delinquents and adult offenders, and the offenders can be distributed by age in general. Credit should be given for the carefully worked out and meticulously communicated definition of the juvenile arrest which the Uniform Crime Reports system uses. But this does not help to overcome the difficulty discussed above. The present system of interpretation is based on the assumption that at the time the offense becomes known to the police, or for that matter to the victim, the offender is not known. If this were so, then everything would be in order. In reality, however, at the time the offense becomes known, the offender is frequently also known, and if this offender happens to be a juvenile, the premises, policies, and attitudes toward any official action taken with reference to juvenile offenders come into play and have an important role in whether the event will actually be officially acted upon as an offense situation. Thus, the theoretical construct that the fact of an offense is established first and the age of the offender and his being a juvenile is ascertained only after that does not apply in many cases, and the age of the offender is an important factor in whether the offense will become "an offense known to the police" or not. A national system of crime reporting must take cognizance of such spurious factors in interpreting the data.

2. Another point that must be considered in developing a juvenile delinquency data reporting system is the concept of unreported offenses. This writer holds that this concept in the area of juvenile delinquency is entirely different from the same concept in adult crime. In the adult crime field, criminal offenses are described in the code, and whenever behavior answering such a description takes place, a crime is being committed. That this criminal behavior occasionally may remain unnoticed or is not acted upon by the law enforcement agencies does not change the situation. The behavior remains a crime even if it is an unreported crime. Therefore, in the adult area it is important to know the ratio between unreported and reported crimes, the reasons for nonreporting, the differ-

ences in the degree of reporting different types of offenses, etc.

In the area of juvenile delinquency, at least in the United States since 1899, the theoretical model is different. All children in the process of being socialized to become adult members of their society deviate one way or another from the expected standards; such deviation is likely to extend also to the legal norms of the criminal code. The conventional socializing agencies, the family, the school, the community, the church, the special character-building agencies such as Boy Scouts, YMCA, etc., are supposed to absorb the deviations of the juvenile and to straighten out the problems. As long as they manage to do this without excessive disturbance to the society (the nuisance threshold concept) and without any apparent deterioration of the child, there is no delinquency. Juvenile delinquency sets in when the public authorities recognize that something has gone radically wrong with the conventional socializing process and through their special agencies, the juvenile court, the probation officers, the juvenile institutions, etc., take over the socialization of the child. Thus, it is not the content of the behavior of the child, but rather the official recognition of the fact that the child cannot be left with the conventional socializing agencies that constitutes the presence of delinquency. The absence of official action in the case of the juvenile thus cannot mean an unreported act of delinquency, but means that there is no delinquency. This difference from the sphere of adult criminality must also be taken into consideration in developing the reporting system and again in interpreting the data.

Special caution must be exercised in reporting the data pertaining to the age brackets which nationally represent an overlap between the jurisdictions of the adult and the juvenile systems. The majority of the States vary with regard to the upper age limit for juvenile delinquents between the ages of 16 and 21. Many States, and in some cases local jurisdictions, also vary in the sense of concurrent jurisdiction of adult and juvenile courts within the same age brackets and also with regard to the policies and practices of waiving jurisdiction by the juvenile courts in favor of the criminal courts. If one keeps in mind the fact that the law enforcement actions of the adult and juvenile jurisdictions are invoked in accordance with two different sets of principles for decision-making and action as outlined above, the area of overlapping age brackets represents an especially complicated task for accurate and meaningful reporting and can easily result in confusion, misrepresentation and, consequently, faulty comparisons and evaluations.

With the above precautionary considerations clearly in mind, the recommendation is herewith reiterated that the National Crime Data Agency include the juvenile data into both System A and System B of its national crime data reporting system.

As regards System A: Agency statistics, this means the juvenile court statistics, juvenile probation statistics and juvenile institutions' statistics, as well as statistical data about juvenile aftercare, community-based programs, etc., as these new treatment measures develop further. In

the process it must, of course, be kept in mind that there are already available juvenile court statistics compiled by the Children's Bureau on the basis of a sample, as well as statistics for juvenile institutions.

As regards System B—Criminal-Career Records in the National Law Enforcement and Correctional Registry, the inclusion of the juvenile delinquency involvements is in principle extremely important from the point of view of understanding and interpreting later criminal careers. It has to be kept in mind, however, that in view of the very nature of the juvenile field, which is predicated on the separation of the juvenile offenders from the adult criminals; its insistence that a juvenile who is adjudicated a delinquent is not a criminal; its insistence on the confidentiality of the juvenile record; and its apprehensions about any stigma being attached to the juvenile, it is to be expected that resistance to the inclusion of any personal data on the juveniles into any criminal-career record system will be very great and difficult to overcome. It can only be hoped that realistic guarantees of confidentiality and meticulously limited access to the data may overcome this resistance.

## SYSTEM A—AGENCY STATISTICS

### POLICE STATISTICS

The area of police statistics in this country is the area in which there is available the most highly developed reporting system—the Uniform Crime Reports prepared by the FBI with the cooperation of the International Association of Chiefs of Police—which has been in operation for 35 years and which is quite close to reporting the national universe of offenses known to the police and is steadily increasing its coverage also of arrest data. These statistics are based on the voluntary cooperation of some 8,000 police departments with the FBI in reporting offenses and arrests in terms of the uniform offense categories developed for this purpose and on the forms supplied by the FBI, with a considerable amount of verification and followup by the latter agency.

In view of the singular importance of the Uniform Crime Reports, several references to them have already been made in this proposal and several aspects of the program have been described and analyzed in some detail, e.g., in the sections on Difficulties in Developing National Statistical Compilations and Uniform Categories and Standard Procedures. These references will not be repeated here. For further detail the reader is referred to an article published a few months ago by the author of this proposal in the April 1966 issue of the *Michigan Law Review*, to the Reports themselves, the most recent one being for 1965, to the Uniform Crime Reporting Handbook, the latest issue being of July 1966, to the Special Issue of the Uniform Crime Reports of 1958, which gives the report of the Consultant Committee, of which this author was chairman, and finally the original and basic document, Uniform

Crime Reporting, published by the International Association of Chiefs of Police in 1929.

The following comments are in order here:

The uniform offense categories on which the Uniform Crime Reports are based should be somewhat revised. It is understood that the personnel of the agency also favors certain refinements in classification. If these refinements can be accomplished by the personnel with the aid of the Advisory Committee on Uniform Crime Records of IACP, the expansion of the present system of the uniform categories to the areas of courts and corrections, to establish a basis for reporting also in these areas, requires the convening of a national conference or a committee to do a job similar to that performed by the Committee on Uniform Crime Records of IACP in 1928 and 1929, only broader in scope, as has already been discussed in the section of this proposal dealing with "uniform categories."

The recommendation made elsewhere in this proposal that the publication of any statistical data on a national scale should be accompanied by an interpretation of the data at least to the extent of the most basic analysis of their meaning, should be reiterated here. It will be recalled that since such analysis and interpretation were not considered the proper function of an operational agency gathering the police statistics, a recommendation was made that this function be entrusted to a special Analysis and Interpretation Section of the National Crime Data Agency.

In view of the basic nature of police statistics for any total crime data reporting system, its relationship to the proposed National Crime Data Agency and reporting system must be carefully considered. This relationship represents a relatively simple matter as far as "offenses known" and arrest statistics are concerned, which constitute a self-contained and potentially independent "agency statistics" series. The issue becomes much more complicated as soon as one addresses oneself to the criminal-career records, which are presently handled by the FBI under the title of "Careers in Crime." This area is closely linked with the operational collection of fingerprints and criminal records maintained for criminal identification purposes and is presently being technologically reorganized to make full use of modern electronic data processing in the setting of the brand new FBI National Crime Information Center. The relationship of this aspect of the FBI program and facilities to the proposed National Crime Data Agency and reporting system will be discussed in this proposal under System B.

#### PROSECUTION STATISTICS

There is an area of law-enforcement activities with reference to a suspect, or, if in the end result he is found to be guilty of the offense, with reference to the offender, which begins with his arrest by the police and ends with his appearance in the court for the definitive hearing of the case. In the course of this segment of criminal procedure, decisions are made and actions taken by the prosecuting attorney, by the judge of the inferior court,

who may hold preliminary hearings for various purposes, by the grand jury, and by the sheriff or other official who operates the jail or other detention facility, in the result of which actions the suspect may be released on his own recognizance, released on bail, detained in jail, indicted or not indicted by the grand jury, or have his case simply dismissed by the prosecuting attorney, who may reach the conclusion that no offense was committed or that there is not enough evidence to prosecute. Although most of the decisions reached are legal decisions and a record of these is made, statistics pertaining to this area of law enforcement activities are not available not only on a national scale, but by and large, also not on a State or local level. At least these statistics are not available in tabulations that would provide a clear picture of the varying fate of this population made up of the persons arrested by the police, which is so to say the input into this segment of law-enforcement procedure. If one remembers that there are also no national judicial criminal statistics and that on a State or local basis, too, such statistics are either nonexistent or contain too little information, one can well understand the frequent comment that after the police reports the arrests, a total statistical blackout sets in until, very much later in the criminal procedure, the National Prisoners Statistics pick up the thread and give the number of prisoners in State and Federal institutions as a clear and reliable datum.

The number of arrests reported in the Uniform Crime Reports for 1965, covering 69 percent of the U.S. population, is very close to 5 million. A rough estimate for the entire U.S. population is something like 6,500,000 arrests. If one asks what happens to these people, we find that the next national statistical figure that we have is approximately 200,000 prisoners in State and Federal institutions at any particular time, and less than 100,000 offenders currently received from the courts in any single year. Just what happens to the remainder of the arrested persons? Actually what is the outcome of roughly 98 percent or 99 percent of the arrests? It is true that we know the type of things that happen, but we do not know the numerical distribution at all and hence the relative frequency with which various measures are being used with regard to offenders: we do not know how many cases were not-prossed, how many were indicted by the grand jury or, for that matter, how many went to the grand jury; we do not know how many were acquitted by the courts or were fined or placed on probation; we do not know how many went to the local jails to serve short-term sentences nor how many were in the process released on bail or kept in detention while awaiting trial.

One can hardly expect a broad-scale evaluation of this entire segment of law enforcement activities and rational planning for the future with this little information as to what is actually going on. Even if this lack of information can be explained and understood historically, in the contemporary society it stands as a case of weakness or neglect and must be remedied. If the national judicial criminal statistics, when renewed and developed, would clear up one part of this uncharted territory, the segment following the arrest but prior to

the case's reaching the court would still not be taken care of statistically. Therefore, it is recommended here that this complex of law enforcement procedures and actions be structured as a unit for statistical purposes and referred to as prosecution statistics. The National Crime Data Agency should consider the development of a statistical program for this area as one of its early and most important assignments.

Since the component elements of prosecution statistics which tentatively comprise prosecuting attorney's statistics, grand jury statistics, statistics on release on one's own recognizance, bail statistics, and detention statistics, involve—although interrelated—separate agencies, personnel staffs and types of activities, studies must be made and plans developed for each of these separately, but then, of course, integrated. The procedures outlined in the respective sections of this proposal should be followed in developing uniform reporting categories and initiating appropriate promotional activities to secure the cooperation of the agencies and staffs involved. As also in the case of other statistical series, the initiative taken by the National Agency to organize a national reporting system hopefully should stimulate State and local interest in this important matter and be of help in developing State and local programs by working out the reporting model, providing the necessary forms, etc., and, as was pointed out in the section "Promotion of New Crime Data Programs," potentially by giving financial assistance.

As to the role of detention in the prosecution statistics, it should be noted that presently most detention takes place in jails, which are also the institutions for serving short-term sentences. Although prosecution statistics should of course contain the data on detention, this data may have to be basically reported in the jail statistics when such are, hopefully, developed (see the respective section of the proposal). Since the thought is often expressed that the detention facilities in the future should be separate from the short-term incarceration facilities and several specialized detention facilities have already been developed, this whole area organizationally may be in a state of flux for a considerable period to come. The planning for the statistics will have to take this into consideration and the necessary adjustments in the reporting categories and standard reporting procedures will have to be made.

#### JAIL STATISTICS

In the sense of either their total absence or their extremely low level of development, jail statistics are unquestionably next to the prosecution statistics. Needless to say, there are no such statistics of a national scope. The low level of the jail statistics is paralleled by the low level of the institution itself, which is usually referred to by American criminologists as one of the oldest, most traditional, least modernized and least rationally planned elements in the American system of penal and correctional institutions. Having inherited the dual function of detention before trial and short-term punishment for crime, the jails frequently house also other categories

of persons, sometimes of a rather bizarre nature, a fact which leads one of the expert statisticians consulted in the course of this study to comment that the population of the jail can best be described as Grand Central Station. In some communities the National Guard commanders use the jail for punishing the violators of military discipline; some jails consider it natural to take in the drunks even without any criminal charge, just for sobering up; others have special procedures for accepting voluntary alcoholic commitments; many a hobo secures entry to the jail for the duration of the cold winter months by deliberately committing some petty offense; a person taken sick in a strange community or not immediately identified is still occasionally taken to jail rather than to a hospital; juvenile delinquents are still often detained in jail, often contrary to the explicit statutory provisions; and occasionally a traveler low of funds will seek shelter in a small town or county jail, sometimes for a slight consideration to the sheriff.

Any constructive program is difficult to plan and operate for an inmate population of such infinite variety and varying but general<sup>1</sup> very short stay. But if the stay is short, it often is quite frequent, and many jails boast of inmates who have been detained and/or served short sentences for over 100, 200, or even 300 times. Although some of the larger jails in urban centers, managed by capable institutional administrators, are by now quite modern architecturally, clean and efficient, there are still many in the small towns and rural areas that are operated by part-time sheriffs, who derive a considerable income from the fee system and occasionally consider them a family sinecure, being second or third generation holders of the job.

And yet the jail, criminologically speaking, is an extremely important institution for three primary reasons: It often plays an important role in the beginning of a serious and costly lifelong criminal career; it is often a recurring element in the lifelong petty criminal careers; and it probably affects and influences many more people than any other type of penal or correctional institution. In other words, it is an important factor in the crime picture in this country, and criminologists have frequently named it item No. 1 on the agenda of penal and correctional reform.

That so little is actually being done in the sense of reform is in no small measure due to the absence of reliable and systematic information about the jails, owing to the lack of adequate records and statistics. Outside of some individual progressive jails, the only statistical information about them on a national scale is of a census nature. The decennial U.S. censuses include the jails alongside of other penal and correctional institutions and thus give information on the number of inmates by age, sex, race, and nationality, area of residence, marital status, region of birth, year of schooling completed, occupation, etc. In addition to the decennial population censuses, the U.S. Bureau of the Census conducted several special censuses of imprisoned offenders on a specific date, as for instance in 1904, 1910, and 1923. While this represents a very limited type of statistical information, it

at least gives an idea of the total number of persons present in the jails on one particular day and gives some demographic characteristics of their population. An annual census of the local jail population for 1 day each year is taken by the California Bureau of Criminal Statistics. Its results are published in the annual volumes of "Crime in California."

Another type of information about the jails and their populations can be found in the reports of the so-called jail inspection programs which are maintained by many States, but which are more descriptive of the jail facilities and their condition than of their populations in statistical terms.

The development of national-scale statistics for jails would represent a very significant step in understanding the crime problem and in providing data for an analysis and better planning of both law enforcement and the correctional process, the latter especially with regard to the evaluation of the short-term sentence as an element in the correctional program. Because of the current state of our information about the jail population, the function of the short sentence is another big unknown in American criminology.

Thus it is recommended that the National Crime Data Agency undertake to develop jail statistics on a national scale. The general model suggested in this proposal for the development of new agency-statistics programs should be applicable also in this case. A specific set of uniform categories for data reporting to supplement the basic uniform offense categories of the police and institutional statistics must be developed. Thus a special conference or a study group is indicated. The model for the promotion of new programs, presented in the section of this proposal under that title, should be followed. The cooperation of such organizations as the National Jail Association, an affiliate of the American Correctional Association, the National Sheriffs Association, the Committee on Short-Term Institutions of the American Correctional Association, etc., should be secured and maintained. Financial aid and logistic support in terms of forms and instructions, possibly also training—in some instances on a regional basis—are essential.

In spite of its frequently archaic nature the jail is hopefully bound to undergo some changes. As a matter of fact some changes in terms of regionalism and separation of detention from short-term incarceration are taking place. This element of change must be allowed for in developing the statistical reporting model.

It might be helpful to observe that the difficulties to be overcome in the development of a program of jail statistics are quite different, almost opposite to those identified in the case of prosecution statistics. As was pointed out, the prosecution statistics by-and-large already have the necessary record base, and the records are produced by personnel that as a rule has some educational and frequently some legal background. The task there is to develop tabulations from these records in a system of legal institutions which are not arranged in terms of an administrative hierarchy and are frequently independent of each other. In the case of the jail statistics there is the

convenience of only one type of institution as the data-producing agency, but the difficulty lies in the personnel, which is frequently employed on a part-time basis, does not have any professional identification, and very often has only very limited educational background.

#### JUDICIAL CRIMINAL STATISTICS

There are no national judicial criminal statistics in the United States. As was already pointed out in this proposal, the national series attempted by the Bureau of the Census in 1932 was discontinued as a failure in 1946 on the basis of a recommendation of a special committee of experts convened by the Bureau of the Budget. The reasons for the lack of success were analyzed in some detail in the section "Difficulties in Developing National Statistical Compilation," where this ill-fated venture was used as an example of the failure to secure the cooperation of the data-contributing agencies, in this case the courts, and was contrasted with the eminent success of the Uniform Crime Reports, which are remarkably successful in getting the cooperation of some 8,000 local law-enforcement agencies. The differences in the operation of the two series were used as the basis for construing a general model for "promotional procedures" for new statistical programs.

The desirability of judicial criminal statistics for the purpose of securing a much more complete crime and law-enforcement picture than presently available is generally acknowledged. Their absence is responsible for a major portion of a most serious gap in the total picture of criminality which consists in the absence of any data on crime between arrest statistics and the statistics of offenders committed to State and Federal penal and correctional institutions, as was pointed out in the section of this proposal dealing with "Prosecution Statistics."

The need for judicial criminal statistics is predicated on the function of the criminal court within the law enforcement system. It is the court that determines whether there was a criminal offense, what kind of an offense, and who is the offender. The actions of the police in the total process of criminal justice are only preliminary in nature, and both the registering of the offense and the arrest of the suspect are subject to verification and confirmation by the courts. The police often deals with scores of suspects until the further process of prosecution establishes who is the guilty one. It is therefore only logical that the basic information on crimes committed and on offenders should be the court statistics. It is only in the result of the recognition of the fact that at least in this country the number of offenses which the victims report and which obviously have taken place, or which the police or the agencies of prosecution discover and record dwindles away to such an extent in the course of the various subsequent steps of criminal procedure that the original police data give a truer picture of criminality than the subsequent court decisions. The observations of two criminologists were crucial in establishing the current point of view that police statistics are the most important basis for our information about crime. Prof. Thorsten Sellin's famous formula that the value of crime statistics



for index purposes decreases as the distance between the statistics and the criminal act increases in terms of steps in the criminal procedure was one of these. The other was Courtland C. Van Vechten's concept of "criminal case mortality," which points up the dwindling of criminal cases in the course of the criminal procedure. His well-known article "Differential Criminal Case Mortality in Selected Jurisdictions"<sup>4</sup> analyzes the process in some detail.

All of the above notwithstanding, the decisions of the criminal courts, as was stated, determine the presence and the type of offense, the offender and also to a large extent the method of dealing with him: Probation, fine, incarceration, its length, and often the type of correctional program. It is unthinkable that a system of criminal justice can be rationally planned, evaluated and operated without data on the decisions of the central agency—the court, both in terms of the national perspective and the State systems.

In his previously quoted article, "National Series on State Judicial Criminal Statistics Discontinued," Harry Alpert<sup>5</sup> pointed out as one of the reasons for the failure of this series, the absence of interest and support on the part of the professionals in the area of criminology. The following observation, which may have an important bearing on the estimate of the future role of the court data and the acceptance of their importance, would appear to be in order. During the years 1932–46, when the original series was being produced, the theoretical and research interests in criminology were almost exclusively in the academic circles who were interested primarily in criminal etiology and were above all after the characteristics of the offenders. The Judicial Criminal Statistics did not provide any information on that score. The practitioners involved in the operation of the law enforcement and correctional systems at that time had not yet developed the degree of sophistication necessary to be vitally concerned with the availability of sound data for decisionmaking but especially for overall planning of the systems. They were content with the operation of the systems as they found them, without too much appreciation of the need to evaluate the basic structures and the effectiveness of programs. Today the situation is quite different. This country has a vigorous group of experienced and professionally engaged administrators in law enforcement and corrections, who are interested in the evaluation and potential modification of the systems they operate. Therefore, the need for basic data on these systems is much greater today than it was a quarter of a century ago. Also, the area of academic criminology has developed much greater interest in correctional knowledge and correctional processes. Both the interest and the support of professional circles for a meaningful series on judicial criminal statistics should now be forthcoming.

As in the case of other new statistical series, the general models developed in this proposal for the establishment of uniform reporting categories and for the promotional activities to secure the cooperation of the respective law enforcement agencies and personnel are applicable. With regard to the segment of the "promotional model" that

pertain to the enlistment of the cooperation of the respective professional societies and individuals, the following statement from Harry Alpert's article is very much to the point. In commenting on the factors which spelled the doom of the earlier series, the author states: "This last remark points up a third difficulty encountered in this series, namely, the absence of vigorous activity on the part of professional groups working in this field. The collection of these statistics was most successful in those states in which some individual, thoroughly convinced of the values to be derived from the statistics, took an active part in their collection or where some group or organization worked closely with the local court officials. In general, however, the professional groups did not devote much attention to this series."

In the case of the judicial criminal statistics the reporting model that was used in the earlier series might very well serve as the basis, but it must be restudied and a number of refinements made. This is not the place for a detailed analysis of the judicial criminal statistics model, but an example of the need for refinement is, for instance, the fact that the requests for information and the necessary forms were addressed by the Bureau of the Census to the clerks of the courts having general felony jurisdiction:

"These courts have authority to dispose of all serious felony offenses and of such minor or misdemeanor offenses as are not within the exclusive jurisdiction of inferior courts. Since the misdemeanor jurisdiction of these courts is thus essentially residual and varies not only from state to state but also from county to county within the state it is impossible to rely on the figures reported by such courts as a true picture of the disposition of minor offenses in a given state or to make comparisons from one state to another. Moreover, not even the data regarding felony cases can be accepted as comparable from state to state. There is considerable variation among the states with respect to the types of felony cases that may be handled by courts other than those of general jurisdiction. In some states, municipal courts and county courts of limited jurisdiction dispose of felony charges. Consequently statistics based on reports from courts of general jurisdiction cannot account for the prosecution of all offenders charged with felonies. The variations in the data resulting from the widely different jurisdictions of the reporting courts were undoubtedly less with regard to major offenses, but even here there were differences which rendered comparative analysis extremely treacherous."<sup>6</sup>

Another necessary refinement involves the methodology. The information was secured from the courts in two ways. One was by means of cards to be filled out for each defendant, one in connection with the filing of the case, another with the disposition. The information thus secured was then centrally tabulated by the Bureau of the Census in terms of uniform categories. The other

<sup>4</sup> Courtland C. Van Vechten, "Differential Criminal Case Mortality in Selected Jurisdictions," *American Sociological Review*, December 1942.

<sup>5</sup> Harry Alpert, *op. cit.*, p. 187.

<sup>6</sup> *Ibid.*, p. 184.



way was to provide the clerks of the courts with tally sheets on which the data with reference to the defendants were checked in by the court clerks themselves. Since this second method left the evaluation of data in terms of the general reporting categories in the hands of the local personnel, which in view of lack of special training made the reliability of the data suspect, the first method, the reporting by means of the cards, was preferred by the Census. Only two States, however, were willing to follow this procedure, the rest claiming that the tally-sheet method was less time consuming.

A third major modification that should be instituted with reference to the earlier model would involve the inclusion of the offenders' background data, which were completely lacking in the series except for an indication of sex. The inclusion of even a minimal amount of demographic data would vastly increase the circle of groups and persons interested in and supporting the compilation.

Many other lessons learned from the failure of this particular statistical series could be cited, extending even to the extremely unattractive form of presentation (overly small type, absence of illustrative charts and diagrams) and delays in publication of the data, which meant that the contributing agencies sometimes had to wait up to 2 years for the receipt of national summaries and over a year for the tabulation of the data they themselves had submitted.

Another background source for the development of the model is the part of the Report on Criminal Statistics of the National Commission on Law Observance and Enforcement, the so-called Wickersham Commission, dealing with court statistics. It contains a discussion of issues that have not lost their importance.

Still another useful source to be considered in developing the national reporting model is represented by the judicial statistics compiled and published in some States. A general caution should be sounded, however, owing to the fact that when these statistics are published as annual reports of the administrative offices of the courts, they have the tendency to provide information from the point of view of administration, operation, workload, time of personnel involved, etc., rather than from the viewpoint of providing information on the offenders brought before the courts and the dispositions made in their cases. That this factor is of crucial significance and limits the value of such reports as criminal statistics is well illustrated by the statement made to this writer in a conference in California by two nationally known experts in this field to the effect that there are no judicial criminal statistics in California in the true sense of the word, in spite of the availability of the Annual Report of the Administrative Office of the California Courts, published by the Judicial Council of California as judicial statistics on a fiscal year basis.

The Division of Procedural Studies and Statistics of the Administrative Office of the U.S. Courts publishes statistics on persons coming before the Federal courts, beginning with the filing of a criminal case and ending with its disposition, together with data on the age, race,

sex, marital status, and education of the defendant. Data on the prior record and the presentence investigation are also collected. This is an old program, which was expanded in 1963 to include certain types of analyses of data. It should be considered as one of the resources in the development of the national reporting model, but its usefulness is, of course, limited by the fact that this system does not face the main obstacles confronting the national statistics: It reports the data from a single administrative system which operates on the basis of a single set of legal provisions, so that there are no problems of cooperation and of uniformity of the data categories. It is, of course, also limited to Federal offenders.

As to juvenile court statistics, it has been previously pointed out that there is a national series maintained by the Children's Bureau, based on a sample. The future of this series would depend on three policy decisions:

1. Whether or not the National Crime Data Agency should leave this and similar already existing national agency statistics compilations as they are and only utilize their results;
2. Whether, in case the National Agency is to take over the series, it should operate the series as a part of a separate, overall system of juvenile delinquency data, or this data should constitute a separate series of agency statistics;
3. Whether or not the National Agency, if taking over this series, should include it as a part of the judicial criminal statistics series.

It should be noted that the judicial criminal statistics provide the basis for the national probation statistics, since they contain the disposition "probation." Data with regard to and from the area of presentence investigation, if such investigation is performed by the probation department and officers as functionaries or agents of the court, also properly belong into the judicial criminal statistics.

#### PROBATION STATISTICS

There are no national probation statistics in this country, although many efforts have been made in the course of the past 10 years or so to explore the possibilities of developing such a series. The National Council on Crime and Delinquency and the Administrative Office of the U.S. Courts have been especially active in this respect. Some individual States have been rather successful in developing probation statistics. Probation, contrary to parole, offers a special difficulty in developing national or even statewide compilations, because the probation departments are frequently attached to individual courts and thus are not subject to statewide administration. Thus, if the National Agency were to initiate a national probation statistics series, it would have to deal with several different types of contributing agencies which control access to the information.

It should be noted that the differences between the juvenile and the adult fields have perhaps more reper-

cussions on collection of statistical data in the area of probation than in any other phase of the law-enforcement and correctional processes. For these differences in general, see the section of this proposal on "Adult Crime and Juvenile Delinquency Data." The overlap area, generally between the ages of 16 and 21, in which various jurisdictions have differing upper age limits for juveniles, is an especially complicated situation to handle in terms of uniformity and comparisons. Many jurisdictions have concurrent adult and juvenile court jurisdictions within these age brackets and the local policies differ beyond the text of the legal provisions. Since the decisionmaking with regard to placement on probation rather than institutionalization of the offender is obviously strongly affected by the differences in the attitudinal climate characteristic of the juvenile and adult fields, as was pointed out in the section of the proposal just cited, the differential handling of the same age brackets as juveniles or as adults in different areas of the country injects factors which severely endanger the surface meaning and the comparability of the data.

Another factor to be taken into account in developing the reporting model in this area is the fact that the function of the probation officer is quite different in many of the juvenile and adult jurisdictions. In the juvenile area there is a strong tendency for the probation officer to exercise what amounts to administrative and judicial functions, his actions being similar to those of the policeman and of the judge. In the adult area the probation officer is seldom more than a collector of information, with the decisionmaking function remaining completely with the judge.

Confusion haunts the field of probation because of the probation officer's function as an investigator of the social and personal background of the offender for the purposes of a pretrial or presentence report to the judge and his function as a treatment officer for the offender whose "sentence" is to be placed on probation. These are in essence two entirely different functions, which in practice often intertwine. Both services are often performed by the personnel of one and the same probation department. The data with reference to both are extremely important for the proper understanding, evaluation and management of the two functions, and the national reporting models should provide for the collection of both types of data. As was already suggested, probation activities as presentence investigations belong more properly into the judicial statistics, but from the point of view of access to the data the issue may have to be reconsidered on the basis of a more detailed feasibility study.

Again it should be pointed out that the general models suggested in this proposal for the development of the uniform reporting categories and the promotion of a national statistical program should be applied. It must also be repeated that the location of the juvenile probation agency-statistics series within the general program of the National Agency will depend on the policy decision whether to handle the juvenile area data as a unified system, whether to have the specific juvenile agency-statistics series operated as independent agency-statistics

series, or whether to include them together with the corresponding adult statistics into the program of one unit—probation statistics.

Statistics pertaining to the probationary system as a method of treatment of adjudicated offenders must reflect the number of persons placed on probation, the number violating probation by committing new offenses or by technical violations, and the number of persons successfully completing probation. With regard to the last item, the juvenile field offers special difficulties in view of the frequent vagueness of the length of the probationary sentence, which is often formulated as "maturity" but in reality often falls short of that.

A list of the basic areas and questions which statistical probation data should aspire to answer was compiled by the late John W. Mannering and is being reproduced here as a potential basic plan for the development of a national model:

1. How much use is made of probation by the criminal courts?
2. How much use is made of presentence investigations by courts?
3. What are the conditions of probation?
4. How successful is probation?

While the first two questions potentially belong still into the area of judicial statistics, questions three and four should be answered by the probation statistics. For more details under these headings, Mr. Mannering's paper, "Probation Statistics," should be consulted in the 1957 Proceedings of the American Correctional Association.

As in the case of the judicial criminal statistics, the reporting model for the Federal probation system should also be consulted as it is reflected in the publications of the Administrative Office of the U.S. Courts. Here, too, the limitations on following this model as an example for a national compilation are obvious, of course, because of the administrative and legal unity of this Federal system.

It is to be noted that in addition to probation as a treatment measure, this country also knows a suspended sentence, for which the data would probably have to be obtained within the scope of the judicial criminal statistics. It is likewise to be noted that in some jurisdictions, e.g., in California, there is probation without supervision, which makes for a heavier jurisdictional load than supervision load. It is also to be noted that in many jurisdictions placement on probation in the so-called non-support cases results in practice in a large number of probation officers performing and being limited to the one single function of collecting the support moneys.

#### PENAL AND CORRECTIONAL INSTITUTION STATISTICS

This country has National Prisoners Statistics, presently published annually by the Bureau of Prisons of the U.S. Department of Justice and giving data on prisoners in State and Federal institutions. Prior to 1950 this

statistical series was handled by the Bureau of the Census. It was started in 1926. It is, naturally, a voluntary reporting program, but it has complete coverage. This is a well-developed compilation, which, however, could be improved in the sense of completeness of data covered. From time to time the Federal Bureau of Prisons has released much more detailed analyses of the same and some additional data, which appeared as separate volumes.

It should be kept in mind that all institutional statistics have an advantage over other criminal statistics because in their case reporting about offenders means also accounting for the public moneys spent on their upkeep in the institution. Public money spent must be accurately accounted for. Thus the institutional statistics in a way are a byproduct of the justification of the institution's expenditures. The latter must be in good order, must be made public and hence at least the basic data on the prison population and its movements is always there. But as the "Report on Criminal Statistics" of the so-called Wickersham Commission observed in 1931 about institutional statistics, "the statistics concerning prisoners often appeared pitifully insufficient after the many pages of detailed financial statistics. . . ."<sup>7</sup> The inclusion of data of real importance from the point of view of criminal statistics is again something else, and the development of good records and good statistics beyond the very basics probably requires as much of an effort here as in any other area.

The issue of the national prisoners statistics does not require a detailed discussion in this proposal. The series already exists; it is being operated with professional competence, and what it needs is larger budgetary appropriations that will allow the inclusion of more data and more detailed analyses. The needed improvements which any statistical series can stand are likely to come naturally as a byproduct of further development. The question of whether the National Crime Data Agency would take over the series would depend entirely on the general policy in this respect under which the Agency is established.

There is, however, one serious weakness in the National Prisoners Statistics, which requires study and action and which is not so easy to remedy. That is the existence of local variations in the policies governing which institutions are classified as State institutions and which are treated as county or city jails or workhouses, etc., and also the policies concerning the kinds of sentences and the offenders to be sent to the State or local institutions. If one State keeps all offenders sentenced to terms up to 1 year in its local institutions and another State begins to commit offenders with 3-month sentences and above to the State institutions, all comparisons of prisoner/population ratios between such States become meaningless. This applies to a large extent also to the analyses of the offender population by type of offender, because the differences in the length of sentences mean, of course, also differences in offenses and offenders. One way to eliminate this spurious factor would be for all States to have uniform sentencing and commitment practices and also comparable types of institutions. Since this is, however, not very likely to be readily achieved, the

alternative of developing national jail and short-term institution statistics would be a more readily available remedy, since in that case data on all incarcerated offenders in every State would be available.

As to statistics on public institutions for delinquent children, ever since the Children's Bureau special study of training schools of 1953, the Bureau has published from time to time statistics on training school populations. Although there are some very basic data on the inmates, these statistics really deal with the institutions rather than the delinquents and must be very much expanded in order to approximate the level of detail of the National Prisoners Statistics. Since the permissive policies for commitment of the adjudicated delinquents by the juvenile courts results in the placement of some of the delinquents in private schools rather than in public training schools, this fact must be taken into consideration in any statistics dealing with the inmates of public juvenile institutions.

This is another series that must be subjected to the procedures recommended for developing uniform reporting categories and securing cooperation for the program. For instance, the National Association of Training Schools and Juvenile Agencies should be brought in on any development in this area. Also with regard to the location of the juvenile institutional statistics the same applies as was said about the juvenile court and probation statistics; a general policy decision must be reached whether to place them in a separate juvenile statistical unit within System A, whether to handle them as a completely separate agency-statistics series, or whether to combine them with the national prisoners statistics.

#### PAROLE STATISTICS

Presently there are no national parole statistics in this country. There is, however, a very promising effort to develop such a program. First of all, the general situation with regard to parole statistics will be characterized and then the recent developments will be briefly described and further steps discussed.

#### *Parole Today*

Without getting involved in matters of definition of parole and its historical origins and development, it might be stated that presently parole, a relatively new and rapidly growing method of release from institutions as well as measure of correctional treatment, is used in all States of the Union. It is generally operated as a State program with a paroling authority—usually a parole board—which, after a preparole investigation of each individual case, makes the decision with regard to release or nonrelease on parole of institutionalized offenders; and a parole administrative body, which provides parole supervision through its parole officers to parolees thus released. On the basis of a new offense or violation of the rules or conditions of parole, a parolee may be returned to incarceration as a parole violator. The specific organizational or administrative arrangements for the elements of such a

<sup>7</sup> National Commission on Law Observance and Enforcement, Report on Criminal Statistics, No. 3, Apr. 1, 1931, U.S. Government Printing Office, Washington: 1931, p. 75.

system vary from State to State. In some instances the paroling authority is a special parole board for a particular institution, in others, a parole board may have functions broader than just matters of parole, as in the case of the California Adult Authority. It may be an independent agency or a part of an integrated correctional system. It may also be in charge of supervision of parolees or the latter function may be administratively independent of the paroling authority. From the point of view of records and statistics it is important that the central organizational tendency is to have a statewide paroling authority and likewise a statewide parole supervising agency, which makes for uniformity of procedures and reporting categories and provides for a central authority which may institute and direct record keeping and statistical procedures at least within the boundaries of one State.

It must be recognized, however, that there are great differences in legal provisions, rules, concepts, definitions and practices between the individual States and thus a very considerable amount of work toward developing uniform reporting categories must be done before a national information system can be developed.

The functioning of a parole system can be very readily perceived and interpreted as a continuous decisionmaking process. The feedback of information to the decision makers on the outcome of these decisions makes the development of a smoothly functioning information system imperative.

#### *Parole Prediction Studies*

Perhaps the just indicated obviousness of the importance of knowing the outcome of the decisions in order to be guided thereby is the paroling authority's job of constantly making decisions lead to what was for the field of criminology an extremely early attempt to make use of the emerging social science methodology. What in current terminology would be referred to as an attempt to develop a feedback of the systematically collected and analysed results of the decisionmaking process into that process so that profit can be derived from this information, was proposed and actually introduced into the area of parole as early as the twenties. As early as 1923 the first analyses of what later was to become known as parole prediction appeared as the outcome of studies by S. B. Warner and Hornell Hart. The main impetus to this type of exploration was given, however, by a group of sociologists identified with the University of Chicago. The names of Ernest W. Burgess and Clark Tibbitts figure especially prominently in this connection. The study "The Workings of the Indeterminate Sentence Law and the Parole System in Illinois"<sup>8</sup> analyzed a parolee population to determine the relationship of the parole outcome to the factors available to the decisionmaking body at the time of granting parole. The study established that the violation rates for subpopulations possessing certain specific characteristics differed from the average violation rate of the entire population. Combining several such factors

together made possible the construction of what was called the prediction tables, which gave, on the basis of experience with the past parolee populations, the expectancies of success or failure for candidates for parole on the basis of the factors known about them. These original prediction tables were put to use in the State of Illinois, where they were given for decades the most extensive test and were further analyzed, modified and experimented with by a number of social scientists who at one time or another became associated with the parole system of that State. For a general historical analysis of the major steps in the development of this inquiry see "Parole Prediction, An Introductory Statement" by the author of this proposal.<sup>9</sup>

From the many developments in the sense of research findings and refinements which gradually accrued, one is of special importance to the present analysis: The discovery that the success and failure on parole were found to be related to a differing degree and to different factors in the different parole systems, and that even within one and the same parole system the changes in policies and administrative practices of the correctional institutions and parole systems, as well as in the general cultural matrix, made the computations of expectancies quickly obsolete and suggested the need for a continuous feedback of the current outcome information to the decision-making body. Thus the operational significance of the continuously updated experience tables as a part of the operation of the parole system was brought out.

Gradually a very considerable body of materials, research reports and literature about parole prediction developed, as well as an appreciable amount of experience in the parole systems, some of which, to varying degrees, experimented with the prediction tables. From the point of view of the needs of national parole statistics, this whole development contributed considerably to conceptualization of the parole process and lead, e.g., to the discussion and definition of many terms, such as, for instance, the concepts of success or failure on parole, the typology of factors to be considered by the paroling authority, etc. On the other hand, it must be conceded that the above-indicated finding that the predictions derived from the experience tables are applicable only within the particular correctional system from which the materials were derived, limited interest in the data beyond one system. Thus, the "parole prediction" movement did not generate too much interest in national parole statistics and in the development of uniform categories: It led to somewhat "self-centered" explorations within the individual parole systems themselves. Nevertheless any future work toward a national parole reporting system should explore the "parole prediction" materials for useful leads, findings and conceptualizations. It is more an interest in the comparison of the success of operations and interest in the sharing of experiences in the structure and operation of the parole systems that lead to a recent quest for uniformity in the reporting of parole data—the basis for national parole statistics—as a major project of the National Parole Institutes.

<sup>8</sup> Andrew A. Bruce, Albert J. Harno, John Landesco, and Ernest W. Burgess, "The Working of the Indeterminate Sentence Law and the Parole System in Illinois," Parole Board, Springfield, Ill.: 1928.

<sup>9</sup> Peter P. Lejins, "Parole Prediction, An Introductory Statement," Crime and Delinquency, July 1962.

### *Uniform Parole Reports Project of the National Parole Institutes*

The Uniform Parole Reports Project of the National Parole Institutes represents not only an extremely important development toward national parole statistics, but also probably the most outstanding example of a vigorous project in developing a national reporting system in an area of corrections, rationally planned and executed by means of contemporary methodology. It is a program administered by the National Council on Crime and Delinquency. It is cosponsored by the U.S. Board of Parole, the Advisory Council on Crime and Delinquency, the Association of Paroling Authorities, and the Interstate Compact Administrators Association for the Council of State Governments. The programs of the National Parole Institutes are financed primarily by Federal grants from several sources. The Institutes were initiated in 1962, when they were made possible by a grant from the President's Committee on Juvenile Delinquency and Youth Crime, later the Office of Juvenile Delinquency and Youth Development. Since it became apparent in the course of the Parole Institutes that one of the greatest problems in effective parole decisionmaking was the absence of reliable statistical information based upon uniform standards of reporting and a common terminology, the decision was reached in late 1964 to conduct a Feasibility Study of developing a uniform parole reporting system. This Feasibility Study, under Dr. Don M. Gottfredson, was completed by the end of 1965 and is available.

The Summary of this study states: "The purpose of this study was to determine whether a useful information system describing the results of parole can be developed feasibly as a joint effort of paroling authorities. The results of the study show that it can."<sup>10</sup>

Twenty-nine of the Nation's parole agencies participating in the planning meeting in December:

1. Devised a model for a data collection system, feasible for use with a large number of agencies;
2. Achieved agreement on definitions of critical terms, in other words, worked out tentative uniform concepts and definitions;
3. Agreed on testing the feasibility of the above plan by
  - a. A pretest of the data collection system with the participation of eight agencies providing the information to the National Parole Institutes in accordance with the developed plan;
  - b. A pretest through the exploration of the application of the suggested procedures to representative samples of paroled offenders in 16 additional parole systems.

The Feasibility Study's Summary thusly reports the findings:

- "1. *A workable data collection system.* One year of experience with the trial procedures for regular

reporting shows that the methods devised will provide a firm base for development of the needed system. An initial reliability study shows that different people can agree in coding the needed information from case records.

- "2. *A common vocabulary.* This is a useful beginning; twenty-four agencies reported little difficulty in applying the codes and definitions in their own systems.
- "3. *Regular reporting to participating agencies.* This provides feedback to each agency, showing characteristics of the prisoners paroled and describing parole performance. Reports have been sent periodically to each agency taking part in the test of procedures for regular reporting. While the main purpose of this phase was to define major problems and determine what is feasible, results support the need for the information system, long recognized by parole administrators.
- "4. *Demonstration that comparisons of agency effectiveness must take account of differences in the kinds of offenders paroled.* The data collected shows:
  - a. Differences among agencies in parole performance criteria;
  - b. Differences among agencies in the kinds of persons released under parole supervision; and
  - c. Differences among offenders in the likelihood of successful parole.

\* \* \* \* \*

"The results of the study show that the tentative model ultimately can provide a firm basis for meaningful analyses of parole experience based on uniform reporting from all of our diverse parole systems."<sup>11</sup>

A paper by Dr. Gottfredson, entitled "Information Sharing in Parole" and presented at the 96th Congress of Corrections in August 1966, described the pilot study, proposed as a second phase in the development of uniform parole reporting procedures, which was initiated February 1, 1966, under a 3-year grant from the National Institute of Mental Health. The reporting system developed in the Feasibility Study is to be tested with the 8 parole agencies who took part in the Feasibility Study, with 12 more parole systems added. A second planning meeting of the 29 agencies was held in Chicago in May 1966. Continuation of the testing of the basic reporting categories and procedures developed by the Feasibility Study was recommended without major changes and with only a few refinements.

It should be noted that the Feasibility Study also provides an excellent example of the development of uniform categories beyond the usual categories in the scope of police statistics. Its codes for the pilot project include a rather generalized system of offense categories, but the rest of the code gives a detailed example of reporting categories pertaining, e.g., to the confinement from which paroled, to the prior criminal career, to the parole data—inclusive of a detailed reporting system on parole perform-

<sup>10</sup> Uniform Crime Reports, A Feasibility Study, Conducted by the National Parole Institutes; Administered by the National Council on Crime and Delinquency, December 1965, p. iii.

<sup>11</sup> Ibid., pp. IV-V.

ance—to the potential new offenses, to the discharge, plus a few demographic items and the identification number. Any further work not only in uniform parole reporting but also in any uniform reporting should take cognizance of the work done and the solutions proposed by this project.

From the point of view of the "promotional model" recommended in this proposal, the plan for a series of seminars for agency administrators, to start in September 1966, is of interest.

Dr. Gottfredson points out in the paper that the question needing to be explored next concerns what types of feedback to the paroling authorities, on the basis of the information collected, will be most useful to these authorities.

The described uniform parole reporting project of the National Parole Institutes has, to a considerable degree, performed the steps referred to in this proposal under the description of the models for developing uniform categories and promoting the cooperation of the contributing agencies. It could be assumed that these tasks could be completed under the present arrangements: The administration by a private national agency—NCCD, sponsorship by a number of professional organizations and operating agencies, and funding through grants by several Federal granting agencies. The question is: How shall this parole reporting system be operated after it is fully developed and tested? In terms of this proposal the recommendation is in order that it should become an integral part of the agency statistics within the national crime data reporting system of the proposed National Crime Data Agency. No other effective administrative arrangement which would also provide close liaison with other agency-statistics series and integration of their information appears to be very likely.

## SYSTEM B—CRIMINAL CAREER RECORDS OR NATIONAL LAW ENFORCEMENT AND CORRECTIONAL REGISTRY

### FUNCTIONS

As was already discussed in this proposal, e.g., in the section on the "Organizational Setting of the System," the national law enforcement and correctional registry is to contain a national collection of criminal-career records. This collection is to perform a number of functions and to satisfy several needs. It is meant to be both an operational information system, at least potentially for all law-enforcement and correctional operational agencies in the country, and an information system for the entire field of law enforcement and corrections in its administration, policymaking and planning, inclusive of the needs of research, by supplying the data on the characteristics, criminal careers and correctional experiences of offenders as these appear interrelated in the lives of serious and/or persistent offenders and as this can be tabulated and analyzed on the basis of such a collection.

### *Operational Needs of Law-Enforcement and Correctional Agencies*

Local, State, and national criminal-career record collections of an incomplete, unsystematic and ad hoc nature for the law enforcement purposes of the police are in existence today. They are the criminal identification files of the local departments of police, on the State level, e.g., the criminal identification system of the State of New York, formerly operated by the Division of Identification of the New York State Department of Correction and now transferred to the New York State Identification and Intelligence System, known as NYSIIS, and on the national level, the Identification Division of the Federal Bureau of Investigation.

The need for the expansion of the old and traditional operational identification file of the police departments to a national file, which is the basis for the part of this proposal consisting in the national registry, is based on two presumably very simple and obvious facts.

One of these, already analyzed in this proposal in the section on "Consumers of Crime Data and Their Needs" under "Operational Agencies," is the rapidly growing inadequacy for operational purposes of a purely local identification file because of the ever-increasing involvement of an ever larger portion of the serious and persistent offenders in criminal activities outside the local jurisdiction. The best testimony for this fact is the spontaneous and "grassroots" interest of the local police departments in the development of the criminal identification units on a broader scale than their own operations; that is, on a metropolitan, State, or regional level. This has been realized officially or through de facto cooperation, or is in the process of realization in most of the Nation's metropolitan areas and is being contemplated and worked on, for instance, for such regions as California and the neighboring States. This development is something over and above the use by the local police departments of the national fingerprint and criminal record file of the FBI, which has been operational for several decades. It addresses itself to a much more complete and detailed collection of data on the offender. The major thrusts for quick-access regional and national repositories of crime data so far has been not so much for an across-the-board collection, but for specific collections related to the most pressing needs of the police that can no longer be met by the old methods: for instance, a national stolen auto file, a national file on stolen property in general, and a national file on criminals sought.

The second fact is the possibilities opened up by the recent developments in electronic data processing, which have made such collections of crime data beyond the confines of the local agency possible and operationally effective. What the EDP has also made a reality is the technological possibility of very quick, almost instantaneous access to the stored identification data, which has resulted in the induced demand, or at least an induced strong interest in this type of operational system on the part of the police all over the country.



The expression of this interest and the metropolitan, State, and regional developments all point in the direction of a computerized national identification file, and it seems that Federal initiative and assistance, in terms of leadership, professional and technological standards, and financial support, would be coming just at the right time. The proposed national registry would be the instrument for the satisfaction of this need.

Still in terms of operational needs, but transcending the scope of the conventional interest of the police in identification and criminal data, a third very important and obvious fact underlying the national registry proposal must be considered. It is the fact that by now it has become quite apparent that our society, in dealing with the crime problem, does not want to stop with the identification, apprehension, and conviction of the offender, but is deeply concerned about his correction. Thus, a recent Harris survey on the attitude of the American public toward crime, some of the findings of which were reported nationally in the press on July 3, 1966, indicated that in response to the question comparing the attitudes and beliefs toward law enforcement and punishment versus prevention and correction, the overwhelming majority of people favored correction. In response to the question, "Do you feel prisons should be mainly corrective, trying to rehabilitate criminals, or mainly punitive, punishing them for their crime?" 77 percent of the respondents felt that the prisons should be mainly corrective and only 11 percent that they should be mainly punitive. To the question which confronted prevention and enforcement attitudes, which read in part "... if you had to choose, which one would you favor: trying to stop criminals before they begin or strengthening the police force to crack down on crime?" 76 percent of the respondents expressed themselves in favor of working with young people and only 16 percent in favor of strengthening the police. Reflecting this trend, involvement of every serious and/or persistent offender in the correctional process is now the rule rather than the exception. The need by the correctional agencies for the previous correctional data about the offender is as essential to their effective operation as is the need of the law enforcement agencies for the previous criminal record. The correctional involvements of a contemporary offender transcend the jurisdiction of the local correctional agencies to the same degree as they transcend the jurisdiction of the local law enforcement agencies and a national repository of correctionally relevant information on the offender, for operational purposes, is as much indicated as a repository for identification and criminal record data, if we take corrections seriously. Hence, the recommendation in this proposal for a national registry not only of law enforcement, but also of correctional data for operational purposes.

The "grassroots" interest and demand for such a system, perhaps not as articulated as in the case of the police, is present also in the field of corrections and the work toward a uniform parole data system of the National Parole Institutes, referred to earlier in this proposal, which evidences an operationally motivated interest, is a star example of this.

### *Nonoperational Information Needs of the Law-Enforcement and Correctional Systems*

This proposal considers it an easily demonstrable proposition that besides the direct operational needs of the law enforcement and correctional agencies to have information with regard to the individual offenders with whom they deal provided by the proposed national registry, these agencies also need data of the career-record type for the necessary planning, policymaking, administration, evaluation, decisionmaking, etc., in their respective systems. As was already stated, the recurring unique constellations of personal characteristics, instances of criminal behavior, and law-enforcement and correctional interventions in the life histories of the offenders, provide an exclusive base for the discovery and identification of the interplay of these factors, which cannot be reached through agency statistics and which provide as essential knowledge and information as any for the above listed functions of planning, policymaking, administration, evaluation, etc. The recurring constellations and interrelations of factors in the life histories of the offenders thus are indispensable not only for understanding the individual case and making decisions with reference to it, but, subjected to quantitative methodology—tabulations and statistical analysis—provide the statistical information so often asked for by those who are aware of the potentialities offered by criminal-career record data.

### *Research Opportunities*

It is hardly necessary to dwell upon the research opportunities provided by a good system of criminal-career records. The previous discussion sufficiently bears this out. It might be of interest to note that researchers in the area of criminology and corrections have often asked for the development of criminal-career records. Thus, in 1957, the 87th Annual Congress of Correction adopted a resolution addressed to the Attorney General, which, although not using the term "criminal-career records," nevertheless had these in mind when asking for a central statistical bureau and stating that "The value of such statistical research would be tremendously enhanced if these agencies could procure information on the recidivism of the offenders whom they release who receive new convictions and are institutionalized elsewhere."<sup>12</sup> The Proceedings of the same Congress also contain an article by Daniel Glaser, entitled "Criminal Career Statistics," which develops a case for the need of this type of statistics.<sup>13</sup>

### **CRIMINAL-CAREER DATA**

What data should be included in the criminal-career record of the individual who is placed in the national law enforcement and correctional registry?

### *Areas of Data*

The decisions from which areas the data are to be included should relate to the functions to be performed

<sup>12</sup> Proceedings of the 87th Annual Congress of Correction of the American Correctional Association, Chicago, Ill., 1957, p. 328.

<sup>13</sup> Op. cit., p. 103.



by the national registry as these were discussed above. The direct operational information needs of all law-enforcement and correctional agencies participating in the system should be satisfied. This means data needed by the police, by the agencies of prosecution and detention, the courts, the correctional agencies of probation, institutions—including short-term institutions (jails)—parole and any other correctional agencies operating new types of programs, such as community-based treatment, halfway houses, prerelease facilities, work-release programs, etc. This also means the general information needed by the same agencies for planning, determination of policies, administration, evaluation, etc., of their programs, what is sometimes referred to as administrative information. Certain selected types of data needed by research and potentially some data of use to such non-operational consumers as the general public (the electorate), private agencies, mass media, etc., if it were established that this information has not already been taken care of in satisfying the needs of the earlier mentioned consumers.

The inclusion of the law-enforcement and correctional data in their interrelationship should be handled in terms of the general principles suggested in the section of the proposal entitled "Law Enforcement and Correctional Data." Many correctional data are legally relevant: A purely correctional decision that the correctional treatment of the offender should be continued in an institution rather than in the community setting, in legal terms means a failure on probation or a revocation of parole, whether such terminology is exactly the most appropriate or not. At the same time, correctional agencies are justified in wanting correctionally relevant information stored and available regardless of whether it has immediate legal consequences or not.

The inclusion of data from the juvenile delinquency area should be handled in terms of the section of this proposal entitled "Adult Crime and Juvenile Delinquency Data."

#### *Kinds of Data*

After decisions are reached on the areas from which data are to be included, the next task is to determine the kinds of data from each area that should be included. For instance, what data with regard to probation should one expect to be available in the national registry. In arriving at the kinds of data to be included from each area and at the uniform reporting categories, one should make use of the presently available data reporting models: Those used by the FBI in its offenses known and arrest reports, those that were used by the National Judicial Criminal Statistics by the Bureau of the Census, those used by the Juvenile Court Statistics presently published by the Children's Bureau, those used by the Federal Prison's Bureau in its National Prisoners Statistics, and those just developed for uniform parole reporting by the National Parole Institutes. Besides these national patterns, the State and local recordkeeping forms

should of course be consulted for ideas, leads, terminology, etc.

#### *Offenders To Be Included in the National Registry*

It is obvious that an offender should not be entered into the national registry on the basis of a single trivial offense. Criteria for the determination of the extent of an individual's involvement in criminality in order for him to be included in the national registry, should be worked out. These criteria should in all probability be based on a combination of the seriousness and the repetitive nature of the offenses. As an example could be used the recidivism criteria developed by the NYSIIS for the selection of cases from the Division of Criminal Identification manual file for conversion into machine-readable form capable of being read into a computer, which really means criteria for inclusion into the future criminal registry of that State. Thus, following some such appropriate procedure, the national registry would avoid including individuals who commit very minor offenses only once. This policy would also assure the general public that the stigma of being included in the national criminal register does not occur too early in the criminalistic involvements, nor unnecessarily, and that the effort and the taxpayer's money are not being wasted on minor and insignificant matters.

Another consideration which would probably play a very important role both from the point of view of the correctional process and from the point of view of public acceptance is the provision for closing the criminal record for an individual who by his law-abiding behavior over a sufficiently long period of time has shown that he deserves to be taken off such a register and that his stay on the register no longer serves any useful purpose. After a certain number of years of law-abiding behavior, the record could be officially discontinued and no further information be issued on the basis thereof about the individual. The French concept of "rehabilitation" could serve as a model here. According to this French institution, after an offender has served a sentence for a serious offense and has for a specified number of years demonstrated his ability to live as a law-abiding individual, his record is officially erased. The question could be raised whether such closing of the record should consist in its destruction, or whether the record should only be retired from the active registry files, with the possibility of being reopened if the offender again involves himself in serious criminal behavior. Both possibilities exist, of course, and a decision on the particular course of action to be followed should be made on the basis of further study and consideration. It seems quite obvious that the reentry of an individual into the national registry should be controlled by the same criteria as the original entry. The technology of the electronic devices probably will be the determining factor in the selection of the appropriate method of retiring a criminal-career record.

## *Equipment Planning*

Three factors, partly the technology of the electronic equipment, partly the frequency and the pattern of the utilization of data and partly administrative considerations should determine the organizational issues in planning the national registry: Whether it should be operated as one or as a twin central computer; whether in addition to the central computer, which besides certain identification and basic data would refer the clients both for input and retrieval—potentially still by direct access—to the regional, State or metropolitan computers, ending with the remote local terminals, which computers would store the information of different levels of detail in the appropriate level computers for the more frequent use in the regions, States and metropolitan areas. One of the utilization pattern considerations should be the issue of differential or limited access to the data that can be accomplished in terms of the electronic technology, thus making certain data accessible only to certain consumers or excluding certain data from all access, the latter being tantamount to “erasing of the record.” The issue of differential access to the law-enforcement and correctional data for the respective agencies was touched upon in the section of this proposal dealing with the “Law Enforcement and Correctional Data.”

In the discussions, the issue was brought up of the potential usefulness of two parallel repositories of the criminal-career record data, one containing the identifying information on the individual offenders, for use for operational information system purposes, and the other without such identifying information except for special confidential cross-reference, for statistical and research purposes, allowing for a relatively much more liberal access. The security of the information contained in the national registry will have to be effectuated in terms of the possibilities offered in this respect by the electronic equipment, although the element of staff responsibility for discretion and its effective control must be built into the personnel management of the National Agency.

### CURRENT PROGRAMS AND CONTEMPLATED DEVELOPMENTS

The following major programs should be mentioned in connection with the plans for a nationwide criminal-career records system.

#### *The Federal Bureau of Investigation*

*Division of Identification.* A national collection of criminal records of serious offenders, comprising approximately 16½ million cases and identified by fingerprints, the FBI number and the name of the offender is actually available in this country. It is the criminal fingerprint file of the Identification Division of the Federal Bureau of Investigation. It is a manual file, and it is not necessarily complete either with regard to offenders, especially not with regard to misdemeanants or juvenile offenders, nor with regard to the law-enforcement and correctional data about each individual offender. The

FBI puts into the records the information which it receives, and those offenders who are not fingerprinted by the local police or the information about which is not sent in do not get into the file. The coverage of the police data is quite full, and operationally this file unquestionably represents the backbone of law enforcement in the United States; but data beyond police information, such as information on court dispositions, with regard to probation, to the penal and correctional-institution experiences of the offender, parole data, as well as other correctional data is by far not fully represented in this record. Its presence or absence is a function of many factors; whether it is a Federal offender, how serious an offender it is, and what kind of an offense he was involved in; what State and what police department the information was supposed to come from; whether the offender is in the category of offenders especially investigated by the FBI—all this has a bearing on the fact and on the completeness of the information available on him.

If it were to function as a complete and reliable national registry of law enforcement and correction data, as envisaged in this proposal, the FBI Identification Division would have to be provided with data from the areas included in the proposed registry and be assured more complete receipt of nonpolice information, which it gets partially for its identification file. These are difficult tasks, because they mean an activation of the reporting by local and State agencies over which neither the FBI nor the Federal Government in general has any control and which are not in as close a cooperative relationship with the FBI as the police departments which cooperate in the Uniform Crime Reports program. Still these local agencies operate in the general area of law enforcement and the securing of their basic data on the offenders for a national registry, though difficult, should not be an impossible task. Such developments as the mandatory reporting by the courts of their dispositions to the police criminal identification files, a practice which, it is understood, now is operational in at least two States, testifies to the growing awareness of the need to build complete criminal record histories.

Thus, speaking at this point of the expansion of the existent FBI identification file to the level of a complete national registry of law enforcement and correctional data, one would have to anticipate doing all the work—except for the police identification data—outlined so far in this proposal for deciding on the areas and kinds of data, working out uniform reporting categories, and doing the promotional work with the agencies which are to cooperate in the program.

It is, of course, assumed that in addition to the data content expansion, the FBI would acquire the necessary additional computer equipment and convert the present identification file from the present manual to a computerized operation.

All this would of course imply a corresponding expansion in budget and staff.

From the point of view of identification, these plans are predicated on the development of a fingerprinting machine scanning process without or with a minimal

manual component, which is in turn predicated on the development of a suitable fingerprint classification system and a more accurate fingerprint taking technique, potentially photography. No serious time estimates below 3 years for reaching the operational stage in these technological developments have been heard and some of the estimates foresee a much longer wait than 1969. Materials, printed and in the form of mimeographed reports, are abundant. The NYSIIS "Finger Print Classification and Identification System" prepared in 1965 by the joint New York State and System Development Corp. staff might be singled out for mention.

*Careers in Crime Series.* One element in the Uniform Crime Reporting program of the FBI comes especially close to the criminal-career records idea in the proposed national registry. It is the "Careers in Crime" series, which was started in January 1963 and according to the report of 1965 contains 134,938 cases. The information available on these cases is the same as that contained in the Identification Division, but it has been transcribed to magnetic tape and is available for computer handling. There is another aspect to this series that makes it somewhat different from the records of the Identification Division. Because of the selection of the cases for the "Careers in Crime" series, which is limited to Federal offenders, fugitives from justice under the Fugitive Felon Act, and local Washington, D.C., offenders, the amount of information available on these individuals is relatively more complete than in the case of the run-of-the-mill identification records and approaches true criminal-life histories. This series can certainly be considered as a pilot project for the development of a complete national criminal registry. Unfortunately some of the findings with regard to the budgetary requirements and personnel time involved are discouraging. The operation of the series, that is, keeping the information updated, even with the number of cases limited to the present 134,000, involves the time of several professional employees and some 25 clerks, not to mention the time of the computer personnel. The expansion of the series to some 10 million active cases would represent a truly staggering personnel involvement and budgetary outlay. The only practical solution seems to be the development of machine scanning of the criminal and other records carrying data to the file with potential direct access to the computer.

*FBI National Crime Information Center.* The discussion of the role of the FBI identification records and "Careers in Crime" series in the development of a national registry of law enforcement and correctional data must take into consideration the recently announced development of the National Crime Information Center, to be located at FBI Headquarters in Washington, D.C., as described in the May 1966 issue of the Law Enforcement Bulletin. This Center, which is supposed to be in limited operation by January 1967, will initially store and provide information by means of a random access computer on stolen automobiles, other stolen property and wanted persons. Other data will gradually be added. The

announcement also gives a diagram of a projected nationwide network providing for regional terminal interchanges and State terminals, all connected with the National Center by a system of high-speed and low-speed circuits. Although no specific plans are announced, this system, when fully developed, would lend itself admirably, from the standpoint of technology, to the operation of a national registry of law-enforcement and correctional data, with input and storage of this data from all over the Nation, with direct random access retrieval for operational purposes and programming for statistical tabulations and analyses.

The role of these FBI facilities and programs will, of course, be a matter of primary consideration in the development of the national registry.

*Report on the Feasibility of a National Computer System for Police Records—England*

This report of the Home Office and Metropolitan Police Automatic Data Processing Unit, published in June 1966, although based on conditions in England, is excellent background material for any work on a similar system in the United States. It gives the impression of a very substantial and practical investigation and should serve as a good source of issues to be handled, analyses to be accomplished and decisions to be reached. It gives a considerable amount of attention to the cost of the equipment and operations and emphasizes especially the comparative cost of various arrangements. Although the report comprises 58 legal-size pages without the appendices, the 2-page summary gives an excellent idea with regard to the major findings and conclusions. In brief these are as follows. Although the report deals mainly with police records statistics, chapter X explores the possibility of a comprehensive criminal and correctional record and statistics system, comparable in scope to the national crime data reporting system recommended in this proposal. The report considers the development of such a system feasible and desirable in England, but terms it "an immense project," which would put back the possibility of a police computer-based national records system by several years. After having discussed the use of computers by the subordinate law-enforcement and correctional systems, the report discards first the idea of having compatible computers, then considers the use of identical computers and arrives at the final recommendation of a single computer complex.

It is very interesting to note that the report discusses the issue of combining the data from the law-enforcement and correctional agencies in a single criminal-career record for operational purposes and, just as this proposal, endorses limited access to data for the participating agencies, arriving at the principle of the "right to know" in addition to that of the "need to know" (p. 52, #363).

For the area of police operational records the report endorses a computer-based national system. In the result of the discussion of various types of computer equipment organization, the report recommends a separated central twinned computer system. With regard to the

communications system, the report concludes in favor of a private teleprinter network.

### *NYSIIS*

This ambitious undertaking to develop a New York State Identification and Intelligence System is directed toward a comprehensive State system of law-enforcement and correctional data reporting for both operational and general information and statistical analysis purposes. In its future plans this project emphasizes linked regional systems rather than a single national system. The currently operational part of the project seems to be limited to a "data conversion" experiment. This is a remarkable undertaking, at the cost of over \$2 million, to convert over 500,000 criminal identification records, selected on the basis of the recidivism criteria from the total collection contained in the Division of Criminal Identification into machine readable form for ultimate input into a computer. This computerized criminal-career record system, to be operative by August 1967, is later to be expanded to include data from five additional systems: Prosecution, criminal courts, probation, institutions, and parole. So far, however, the operation and also the exploratory work seems to be limited to the conversion project and the development of a computerized police identification and records system for the State. The NYSIIS has produced a wealth of interesting mimeographed and published materials, which must be considered in any future work toward developing crime-data reporting systems. The basic Feasibility Report of November 1, 1963, by the System Development Corp., represents an important document. No less significant is the Data Conversion Study prepared by Touche et al. in November of 1965. The already mentioned study on the NYSIIS Fingerprint Classification and Identification System is of considerable interest, as well as the report on Facsimile Equipment and Testing, which is a development to become operational in the early stages of the project. The visit by the author of this proposal to the NYSIIS was a very interesting and stimulating experience.

### *California Crime Data Reporting*

The State of California has the reputation of having the best crime data reporting and especially some of the best agency statistics among other States in the Nation. This reputation is no doubt well earned. In terms of the overall model recommended in this proposal, however, California reporting models do not lend themselves too readily to be followed. This does not mean that the component elements of the California system are not among the best in the Nation and should not be carefully studied and followed as such. The main differences between this proposal and the California system consist in the following. While this proposal trends in the direction of a central computer crime data storage for both direct operational information and general information purposes, the California system seems to be resolutely divided into the operational criminal identification file of the

police departments and the statistical data collection of the Bureau of Criminal Statistics. Secondly, while this proposal considers the electronic data processing technology a major factor in the crime data reporting developments, the operations of the Bureau of Criminal Statistics, outside of subsidiary electronic equipment, are manual rather than computer based.

Of considerable importance for the analysis of the function of crime and delinquency information for the decisionmaking process through system analysis is the Prevention and Control of Crime and Delinquency report of the Space-General Corp. for California, which deals also specifically with crime reporting programs. Another project of considerable interest for the crime data area is the study "Improving Correctional Decision-making Through EDP" of the Institute for the Study of Crime and Delinquency, dealing with the California Adult Authority System. Although this project is presently still in an early stage, it offers even now some relevant materials for consideration in the development of reporting systems.

### CONCLUDING SUMMARY STATEMENT

For the purpose of a summary overview of the main recommendations on which the proposed model for the national crime data reporting system is based, the following comparison with the recommendations of the famous predecessor of the President's Commission on Law Enforcement and the Administration of Justice; namely, the National Commission on Law Observance and Enforcement, better known as the Wickersham Commission, will be made.

In 1931 the Wickersham Commission published its Report on Criminal Statistics as one of the many volumes of its findings and recommendations. This report contains a series of recommendations for the improvement and further development of criminal statistics in this country. It is quite obvious that these recommendations differ very basically from those contained in the proposal. Without going into detail, as the two major recommendations of the Wickersham report the following should be singled out:

1. The gathering, compiling, and publishing of nationwide criminal statistics should be committed as a whole to the Bureau of the Census.
2. Within the States, all statistical information pertaining to crime should be handled by a central bureau for criminal statistics, which then would transmit it to the Bureau of the Census for the purposes of a national series.

The then existing arrangements for the collection and publication of several kinds of nationwide crime statistics, the Wickersham Commission was willing to endorse until the model described in the two above recommendations would become reality.

The recommendations of the present proposal are just the opposite. It recommends the Department of Justice as the location of the National Crime Data Agency in view of its direct involvement in the area, suggests that the Agency work directly with the local agencies if State statistical systems are not ready, and recommends the maximum initiative and promotional tactics, inclusive of Federal financial support, in developing proper record-keeping and reporting by all of the law enforcement and correctional agencies in the country.

The experience of the 35 years which have passed since the Wickersham Commission made its recommendation should be at least partially useful in shedding some light on the relative merits of the two proposals.

It is only fair to say that criminal statistics in general have moved ahead very little in this country since 1931. Whether the Wickersham proposal had anything to do with this lack of progress is, of course, hard to judge. But at the same time it seems also to be fair to at least conjecture that the 1931 proposal did not stimulate any progress, because there has been very little of it.

On the contrary, in those few areas of crime reporting where progress actually has been made in these 35 years, it was made by methods diametrically opposite to those recommended by the Wickersham Commission:

1. The most significant advance was unquestionably made in the area of police statistics through the development of the Uniform Crime Reports, which were just being started when the Wickersham Commission was making its surveys. The Uniform Crime Reports are being produced by the Federal Bureau of Investigation, a Bureau within the Department of Justice, and through direct cooperation with some 8,000 local police departments. This development becomes especially intriguing if one remembers the two specific recommendations made by the Wickersham Commission regarding police statistics, namely:

"Recommendation 6. The Federal Government should not at present attempt to obtain statistics of crimes known to the police.

"Recommendation 7. In most cases information concerning the offenses of persons arrested and their disposition in court should be obtained from the courts and not from the police."

2. The Juvenile Court Statistics, which are presently collected and published by the Children's Bureau, even if only on the basis of a sample, are also not produced by the Census, and the information is obtained not from State statistical bureaus but from the local operational agencies, in this case the juvenile courts. The Federal agency in question—the Children's Bureau—has notably

contributed to the development of the court records and the reporting by the distribution of forms and determination of the reporting procedures.

3. The Bureau of the Census, in the course of the intervening 35 years, not only failed to become the central agency for criminal statistics, but actually gave up the two series in the publication of which it was engaged at the time of the Wickersham Commission. It gave up one of these series as a complete failure, that is, the Judicial Criminal Statistics, and dropped the other one—the National Prisoners Statistics—for it to be picked up by the Federal Bureau of Prisons, which operates very successfully in cooperation, again, not with the State statistical bureaus, but with the State operational agencies, i.e., the State correctional systems and in some cases the individual institutions.
4. The preparatory work for national parole statistics, which was discussed in some detail in this proposal and which by all symptoms is shaping up as a major breakthrough, is being carried out by a private national organization—the National Council on Crime and Delinquency—with the support of Federal funds and working through the State operational agencies, the State parole systems.

While the above comparison should by no means be interpreted as a conclusive argument, it should lend an additional perspective on the reporting model that is recommended in the present proposal.

One might conclude with the following summary statement. The main condition for progress in the field of crime and delinquency control and prevention seems presently to be the rational evaluation of agencies, programs and measures, both old and newly proposed, for combating crime, or, as might be stated in the current technical parlance, the need for feedback to the decision makers. Stated either way, this means the need for information both with regard to the relevant elements in the situation on the basis of which the decision was made and with regard to the relevant consequences of the decision: in this area this means data on the effectiveness of the measures to interrupt or to forestall criminal behavior.

This means a need for record keeping on all relevant aspects of the total law-enforcement and correctional processes, so that feedback can be provided not only within individual agencies, but also among them; a need for combining the recurring factors from individual records into statistical tabulations so that these may be analyzed. In most general terms this is the need for a national crime data reporting system and a national administrative body to house this system—the National Crime Data Agency—with the necessary subdivisions for carrying out the supporting activities.

## THE PREDICTION OF CRIME FROM DEMOGRAPHIC VARIABLES: A METHODOLOGICAL NOTE

If young persons are more likely than older persons to commit certain types of offenses, it follows that a population which experiences an increase in the number of young persons will also experience an increase in the volume of these crimes. In a similar vein, it has been demonstrated that males are more prone than females to some offenses, residents of central cities, especially the "inner city," than of rural areas, etc. An adequate analysis of the impact of this kind of demographic change on the volume of crime would permit more precise understanding of the nature of the crime problem. It would then be possible to determine whether an increase in the kinds of offenses commonly committed by young males in urban areas was because there are more of these youngsters in the cities or because these young males are becoming more offense-prone. Such knowledge would assist in making the most efficient allocation of effort and resources for the prevention and control of crime.

An adequate analysis of the impact of these demographic factors on the volume of crime would also permit projections of the likelihood of increases in the volume of certain offenses because of prior birth rates and population movements within the country. That is, a predicted increase in the number of young, urban males would indicate an expected increase in the volume of some offenses unless some other factor had intervened to reduce the offense rates in these groups. Prior knowledge would permit planning for future prevention, helping to estimate workloads for public and private agencies, and giving early warning of areas of possible trouble.

Because of the importance of such knowledge, the Commission has attempted to assess how accurately known changes in the size of the population, in the age structure, and in the rural-urban, sex, and racial composition of the population would predict the change in the volume of crime from 1960 to 1965. The method attempted was (1) to apply 1960 arrest rates for age, sex, race, and place of residence groups to the 1965 population in these groups to "predict" what the volume of crime would have been in 1965 if rates for these groups had remained constant, and (2) to compute the percentage of the increase which was accounted for by changes in each of these demographic factors.

In theory this kind of calculation should not be too difficult. In practice three serious problems were encountered: the lack of comparability between arrest data and Census data, the lack of comparability between arrest data from year to year, and insufficiently detailed classification of arrest data.

The basic source for arrest data on a national basis is

the Uniform Crime Reports. In 1965, these reports covered 4,062 agencies representing 134 million people, or about two-thirds of the population.<sup>1</sup> The data is broken down a number of different ways: (1) by population groups (six city-size categories, suburban, and rural), (2) by age, (3) by sex and (4) by race. Data is also presented separately for cities, suburban and rural areas by age, sex and race.

While estimates were available for the number of people in the jurisdictions which the arrest data covered, detailed demographic data as to the percentages in the various age, sex, race, and other categories were not available. This meant that there was no way to make the calculations needed for "prediction" directly from actual reported arrest data.

The only Census data that was available both for 1960 and 1965 on any wide scale with the kind of information needed was that for the entire Nation (in Current Population Reports).<sup>2</sup> This meant that if any computation was to be made either (1) an assumption would have to be made that the age, place, sex and race characteristics of the population represented in the arrest reports was the same as that nationally, or (2) that estimates would have to be constructed on a national basis for the arrest data so as to make it comparable to the census data. Since (1) was patently untrue, procedure (2) was followed.

Translating reported arrest data into national estimates which include breaks by age, sex, race and place of arrest involves several problems. The units which report arrest data are not the same from year to year. In 1960 the reports covered a city population of 81.6 million and a rural population of 27.1 million out of a total 179.3 million population.<sup>3</sup> In 1965, out of a total population of 192.2 million, the city population covered was 101.6 million, the rural population was 18.5 million, and the suburban population which in 1960 had been included in the other categories was 33.8 million.<sup>4</sup> Because the changes in these percentages do not represent the change from urban to rural that has occurred in the Nation during this period, creating a national estimate is more complicated than merely inflating the percentage reported to that of the Nation as a whole.

To solve this problem, the Uniform Crime Reports section of the Federal Bureau of Investigation prepared estimates for each of the population groups reporting to it and added these together to create a total national estimate. A further problem develops here, however, because the population categories by which reports are made to the Uniform Crime Reports are not wholly the same as those contained in the Census data. The most serious

<sup>1</sup> "UCR, 1965" pp. 107-145.

<sup>2</sup> Bureau of the Census, Current Population Report, "Population of the United States by Metropolitan and Non-Metropolitan Residence April 1965 and 1960," Series P-20, No. 151, Apr. 19, 1966, Population Characteristics.

<sup>3</sup> "UCR, 1960," p. 91.

<sup>4</sup> "UCR, 1965," p. 108.

problem is that which concerns place of arrest. The Census categories of "metropolitan central city," "metropolitan outside central city" and "nonmetropolitan" do not correspond to the UCR categories of "city," "suburban," and "rural," and no estimates of national arrest totals could be made on a comparable basis.

The Uniform Crime Reports section was able, however, to make estimates using only a two-way break for the place of arrest.<sup>5</sup> The Census categories used were central city and noncentral city ("nonmetropolitan" plus "metropolitan outside central city"). Using UCR data and the Uniform Crime Reports section approach to estimating, the Task Force made similar estimates for race and place of residence. The lack of arrest records by sex within the various age groups meant that estimates could not be made simultaneously for age, sex, and place of residence. Similar problems meant that it was not possible to consider race simultaneously with sex or age.

Using the population data in the Current Population Report and the national estimates for arrest, rates of arrest were then calculated for each of the categories possible for 1960. These are shown in table 1.

The 1965 population for each age, sex, race, and place of arrest category was taken from the Current Population

Report, and multiplied by the estimated 1960 rates. The results, or the total number of 1965 arrests which would have been predicted by each demographic variable or combination, for all Part I offenses as a group are indicated in tables 3 to 7.

The difference between the "predicted" number of arrests for 1965 and the actual number of arrests in 1960 is then the increase "predicted" by the variable or combination. This predicted increase was then compared with the actual increase which is, of course, the difference between the total estimated number of arrests in 1960 and that in 1965.<sup>6</sup> The proportion of the increase accounted for by the variable or combination being analyzed then becomes:

$$Y = \frac{\text{predicted 1965 total} - \text{actual 1960 total}}{\text{actual 1965 total} - \text{actual 1960 total}}$$

Thus, for example, population increase accounts for 24 percent of the increase in volume for all Part I offenses as a group while population, age, and place of residence in combination account for 46 percent. The proportions of the increase which this method accounts for by various combinations of demographic changes are indicated in table 2.

Table 1.—Estimated 1960 Arrest Rates<sup>1</sup> for Part I Crimes

[per 100,000 population]

	AGE <sup>2</sup>						SEX <sup>3</sup>		RACE <sup>3</sup>		Average
	Under 14	14-19	20-24	25-34	35-44	Over 45	Male	Female	White	Nonwhite	
Central cities <sup>4</sup>	333.2	3,084.7	1,403.0	800.5	438.5	131.0	1,177.8	135.1	436.6	2,355.7	635
Outside central cities	129.9	1,769.7	1,142.8	430.3	219.7	71.8	692.3	54.2	270.2	438.1	370
Average	189.4	2,160.0	1,235.8	553.6	291.1	92.9	846	81	320	1,434	456

<sup>1</sup> Estimated total, 1960 arrests for Part I crimes: 814,291.

<sup>2</sup> The rates for age and sex versus place were obtained from the Federal Bureau of Investigation, Uniform Crime Reports Section, unpublished data. Using the 1960 UCR data and the Uniform Crime Reports Section approach for estimating rates, the task force estimated the race-place ratio.

<sup>3</sup> The Uniform Crime Reports Section used population data and central city definition as given by the Bureau of the Census, Series P-20, No. 151, Apr. 19, 1966, "Population Characteristics."

<sup>5</sup> Method for estimating central city and noncentral city arrests used by the Uniform Crime Reports Section, FBI:

*Central City Estimated Arrests, 1960*

*Computation*

- 1  $(\text{Arrest rate, Group I}) \times (\text{Total U.S. population of Group I cities, 1960})$
- 3 Arrests for Groups II and III cities, table 16, 1960 UCR.
- 4 Row 3
- Group II + III city population, table 16, 1960 UCR
- 6 Row 4  $\times [(\text{Central city population}) - (\text{Total U.S. population of Group I cities, 1960})]$
- = Row 4  $\times (57,790,000 - 39,363,455) = \text{Row 4} \times 18,426,545$
- 8 (Row 1) + (Row 6).
- 12-18 Row 8  $\times (\text{Percent distribution of arrests by age group, I-IV cities, 1960})$
- Estimated Arrests Outside Central City, 1965*
- 21 Total arrests minus arrests for cities over 50,000, table 18, 1965 UCR.
- 22 Row 21
- (Population total) - Population Group I-III cities, table 18, 1965 UCR
- Row 21
- [134,095,000 - (40,900,000 + 12,157,000 + 13,270,000)]
- Row 21
- 67,768,000

24 Row 22  $\times [(\text{Metropolitan Population 1965, outside central cities}) + (\text{non-metropolitan})]$

Row 22  $\times (64,201,000 + 68,372,000)$

Row 22  $\times 132,573,000$

31 Arrest rates, table 18, 1965 UCR.

32 Row 31  $\times (\text{1965 population of Group I cities that were over 250,000 in 1960}) =$

Row 31  $\times (18,880,774 + 13,093,067 + 10,599,155 - 1,135,625)$

Row 31  $\times 41,437,345$

34 Group II and III arrests, table 18, 1965 UCR.

35 Row 34

(Groups II and III population, table 18, 1965 UCR) = Row 34

25,427,000

37 Row 35  $\times [(\text{Central city, 1965 population}) - (\text{Group I, 1965 population})] =$

Row 35  $\times (59,612,000 - 41,437,345) =$

Row 35  $\times 18,174,655$

39 Row 32 + Row 37.

42-49 Row 39  $\times (\text{Percent distribution arrests by age group, 1965, cities over 25,000})$

<sup>6</sup> Estimated as in note 5 supra.



Table 2.—Percentage of Increase in Volume of Crime Predicted by Demographic Variables

Variables	Percentage increase predicted
Population.....	24
Population and place.....	21
Population, place, and sex.....	20
Population and age.....	49
Population, age, and place.....	46
Population, race, and place.....	46

These calculations are valuable chiefly for the illustration they provide as to how the results of "prediction" for factors in combination differ in some cases significantly from those where only one factor is considered. These results only suggest, however, what changes might be predicted from demographic factors if there were not so many problems. Table 2, for example, indicates that the effect of population growth and the place where that growth has taken place considered together predict 3 percent less of the increase than if population growth is considered alone. A more sophisticated prediction calculation discussed in note 114 of chapter 2, however, indicates that 7 percent of the actual increase in crime rates was a result of changes in the place distribution of the population. The difference between the two calculations is that one is based on a 3-way break (possible because rates for offenses known to the police can be used) and that the other is based on only a 2-way break. The highest percentage growth in population between 1960 and 1965 has taken place in the suburbs, while the rural areas which have lower rates than the suburbs have declined. By combining the suburbs and the rural areas into a single category, the 2-way break, which was all that was available for the arrest data, in effect, masks this whole difference. Similarly, calculations based on more detailed age breaks predict a higher proportion of the actual increases than that shown in table 2.

Because of the difference in ages of high risk groups for different offenses, more meaningful results are also obtained when calculations are based on individual crimes or when property and personal crimes are considered as separate groups. The general lack of comparability in the arrest reports and population data thus results in detracting considerably from the accuracy and completeness of the calculations which can be made.

This is in addition to the precision which is necessarily lost in the process of converting arrest information into units which conform to Census report definitions. Increases in the proportion of the population represented by the reports, while in themselves an improvement, introduce additional error into the year-to-year comparisons.

Assuming that arrest records and population information are comparable with each other to a degree and that both are comparable from one year to another, much of the change in the volume of crime appears to be accounted for by these demographic changes. If it were also possible to get arrest information for each sex and age group within each race and place category, the proportion accounted for would undoubtedly be increased considerably.

Table 3.—Projected 1965 Arrests by Place and Population

Place	1965 population (in thousands)	1960 rate <sup>1</sup>	1965 predicted arrests	1965 estimated actual arrests
Central cities.....	59,612	635	378,536	485,818
Outside central cities.....	132,574	370	490,524	587,878
Total.....	192,186		869,060	1,073,686

<sup>1</sup> From table 1.

Table 4.—Projected 1965 Arrests by Sex, Place, and Population

Sex	1965 population (in thousands)	1960 rate <sup>1</sup>	1965 predicted arrests	1965 estimated actual arrests
Outside central cities				
Male.....	65,237	692.3	451,636	528,221
Female.....	67,337	54.2	36,497	59,657
Subtotal.....	132,574		488,133	587,878
Inside central cities				
Male.....	28,582	1177.8	336,639	416,346
Female.....	31,030	135.1	41,922	69,472
Subtotal.....	59,612		378,561	485,818
Grand total.....	192,186		866,694	1,073,686

<sup>1</sup> Table 1.

Table 5.—Projected 1965 Arrests by Age and Population

Age	1965 population (in thousands)	1960 rate <sup>1</sup>	1965 predicted arrests	1965 estimated actual arrests
Under 14.....	56,210	189.4	105,462	646,117
14-19.....	19,939	2,160.0	430,682	
20-24.....	12,775	1,235.8	157,873	
25-34.....	21,975	553.6	121,654	
35-44.....	24,299	291.1	70,734	
45 and over.....	56,988	92.9	52,942	56,380
Total.....	192,186		940,347	1,073,686

<sup>1</sup> Table 1.

Table 6.—Projected 1965 Arrests by Age, Place, and Population

Age	1965 population (in thousands) <sup>1</sup>	1960 violent crime arrest rate <sup>2</sup>	1965 predicted arrests	1965 estimated actual arrests <sup>3</sup>	1960 property crime rate <sup>2</sup>	1965 predicted arrests	1965 estimated actual arrests <sup>3</sup>
Outside central cities							
Under 14.....	39,985	1.3	520	13,274	128.6	51,421	348,435
14-19.....	14,110	67.0	9,454	1,702.7	240,251		
20-24.....	8,499	144.7	12,298	13,914	998.1	84,829	77,045
25-34.....	15,052	89.1	13,411	15,984	341.2	51,357	51,055
35-44.....	16,980	53.8	9,135	10,692	165.9	28,170	28,751
45 and over.....	37,948	18.6	7,058	8,365	53.2	20,188	20,513
Total.....	132,574		51,876	59,329		476,216	528,699
Within central cities							
Under 14.....	16,225	9.3	1,509	16,454	323.9	52,253	267,954
14-19.....	5,829	204.1	11,897	2,880.6	167,910		
20-24.....	4,276	247.0	10,562	12,197	1,156.0	49,431	56,598
25-34.....	6,923	218.3	15,113	17,228	582.2	40,306	49,545
35-44.....	7,319	149.0	10,905	11,769	289.5	21,189	26,411
45 and over.....	19,040	43.5	8,282	8,456	87.5	16,660	19,046
Total.....	59,612		58,268	66,104		347,749	419,554

<sup>1</sup> Source: Bureau of Census, Series P-20, No. 151, Apr. 19, 1966, "Population Characteristics."

<sup>2</sup> Violent crimes: murder, rape, aggravated assault; property crimes: robbery, burglary, larceny, auto theft.

<sup>3</sup> Source: Work sheets of the Federal Bureau of Investigation, Uniform Crime Reports Section.

Table 7.—Projected 1965 Arrests by Race, Place, and Population

Race	1965 population (in thousands)	1960 <sup>1</sup> rate	1965 predicted arrests	1965 estimated actual arrests
Nonmetropolitan				
White.....	61,172	278.2	170,181	-----
Nonwhite.....	7,200	332.8	23,532	-----
Subtotal.....	68,372		194,143	-----
Metropolitan				
White.....	108,166	406.1	439,262	-----
Nonwhite.....	15,647	1,926.4	301,424	-----
Subtotal.....	123,813		740,686	-----
Grand total.....	192,186		934,829	1,073,686

<sup>1</sup> 1960 rates estimated from data of the Federal Bureau of Investigation, Uniform Crime Reports Section. The rates in this table are not comparable with those in table 1 because the place classifications are different.

Our understanding of the increase in the volume of crime would be much more nearly complete than it now is. It would be possible to make much better judgments as to how much of any particular increase or decrease in crime rates was due to a change in the criminality of the persons involved and how much to an increase or decrease in the number of persons in high risk groups.

## UNIFORM CRIME REPORTING TRENDS—FBI PROCEDURES

Reference is made to page 46 of "Uniform Crime Reports—1965" which briefly sets forth an explanation of crime trends as prepared for Uniform Crime Reports publication.

Historically, the FBI applies verification and quality review procedures over individual agency reports giving special attention to trends in volume of crime, as well as crime rates. In all trend tabulations only those reporting units are used that have provided comparable data for the period involved. National, geographic and area trends are always established on the basis of 2 consecutive years. Whenever it is determined that an agency has provided noncomparable data during this period the reports of that agency are not used in trend tabulations.

The FBI conducts a special review of crime reports from police agencies five times a year for the purpose of identifying any significant changes in crime levels which are due in part to a change in reporting procedures or record systems. For example, in 1966 over 2,000 trend letters<sup>1</sup> were sent by the FBI staff to the police administrator of a contributing agency to inquire as to the reason for a significant increase or decrease in pertinent crime classifications. This letter specifically directs attention to a possible change in records or reporting procedures. As a result, in 1966, 147 reporting agencies have been eliminated from trend tabulations because the change in crime counts are in part due to a change in reporting or records in all or one offense classification.

Uniform Crime Reports—1965 reported that 92 percent of the U.S. population was represented in offenses known to the police volume and rate tabulations. (Rates in Uniform Crime Reports always refer to the number of crimes per unit of population.) However, since national trends or percent change tabulations are restricted to those agencies which have had comparable records and reporting practices, the departments actually used for national trends in 1965 represented 82 percent of our U.S. population. Year-to-year trends in Uniform Crime Reports are valid and can be used to reasonably establish long-term trends, as well as reestimate crime volumes and reconstruct rates for past years. We logically assume that the current year is the most complete in terms of volume. The trend or percent change as established by comparable units for each 2-year period is then applied as the basis for reestimating the volume for prior years.

NOTE: This explanation of FBI procedures was provided by the Uniform Crime Reports Section of the Federal Bureau of Investigation for the benefit of the Commission.

An example of the procedure used will be that applied to the crime counts from New York City. This is an atypical situation. New York City Police Department is providing a more complete count of criminal incidence through an improvement in reporting and records procedures.

In 1965 the New York City Police Department reported 187,795 index offenses and will report over 300,000 index offenses in 1966. These figures obviously are not used in uniform crime reporting trends, but the 1965 volume figures for the city of New York, State of New York and for the United States must be revised. Normally we would apply to noncomparable reporting places the average trend experience of similar comparable reporting units within the same State. However large cities, and particularly New York, are unique. In such situations we will revise the 1965 New York City volume figure using the average trend experience for cities over 500,000 inhabitants nationally against the actual reporting volume by New York City in 1966.

$$\frac{(\text{1966 volume reported})}{(\text{Trend comparable places, 1966 over 1965})} = \text{Estimated crime for previous year}$$

If we assume a New York city base of 300,000 index offenses this will increase the New York State 1965 volume of index offenses by 92,000. The total crime rate for the State of New York will then be adjusted upward from the 1,608 offenses per 100,000 reported in 1965 to 2,117. The national rate will be similarly revised from 1,434 offenses per 100,000 as reported in 1965 to 1,482.

There is set forth below the published estimated number of index offenses in 1960 to 1965 and the revised estimates which we used in establishing the trend from 1960 to 1965. The center column contains the national percent change which was established by comparable reporting units for each 2-year period and which remains constant in reestimating for past years.

Year	Revised estimate	Published national trend over previous year (percent)	Published estimate
1960.....	1,908,679		1,861,261
1961.....	1,973,151	3	1,926,119
1962.....	2,098,432	6	2,048,341
1963.....	2,310,359	10	2,259,081
1964.....	2,614,223	13	2,604,426
1965.....	2,780,015	6	2,780,015

<sup>1</sup> The text of the letter reads as follows:

"We appreciate your continued interest in crime reporting. We note a sharp change in your crime figures, identified by period and classification as follows:

"Was the change due to any adjustment in your scoring procedures or record

system? We ask this to be sure that the same method was used in both periods.

"Your response in the enclosed envelope will be appreciated.

JOHN EDGAR HOOVER, Director."

Enc.

**RATES OF REPORTED INDEX OFFENSES, 1965**  
**Cities over 250,000 Population—Ranked by Rate of Offense**  
 (All rates per 100,000 population)

**Table 1.—Willful Homicide**  
 [Rates per 100,000 population]

1	St. Louis	Missouri	19.7
2	Atlanta	Georgia	19.0
3	Washington	District of Columbia	18.4
4	Newark	New Jersey	17.3
5	Birmingham	Alabama	16.1
6	Dallas	Texas	15.4
7	Fort Worth	Texas	14.6
8	Baltimore	Maryland	14.2
9	Louisville	Kentucky	13.3
10	Houston	Texas	13.1
11	New Orleans	Louisiana	13.1
12	Kansas City	Missouri	12.7
13	Cleveland	Ohio	12.6
14	Nashville	Tennessee	12.0
15	Detroit	Michigan	11.5
16	Chicago	Illinois	11.2
17	Dayton	Ohio	10.2
18	Philadelphia	Pennsylvania	9.9
19	Miami	Florida	9.8
20	Los Angeles	California	9.1
21	Boston	Massachusetts	8.6
22	Tampa	Florida	8.5
23	Oakland	California	8.3
24	Cincinnati	Ohio	8.2
25	Sacramento	California	8.2
26	Indianapolis	Indiana	8.0
27	New York	New York	8.0
28	San Antonio	Texas	7.7
29	Norfolk	Virginia	7.6
30	San Francisco	California	7.6
31	Oklahoma City	Oklahoma	7.3
32	Pittsburgh	Pennsylvania	7.3
33	Denver	Colorado	7.0
34	Memphis	Tennessee	7.0
35	Columbus	Ohio	6.9
36	Phoenix	Arizona	5.9
37	Toledo	Ohio	5.5
38	Albuquerque	New Mexico	5.2
39	Jersey City	New Jersey	5.2
40	Long Beach	California	4.8
41	Minneapolis	Minnesota	4.8
42	Akron	Ohio	4.7
43	Omaha	Nebraska	4.6
44	Seattle	Washington	4.2
45	Tulsa	Oklahoma	4.1
46	San Diego	California	4.0
47	Wichita	Kansas	3.9
48	Honolulu	Hawaii	3.8
49	Rochester	New York	3.8
50	Tucson	Arizona	3.8
51	Portland	Oregon	3.7
52	Milwaukee	Wisconsin	3.5
53	Buffalo	New York	3.2
54	San Jose	California	2.9
55	El Paso	Texas	2.5
56	St. Paul	Minnesota	2.2

**Table 2.—Forcible Rape**  
 [Rates per 100,000 population]

1	Los Angeles	California	46.4
2	St. Louis	Missouri	46.1
3	Newark	New Jersey	40.6
4	Detroit	Michigan	39.5
5	Kansas City	Missouri	37.5
6	Chicago	Illinois	34.6
7	Long Beach	California	30.3
8	Baltimore	Maryland	28.2
9	Indianapolis	Indiana	27.7
10	Pittsburgh	Pennsylvania	27.2
11	Sacramento	California	27.1
12	Denver	Colorado	26.2
13	Philadelphia	Pennsylvania	25.8
14	Cincinnati	Ohio	24.5
15	Atlanta	Georgia	21.8
16	Phoenix	Arizona	21.8
17	St. Paul	Minnesota	19.7
18	Dayton	Ohio	19.3
19	Dallas	Texas	18.2
20	Fort Worth	Texas	17.9
21	New Orleans	Louisiana	17.9
22	Washington	District of Columbia	17.4
23	Cleveland	Ohio	17.3
24	Oklahoma City	Oklahoma	17.3
25	Oakland	California	17.1
26	Albuquerque	New Mexico	16.0
27	Norfolk	Virginia	15.9
28	Portland	Oregon	15.2
29	Miami	Florida	14.9
30	Columbus	Ohio	14.8
31	New York	New York	14.7
32	Rochester	New York	14.0
33	Seattle	Washington	13.8
34	San Antonio	Texas	13.7
35	Louisville	Kentucky	13.3
36	Tampa	Florida	13.1
37	Nashville	Tennessee	12.7
38	Birmingham	Alabama	12.6
39	Toledo	Ohio	12.4
40	Boston	Massachusetts	11.7
41	Houston	Texas	11.4
42	Wichita	Kansas	11.4
43	San Francisco	California	11.3
44	Memphis	Tennessee	10.5
45	Akron	Ohio	10.4
46	El Paso	Texas	10.2
47	Buffalo	New York	10.1
48	Minneapolis	Minnesota	10.1
49	Tulsa	Oklahoma	10.0
50	Tucson	Arizona	9.9
51	San Jose	California	8.7
52	Omaha	Nebraska	8.1
53	San Diego	California	6.8
54	Jersey City	New Jersey	5.9
55	Milwaukee	Wisconsin	4.3
56	Honolulu	Hawaii	1.8

NOTE: These rates are for central cities only. Rates for Standard Metropolitan Statistical Areas are included in "UCR, 1965", pp. 71-89. The order of ranking for Standard Metropolitan Statistical Areas is in some instances different from the central city rankings. Rates

of offense for individual cities under 250,000 are higher in some instances than for individual cities over 250,000.

SOURCE: Federal Bureau of Investigation, Uniform Crime Reports Section, unpublished data.

Table 3.—Robbery  
[Rates per 100,000 population]

1	Chicago.....	Illinois.....	420.8
2	Newark.....	New Jersey.....	379.8
3	Washington.....	District of Columbia.....	358.8
4	Detroit.....	Michigan.....	335.2
5	St. Louis.....	Missouri.....	327.0
6	Los Angeles.....	California.....	293.4
7	San Francisco.....	California.....	278.1
8	Pittsburgh.....	Pennsylvania.....	245.6
9	Miami.....	Florida.....	241.2
10	Baltimore.....	Maryland.....	228.7
11	Kansas City.....	Missouri.....	217.6
12	Cleveland.....	Ohio.....	213.3
13	Oakland.....	California.....	206.1
14	Indianapolis.....	Indiana.....	203.9
15	Long Beach.....	California.....	192.5
16	Minneapolis.....	Minnesota.....	191.0
17	Tampa.....	Florida.....	171.9
18	Boston.....	Massachusetts.....	168.0
19	Louisville.....	Kentucky.....	161.7
20	New Orleans.....	Louisiana.....	160.7
21	Sacramento.....	California.....	155.0
22	Portland.....	Oregon.....	150.3
23	Denver.....	Colorado.....	142.9
24	Philadelphia.....	Pennsylvania.....	139.7
25	Akron.....	Ohio.....	137.6
26	Houston.....	Texas.....	135.3
27	Toledo.....	Ohio.....	134.1
28	Oklahoma City.....	Oklahoma.....	131.9
29	Dayton.....	Ohio.....	129.6
30	St. Paul.....	Minnesota.....	114.8
31	New York.....	New York.....	113.6
32	Fort Worth.....	Texas.....	100.3
33	Norfolk.....	Virginia.....	99.7
34	Columbus.....	Ohio.....	99.1
35	Phoenix.....	Arizona.....	96.9
36	Seattle.....	Washington.....	91.0
37	Birmingham.....	Alabama.....	85.8
38	Albuquerque.....	New Mexico.....	83.0
39	Atlanta.....	Georgia.....	79.1
40	Dallas.....	Texas.....	78.8
41	Buffalo.....	New York.....	76.8
42	Omaha.....	Nebraska.....	73.3
43	Cincinnati.....	Ohio.....	63.5
44	Tulsa.....	Oklahoma.....	63.1
45	Nashville.....	Tennessee.....	61.3
46	Rochester.....	New York.....	59.4
47	Memphis.....	Tennessee.....	57.2
48	San Diego.....	California.....	56.6
49	El Paso.....	Texas.....	52.1
50	Tucson.....	Arizona.....	51.5
51	San Antonio.....	Texas.....	49.0
52	Jersey City.....	New Jersey.....	45.0
53	Wichita.....	Kansas.....	43.6
54	San Jose.....	California.....	33.8
55	Honolulu.....	Hawaii.....	30.3
56	Milwaukee.....	Wisconsin.....	28.0

Table 4.—Aggravated Assault  
[Rates per 100,000 population]

1	Newark.....	New Jersey.....	499.1
2	Baltimore.....	Maryland.....	415.4
3	Miami.....	Florida.....	349.7
4	Los Angeles.....	California.....	337.2
5	Washington.....	District of Columbia.....	328.1
6	St. Louis.....	Missouri.....	321.7
7	Chicago.....	Illinois.....	293.4
8	Norfolk.....	Virginia.....	289.2
9	San Francisco.....	California.....	243.8
10	Tampa.....	Florida.....	235.1
11	Birmingham.....	Alabama.....	227.4
12	Detroit.....	Michigan.....	227.3
13	Houston.....	Texas.....	218.3
14	Albuquerque.....	New Mexico.....	213.5
15	Philadelphia.....	Pennsylvania.....	212.8
16	Kansas City.....	Missouri.....	211.8
17	New York.....	New York.....	208.2
18	San Antonio.....	Texas.....	201.2
19	Pittsburgh.....	Pennsylvania.....	198.2
20	Nashville.....	Tennessee.....	176.6
21	Dallas.....	Texas.....	175.7
22	Atlanta.....	Georgia.....	171.4
23	Dayton.....	Ohio.....	160.2
24	Phoenix.....	Arizona.....	151.5
25	Oakland.....	California.....	150.4
26	Cleveland.....	Ohio.....	150.0
27	New Orleans.....	Louisiana.....	147.6
28	Boston.....	Massachusetts.....	140.9
29	Long Beach.....	California.....	135.2
30	Cincinnati.....	Ohio.....	130.5
31	Minneapolis.....	Minnesota.....	124.6
32	Louisville.....	Kentucky.....	121.8
33	St. Paul.....	Minnesota.....	119.9
34	Tulsa.....	Oklahoma.....	115.5
35	El Paso.....	Texas.....	114.3
36	Denver.....	Colorado.....	103.2
37	Columbus.....	Ohio.....	101.4
38	Indianapolis.....	Indiana.....	100.5
39	Oklahoma City.....	Oklahoma.....	100.3
40	Fort Worth.....	Texas.....	99.2
41	Wichita.....	Kansas.....	93.2
42	Tucson.....	Arizona.....	90.1
43	Toledo.....	Ohio.....	84.5
44	Buffalo.....	New York.....	84.2
45	Memphis.....	Tennessee.....	80.0
46	Sacramento.....	California.....	78.9
47	Portland.....	Oregon.....	74.0
48	San Diego.....	California.....	73.9
49	Seattle.....	Washington.....	69.5
50	Jersey City.....	New Jersey.....	68.4
51	Milwaukee.....	Wisconsin.....	62.4
52	Rochester.....	New York.....	62.3
53	Honolulu.....	Hawaii.....	55.8
54	Akron.....	Ohio.....	41.6
55	San Jose.....	California.....	33.5
56	Omaha.....	Nebraska.....	8.7

Table 5.—Burglary  
[Rates per 100,000 population]

1	Newark.....	New Jersey.....	1,986.4
2	Los Angeles.....	California.....	1,858.6
3	St. Louis.....	Missouri.....	1,805.4
4	San Francisco.....	California.....	1,537.0
5	Minneapolis.....	Minnesota.....	1,416.8
6	Tampa.....	Florida.....	1,409.4
7	Miami.....	Florida.....	1,371.5
8	Honolulu.....	Hawaii.....	1,367.0
9	Oakland.....	California.....	1,332.9
10	St. Paul.....	Minnesota.....	1,322.3
11	Long Beach.....	California.....	1,322.2
12	Kansas City.....	Missouri.....	1,296.1
13	Sacramento.....	California.....	1,257.9
14	Albuquerque.....	New Mexico.....	1,247.7
15	Phoenix.....	Arizona.....	1,240.5
16	Washington.....	District of Columbia.....	1,231.1
17	Houston.....	Texas.....	1,213.2
18	Detroit.....	Michigan.....	1,125.6
19	Denver.....	Colorado.....	1,106.3
20	Indianapolis.....	Indiana.....	1,104.0
21	Pittsburgh.....	Pennsylvania.....	1,073.5
22	Birmingham.....	Alabama.....	1,072.9
23	Louisville.....	Kentucky.....	1,056.8
24	Portland.....	Oregon.....	1,054.1
25	San Antonio.....	Texas.....	1,044.0
26	Memphis.....	Tennessee.....	1,039.6
27	Dallas.....	Texas.....	1,026.8
28	Oklahoma City.....	Oklahoma.....	1,019.8
29	Fort Worth.....	Texas.....	1,011.5
30	Columbus.....	Ohio.....	983.5
31	Dayton.....	Ohio.....	980.6
32	San Jose.....	California.....	970.0
33	El Paso.....	Texas.....	929.2
34	Atlanta.....	Georgia.....	914.8
35	Norfolk.....	Virginia.....	914.8
36	New Orleans.....	Louisiana.....	880.0
37	Nashville.....	Tennessee.....	879.6
38	Seattle.....	Washington.....	875.7
39	Cleveland.....	Ohio.....	858.6
40	Toledo.....	Ohio.....	852.2
41	Chicago.....	Illinois.....	848.5
42	Wichita.....	Kansas.....	811.1
43	Baltimore.....	Maryland.....	801.8
44	Omaha.....	Nebraska.....	785.8
45	Buffalo.....	New York.....	785.5
46	Tucson.....	Arizona.....	784.0
47	Tulsa.....	Oklahoma.....	782.8
48	Rochester.....	New York.....	762.5
49	Akron.....	Ohio.....	742.2
50	Boston.....	Massachusetts.....	709.3
51	New York.....	New York.....	651.4
52	Philadelphia.....	Pennsylvania.....	594.8
53	Cincinnati.....	Ohio.....	491.3
54	San Diego.....	California.....	488.1
55	Jersey City.....	New Jersey.....	355.0
56	Milwaukee.....	Wisconsin.....	318.0

Table 6.—Larceny, \$50 and Over  
[Rates per 100,000 population]

1	Los Angeles.....	California.....	1,087.5
2	Louisville.....	Kentucky.....	986.8
3	Portland.....	Oregon.....	984.3
4	Sacramento.....	California.....	970.0
5	New York.....	New York.....	956.4
6	Phoenix.....	Arizona.....	934.8
7	Newark.....	New Jersey.....	889.4
8	Atlanta.....	Georgia.....	797.1
9	Baltimore.....	Maryland.....	765.0
10	Birmingham.....	Alabama.....	758.3
11	Long Beach.....	California.....	737.0
12	Tampa.....	Florida.....	719.2
13	Oakland.....	California.....	719.0
14	Minneapolis.....	Minnesota.....	706.4
15	Kansas City.....	Missouri.....	703.9
16	Seattle.....	Washington.....	694.5
17	Pittsburgh.....	Pennsylvania.....	685.7
18	San Diego.....	California.....	674.3
19	Miami.....	Florida.....	672.4
20	Tulsa.....	Oklahoma.....	665.2
21	Honolulu.....	Hawaii.....	637.9
22	Toledo.....	Ohio.....	636.1
23	St. Paul.....	Minnesota.....	615.2
24	San Antonio.....	Texas.....	607.2
25	Denver.....	Colorado.....	605.3
26	Memphis.....	Tennessee.....	601.2
27	New Orleans.....	Louisiana.....	591.8
28	Norfolk.....	Virginia.....	554.9
29	San Francisco.....	California.....	529.6
30	Columbus.....	Ohio.....	522.4
31	Washington.....	District of Columbia.....	517.2
32	Milwaukee.....	Wisconsin.....	502.1
33	Akron.....	Ohio.....	495.6
34	Chicago.....	Illinois.....	491.2
35	Indianapolis.....	Indiana.....	479.9
36	Buffalo.....	New York.....	475.2
37	Detroit.....	Michigan.....	452.2
38	Wichita.....	Kansas.....	442.1
39	Rochester.....	New York.....	430.8
40	Boston.....	Massachusetts.....	420.5
41	Tucson.....	Arizona.....	416.8
42	Houston.....	Texas.....	413.2
43	Nashville.....	Tennessee.....	394.3
44	Dayton.....	Ohio.....	373.7
45	St. Louis.....	Missouri.....	361.2
46	Cincinnati.....	Ohio.....	332.0
47	Omaha.....	Nebraska.....	327.5
48	Albuquerque.....	New Mexico.....	310.0
49	Dallas.....	Texas.....	300.3
50	San Jose.....	California.....	296.2
51	El Paso.....	Texas.....	258.1
52	Fort Worth.....	Texas.....	245.3
53	Philadelphia.....	Pennsylvania.....	229.6
54	Oklahoma City.....	Oklahoma.....	150.3
55	Cleveland.....	Ohio.....	119.3
56	Jersey City.....	New Jersey.....	50.9

Table 7.—Motor Vehicle Theft  
[Rates per 100,000 population]

1	Boston.....	Massachusetts.....	1,956.7
2	Newark.....	New Jersey.....	1,127.5
3	Pittsburgh.....	Pennsylvania.....	1,071.2
4	San Francisco.....	California.....	984.4
5	Chicago.....	Illinois.....	821.2
6	Los Angeles.....	California.....	810.3
7	Jersey City.....	New Jersey.....	801.1
8	St. Louis.....	Missouri.....	790.8
9	Detroit.....	Michigan.....	772.0
10	Indianapolis.....	Indiana.....	705.5
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