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ON LAW OBSERVANCE AND ENFORCEMENT

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REPORT

ON

CRIMINAL STATISTICS

44541



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## LETTER OF TRANSMITTAL

APRIL 1, 1931.

Mr. PRESIDENT: I beg to transmit herewith a third report of the National Commission on Law Observance and Enforcement, treating of Criminal Statistics.

I have the honor to be,  
Very truly yours,

GEO. W. WICKERSHAM,  
*Chairman.*

To the PRESIDENT OF THE UNITED STATES.

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**REPORT**  
**ON**  
**CRIMINAL STATISTICS**



# CRIMINAL STATISTICS

## I. THE NEED OF STATISTICS

There is general agreement as to the importance of official and trustworthy statistics of crime, criminals, criminal justice, and penal administration. The eagerness with which the unsystematic, often inaccurate, and more often incomplete statistics available for this country are taken up by text writers, writers in the periodicals, newspaper writers, and public speakers speaks for itself. Most of those who write and speak on American criminal justice assume certain things to be well known or incontrovertible. But as one looks for the facts underlying such assumptions he soon finds they are not at hand. Even when tables and masses of figures are given one soon finds that for the most part the material is local, not comparable with that from other localities, uncritical, and frequently derived from irresponsible private inquiry. Accurate data are the beginning of wisdom in such a subject, and no such data can be had for the country as a whole, nor have they even been available hitherto with respect to many of the activities of the Federal Government in the enforcement of Federal laws. A proper system of gathering, compiling, and reporting of statistics of crime, of criminals, of criminal justice, and of penal treatment is one of the first steps in the direction of improvement.

Statistics are needed to tell us, or at least to help tell us, what we have to do, how we are doing it, and how far what we are doing responds to what we have to do. They are important in so far as they may be made to give us an accurate picture both as the basis of criticism and as the basis of making laws and administrative regulations. They are important also as a check upon the agencies of prevention and detection, the agencies of prosecution, those of adjudication, and those of penal treatment.

For our purposes in a large view, the statistics which ought to be gathered, compiled, and published authoritatively at regular intervals, fall under three main heads—crime and criminals, prosecution, and penal treatment. We need to know the volume and character of the offenses committed, both in the past and at any specified time in the present, both in the locality in which for the moment we are interested and in other localities, whether like or unlike in their conditions. We need to know what persons or types of persons, if types may be differentiated, commit these offenses. We need to know what happens to them, whether they are arrested, whether they are prosecuted, and, if so, with what result. We need to know how the machinery of investigation and detection operates, how the prosecuting machinery operates, how the machinery of trying and judging operates in each of its parts. We need to know what happens to the convicted offender, what takes place in the course of penal treatment, how the agencies of penal treatment operate, and what happens to the criminal not merely in the course of penal treatment but afterwards.

Perhaps there is no need of saying that statistics may not be made to insure that we know all these things, much less that American criminal statistics may not be made to insure them all at once. We need not repeat what Mr. Warner has brought out so well on pages 26 to 28 of his report, appended hereto. There is no value in tables and masses of figures simply of themselves. The compilation and classification must be systematically and intelligently directed. Things significant for one purpose are not significant for another. Sound judgment is needed as to what to look for and to what end figures are to be sought. Hence the compilation of statistics can not achieve its purposes if it becomes a perfunctory routine. It is one function of administration to make the processes of government more efficient. True, it is characteristic of American polity to leave investigation of the workings of government largely to private initiative. But neither administrative nor private inquiry will avail much unless the materials are provided by recording of accurate and authentic information in the regu-

lar course of governmental operation and making that information accessible through intelligently selected and well compiled official statistics.

## II. PRINCIPLES OF CRIMINAL STATISTICS

Certain propositions may be formulated as guiding principles in working out a plan for a complete body of adequate statistics.

1. *Compilation and publication of criminal statistics should be centralized.* Criminal statistics should be gathered, compiled, and published in some one place in each jurisdiction, and that should be one in which experts on statistical methods are available.

2. *There should be a correlation of State statistics and of State and Federal statistics in one Federal bureau.* Not only should the central bureau in each State correlate the statistics which come to it, so as to make them useful for State purposes and some Federal bureau do the like for Federal criminal statistics, but a central Federal bureau should gather or receive and then correlate and put upon a comparable basis the whole body of criminal statistics, or such parts as may be of more than local significance, so as to make the resulting information available for general purposes.

3. *Local officials ought not to be expected to do more than turn in to the appropriate central office exactly what their records disclose.* Putting the collected data into a general plan for country-wide purposes should be the work of statistical experts who have become competent by study and experience to coordinate them, compare them, and reduce them to common terms.

4. *For the purposes of a check upon the different agencies of criminal justice it is important that the compiling and publication of statistics should not be confided to any bureau or agency which is engaged in administering the criminal law.* It takes but little experience of such criminal statistics as we have in order to convince that a serious abuse exists in compiling them as a basis for requesting appropriations or for justifying the existence of or urging

expanded powers and equipment for the agency in question rather than for the purposes which criminal statistics are designed to further. Frequently the tables of two bureaus in the same department, dealing in part with the same subject and relating to the same activities, are at variance. Continually where different departments overlap in their activities the tables relating to the same facts are out of accord. When one seeks to use the published statistics, he is confronted with these variances and contradictions and usually finds that lapse of time has made it impossible to do what should have been done before they were published. The source of difficulty, when the matter is looked into, almost always proves to be desire of the bureau in question to make for itself the most favorable showing possible, and hence the choice of a basis of compilation which furthers that desire instead of one indicated for general purposes. The final working over and publication of statistics and the devising of plans and forms for gathering them should be in some detached bureau unaffected by the desires of the bureau or agency whose activities are to be pictured.

5. *There should be a comprehensive plan for an ultimate complete body of statistics, covering crime, criminals, criminal justice, and penal treatment, and all steps toward organizing the gathering, compiling, and publication of statistics in any one jurisdiction or activity or particular should be taken with reference to this plan and so as not to embarrass it by committing statistics of different features of criminal justice to different bureaus, whose amow propre will be involved when the ultimate unification is sought.*

### III. DIFFICULTIES TO BE MET

There are obvious difficulties besetting this subject in the United States in comparison with other countries. In the countries of continental Europe, in which criminal and judicial and penal statistics are well developed, there is a highly centralized administration for the whole country which makes the task of gathering, compiling, and publishing adequate statistics relatively simple.

In the United States there are 48 States, the District of Columbia, the Territories, and the Federal Government to be taken into account. Each State is quite independent in its administration. If it cooperates with the Federal Government, it is because and so long and so far as it chooses to do so. Indeed there is a long and obstinate tradition of noncooperation in such matters not only as between State and Federal Government but as between departments and bureaus of the same State and even bureaus in the same department. Many of the States have partial systems of local criminal statistics, some of them of long standing. Also the provision for a Federal census in Article I, section 2, of the Constitution authorizes the Federal Government to gather statistics as to persons, which conceivably might be made to cover a good deal. But even if it were wise for the Federal Government to duplicate the work done in the States for State purposes, the authority given in the Constitution is hardly broad enough to cover all that is needed for a complete system of nation-wide criminal statistics. The obvious course is for the Federal Government, in addition to statistics of its own operation, to authorize some one of its bureaus to receive statistics and reports from the State authorities. If the States would enact a uniform State law governing the gathering of such statistics and sending them to such a bureau, while retaining such local provisions for local use as local needs may indicate, an adequate nation-wide system could be brought about. Here is something which might be taken up profitably by the National Conference of Commissioners on Uniform State Laws. Growing interest in the workings of criminal justice and hence in criminal statistics is leading to much State legislation on this subject. Unless a uniform state law, governing the features for which a general body of nation-wide statistics is desirable, can be had in the near future, embarrassment will follow from the multiplicity of State systems and the difficulties with local pride involved in attempts to bring unity in to settled local systems for national purposes.

#### IV. THE PRESENT SITUATION AS TO CRIMINAL STATISTICS IN THE UNITED STATES

Interest in criminal statistics begins in continental Europe in 1829. In England judicial statistics begin in 1857. The method was revised in 1892, and to-day there is a complete and adequate system which deserves careful study by those who are devising systems in our several States. In the United States, State statistics of crime, of prosecution and of penal treatment go back in New York to 1829 and in Massachusetts to 1832. Nearly all States publish some sort of criminal statistics. But in none of the States are they even approximately what they might be. In 1850 the Federal census began to deal with the subject. Until 1880, however, there was nothing adequate and it is only with respect to penal treatment that the development has been significant. Also very generally there are municipal statistics of arrests and police activities, and in recent years reports of municipal courts, in which category the reports of the municipal court of Chicago are pioneer and of great value. The present situation as to State and municipal statistics is fully set forth in the Survey of Criminal Statistics in the United States, by Prof. Sam Bass Warner, which accompanies this report. We commend this thorough-going and critical survey to the attention of the public and particularly urge study of it upon those who are advocating or framing legislation in the several States. The present situation as to Federal statistics is set forth in the Critique of Federal Criminal Statistics, by Morris Ploscowe, Esq., which also accompanies this report. A complete and accurate picture of State and municipal criminal statistics as they were in December, 1929, and of Federal criminal statistics as they were in December, 1930, is presented by these surveys.

#### V. PLANS FOR ORGANIZED NATION-WIDE STATISTICS

Efforts toward something better begin with the National Conference on Criminal Law and Criminology in 1909. That Congress adopted the following resolution:

*Resolved*, That the conference urge upon Congress to provide for the collection, through the agency of the Census Bureau, of criminal

and judicial statistics, covering the entire United States as early as possible.

Other bodies have been urging this also. Thus on May 29, 1929, the American Crime Study Commission adopted a resolution asking Congress to provide for the gathering of complete criminal statistics by the Bureau of the Census. Likewise on September 24, 1929, the American Prison Association, at its congress at Toronto, adopted a resolution calling for annual collection of "nation-wide statistics of crime and delinquency" by the Bureau of the Census. Special mention should be made of the book of Professor Robinson, *Criminal Statistics* (1911), which gave complete information as to the condition in the United States down to its date and had much to do with awakening the public to the backwardness of this country in a matter where in the beginning American jurisdictions had been among the pioneers.

In the meantime progress began along three independent lines—the development in the Bureau of the Census of a better system of prison statistics for the whole country, the development of a body of police statistics in the Department of Justice, and the start in the Children's Bureau of nation-wide statistics as to juvenile delinquency.

Improvement of statistics as to prisoners was taken up by the American Institute of Criminal Law and Criminology, through its committee on criminal records and statistics, a decade ago. A report for that committee by Prof. S. B. Warner, *Information Which Should Be Published Concerning Criminals: Reformatories, Penitentiaries, and State Prisons* (1923), was followed by two important articles, namely, Warner, *The New Federal Criminal Census* (*Journal of the American Institute of Criminal Law and Criminology*, XIV, 79 (1923)), and Warner and Bates, *Information Concerning Adult Male Criminals Which Should Be Published by Reformatories, Penitentiaries, and State Prisons* (*Journal of the American Institute of Criminal Law and Criminology*, XV, 177 (1924)), and by a manual, *Instructions for Compiling Criminal Statistics* (1927), published by the Bureau of the Census. The fruits

of these studies of method are to be seen in two publications of the Bureau of the Census: Prisoners, 1923, Crime Conditions in the United States as Reflected in Census Statistics of Imprisoned Offenders (1926), and Prisoners in State and Federal Prisons and Reformatories, 1927, Statistics of Prisoners Received and Discharged During the Year for State and Federal Penal Institutions (1930—accessible in proofs only).

Nation-wide statistics of police were taken up later by the committee on uniform crime records of the International Association of Chiefs of Police with financial support from the Laura Spellman Rockefeller Memorial, afterward consolidated with the Rockefeller Foundation. Suggested at the convention of the association in 1927, a tentative program was published in March, 1928, followed by a Uniform Classification of Major Offenses—Tentative Draft (June, 1928), A Draft for Preparing Annual Police Reports—Tentative Draft (December, 1928), Uniform Crime Reporting—Tentative Draft (June, 1929), and Uniform Crime Reporting, a Complete Manual for the Police, Revised (December, 1929). The system set forth in the latter (the work of Bruce Smith, Esq., of the National Institute of Public Administration) was formally adopted by the International Association of Chiefs of Police and has been adopted by several State associations of chiefs of police, some State bureaus, and many police departments. In January, 1930, the International Association of Chiefs of Police began to collect police statistics according to this plan and continued to do so until the matter was taken over by the Bureau of Investigation of the Department of Justice in September, 1930. This was in consequence of the act of June 11, 1930, which provided as follows:

that said division shall be vested with the duty of acquiring, collecting, classifying, and preserving criminal identification *and other crime records* and the exchanging of said criminal identification records with the duly authorized officials of governmental agencies, of States, cities, and penal institutions.

Under the authority of the words above printed in italics the bureau, cooperating with the committee of the

International Association of Police Chiefs, has been developing use of the plan and adding to the number of police departments conforming to it. In December, 1930, the report covered 1,002 cities, and 83 per cent of the cities of the United States having a population of more than 25,000 are now taking part. The Uniform Crime Reports issued under this plan now appear monthly as Government documents.

As to general statistics of juvenile delinquency, the Bureau of the Census made a beginning with Children under Institutional Care, 1923, and Statistics of Dependent, Neglected, and Delinquent Children in Institutions and under the Supervision of Other Agencies for the Care of Children (1927). But the annual census of prisoners conducted by the Bureau of the Census since 1926 does not include juvenile delinquents, and a report prepared in the Children's Bureau of the Department of Labor in October, 1929, could speak with entire truth of "the absence of reliable and comprehensive statistical information for the United States, the States (with two or three exceptions), or local communities." Accordingly, for some years the Children's Bureau has been at work on a plan "for obtaining uniform juvenile-court statistics on a national scale." The plan was drawn up in cooperation with the committee on records and statistics of the National Probation Association. In 1929 about 150 juvenile courts were cooperating. At the date of our last information courts sitting in jurisdictions representing about one-fifth of the whole country and about one-third of the cities of over 100,000 inhabitants were cooperating with the Children's Bureau in carrying out this plan.

It will be seen that much progress has been made in the past decade and notably in the past five years. This is gratifying. But it can not be permanently desirable to have penal statistics compiled and published in one bureau, police statistics in another, and statistics of juvenile delinquency in a third, especially as these bureaus are in three distinct departments. If statistics of prosecution should be taken in hand by some other voluntary organization, we

may expect that organization to turn to some fourth bureau, where it may have a clear field, and thus we shall have each branch of the subject committed to a distinct bureau, with much falling down between them, since it will be the business of no one bureau to consider the subject as a whole.

#### VI. DISCUSSION OF PROPOSED PLANS AND OF THE RECOMMENDED PLAN

We hesitate to say anything which might seem lacking in appreciation of the effective work done by the International Association of Chiefs of Police and Mr. Smith in devising and inaugurating a plan of general police statistics or that of the National Probation Association in furthering a plan for general statistics of juvenile delinquency. It is entirely in the American spirit that these things should have been begun, and so well begun, through private initiative. But there are serious considerations to be taken into account before the matter is allowed to go further without reference to some ultimate comprehensive plan.

If statistics are to be of value, the greatest care must be taken in gathering, compiling, and publishing them. Nothing can be more misleading than statistics not scientifically gathered and compiled. Hence in building up a system of criminal statistics much caution is called for, and the limitations on what must often be no more than experiments in statistical method ought to be made clear. But the public demand for statistical information as to crime and the pressure on bureaus to make a showing of results tends to presenting tables as final and complete statistical statements without suggestion of limitations. Thus the uniform crime reports, published monthly by the Bureau of Investigation of the Department of Justice, make no suggestion as to any limitations or doubts with respect to the utility or authority of the figures presented. On the contrary they contain a graphic chart of "monthly crime trends," and along with them the bureau has released to the press statements quoting and interpreting them without qualification. It requires no great study of these reports to perceive a number of weaknesses which should impose a more cautious promul-

gation of them. The basic reports are made by persons and under conditions which involve varying degrees of guarantee of their accuracy and reliability. Indeed the significant fact that cities are beginning to use these reports in order to advertise their freedom from crime as compared with other municipalities suggests at once a difficulty under which the voluntary system of gathering police statistics for national purposes must labor. Moreover, the application of a uniform classification for the whole land to charges framed according to the local law, made not by experts in comparative criminal law but by police officials, and requiring the latter to fit the charges into a system varying in greater or less degree from the law with which they are more or less familiar, involves liabilities of error which seem to be realized when one examines the monthly report with reference to differences in the penal codes of the several States. The bureau proposes an annual report to include "cases cleared by arrest," and the number of persons released, the number charged, and the number found guilty. One may well have serious doubts whether the police are in a position to collect accurate data on the workings of the courts and whether these features of the report will be of any assured value. Yet they will appear with the sanction of the Federal Government as public documents and will be widely used without questioning them.

If the question were one only of police statistics, we should feel obliged to say that the work going on in the Bureau of Investigation in the Department of Justice had proceeded so far and the achievement of cooperation between the Federal Government and the municipal police was so notable and of such augury for the development of a general and much needed spirit of administrative cooperation, that we ought to say nothing which might impair the results, for which the International Association of Chiefs of Police and the Institute of Public Administration deserve great praise, and nothing which would hinder further progress on the basis thereof. But a comprehensive, unified system of criminal statistics for the whole country is of too much importance to be sacrificed.

No way appears in which the three independent agencies of Federal collection and compilation of statistics for the whole country as to parts of the field can be unified without undoing something of what has been accomplished by one or more of them.

There are three controlling reasons why, as an ultimate goal, one single Federal agency should have charge of the whole system of nation-wide criminal statistics. One is that if the statistics are to achieve their purpose they require unity of treatment. There are not four distinct tasks, namely, gathering and compilation of police statistics, of court statistics, of statistics of penal treatment, and of statistics of juvenile delinquency. What is sought in each of these fields must be determined in connection with what is needed in the others and what may be obtained in the others. What is gathered in each must be correlated with what is gathered in the others. As things are now, different Federal bureaus dealing with different aspects of Federal penal treatment of crime continually publish tables on different bases dealing with the same subject, with the result that assured figures are not obtainable. Obviously the same thing would be likely to happen as between different Federal bureaus compiling and publishing statistics with respect to State administration of criminal justice. When one bureau has control of and responsibility for the whole, it can check the materials received, one item against the others, and discover the causes of and adjust discrepancies. Without this the published tables will be of doubtful utility. Moreover, the several bodies of criminal statistics can be made and kept comparable only if one single agency is responsible for them. A second reason is that improvements in methods of gathering and compiling the material sought, and in organizing and interpreting it, are more likely to come where one agency can deal with the subject as a whole than where three or four bureaus are experimenting independently with parts. Improvements have to be made continually in even the best organized systems. Thus the English judicial statistics have been overhauled twice recently. In time old problems cease to call for data and new ones arise. Any system will require adjustment from time to time to the exigencies of

social conditions and the progress of criminology. If each of three or four bureaus goes its own way in making such adjustments, there are likely to be on the one hand duplications and overlappings and on the other different rates of adjustment in different bureaus whereby the results cease to be comparable and what is published by one loses in value because not coordinated with what is published by the others. Thirdly, it is not economical to have three or four separate bureaus each gathering and compiling criminal statistics in part. An unnecessary duplication of statistical experts would be called for or else the matter would go forward in one or more bureaus without statistical experts with the sort of result too apparent in things as they are.

Taking things as they are and considering what may be done toward an ultimate complete system for the whole country there are three possible courses: (1) By a gradual course of development and legislation to work toward committing the whole subject eventually to the Bureau of the Census; (2) by a like course to work toward committing the whole to a bureau in the Department of Justice; (3) to go forward with the present system whereby statistics of penal treatment are in the Bureau of the Census, police statistics are in the Bureau of Investigation of the Department of Justice, and statistics of juvenile delinquency in the Child Labor Bureau of the Department of Labor, and to seek to develop statistics of prosecution and judicial statistics in one of the two first named or in some fourth bureau. We have already indicated the reasons which seem to us decisive for an ultimate putting of the whole system under one bureau, and as between the Bureau of the Census and the Bureau of Investigation of the Department of Justice we feel that the former is much the preferable place.

As to this it is argued that it would undo the work so well begun under the auspices of the International Association of Chiefs of Police. But we think that work should be conserved. We think it should be carried on until matters are ripe for the ultimate system, and should be perfected as much as possible in the meantime but ultimately transferred.

Under any plan which seeks unification some of the work done by some two of the three voluntary agencies which have done so much toward beginning a system of nation-wide criminal statistics will have to be undone to the extent of committing the subject upon which they have worked to a different agency. It has been urged upon us also that the police authorities have been willing to cooperate in their own way with the Bureau of Investigation of the Department of Justice but may be unwilling to cooperate with some other bureau not of their own choice. As to this it is to be said that the plan of direct sending of voluntarily gathered material from the local police to a central Federal bureau can not be the ultimate plan. In order to answer their purpose, criminal statistics must rest on a better basis than voluntary contributions of materials. But until legislation can be devised and enacted for putting the gathering of material in each State upon a permanent and sound basis, the work begun by voluntary action of the police can and should go forward and the best should be made of it. When better things are possible there is no reason to suppose that the police will be unwilling to do what the ultimate system may require of them. Moreover, if it is felt that something should be conceded to the fact that the plan of the International Association of Chiefs of Police has gone forward so far, there is quite as much reason for saying that the progress made as to census of prisoners in penal institutions should not be taken away from the Bureau of the Census; that the experience of the staff of that bureau and the habit on the part of prison authorities of cooperating with them is as much to be conserved as what has been done in police cooperation with the Bureau of Investigation in the Department of Justice.

It is not only important to provide criminal statistics, it is quite as important to see to it that misleading information is not sent out under official auspices and with the imprimatur of the Government. Statistics require experts to analyze, interpret, and compile them, as well as to provide and revise the plans for gathering them. A bureau of statistics in the Department of Justice would do for Fed-

eral criminal statistics what a central bureau in each State should do for State statistics. But there would remain the task of working all into a unified system for general purposes. The reasons given by Professor Warner for committing this task ultimately to the Bureau of the Census seem decisive.

#### VII. RECOMMENDATIONS

1. Compiling and publishing statistics of Federal administration of justice should be committed to one bureau in the Department of Justice instead of leaving each bureau to compile separately statistics with reference to its own activities. Mr. Ploscowe's survey indicates what the statistics of Federal criminal justice should ultimately provide, and the Federal system should be guided in that direction as fast as the work can be put on a sound basis.

2. As soon as proper State legislation has gone far enough to make a sound foundation, the gathering, compiling, and publishing of nation-wide criminal statistics should be committed as a whole to the Bureau of the Census.

3. Until that time we should go on with the present system whereby prison statistics are in the Bureau of the Census, police statistics are in the Bureau of Investigation of the Department of Justice, and statistics of juvenile delinquency in the Children's Bureau of the Department of Labor. Each of these agencies should be developed in the meantime to make it as effective as possible. But no further activities as to general criminal statistics should be undertaken by the Federal Government until the ultimate plan is settled, and whatever further is attempted should be done with reference to that plan.

4. A uniform State law with respect to gathering and transmitting of State statistics of criminal justice, so far as required for general national purposes, should be drafted and enacted. Such a statute will require taking account also of local needs and local purposes which vary from State to State, and for covering in addition and in the way required for general purposes what the general national plan may call for. So many local considerations will come



into account in framing such a statute that some such body as the National Conference of Commissioners on Uniform State Laws would seem best able to draft it.

5. While the present partial national systems are proceeded with, the greatest care should be taken to avoid publishing officially conclusions and interpretations based on partial data but appearing to be official determinations on the basis of adequate information, and to see to it that zeal to show results does not lead to giving out with official approval and without statements of its limitations and defects material likely to mislead.

We think these general suggestions go as far as the study of the subject warrants at present. What is most needed is that all organizations and agencies interested in putting American criminal justice upon a more scientific basis unite in a program for accurate nation-wide criminal statistics, and seek to further that program in each locality by opposing legislation which would embarrass or retard it and holding back projects for committing further fragments of the whole subject to other Federal bureaus and thus adding to the existing confusion.

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APRIL 1, 1931.

## SURVEY OF CRIMINAL STATISTICS IN THE UNITED STATES

FOR

NATIONAL COMMISSION  
ON LAW OBSERVANCE AND ENFORCEMENT

By SAM B. WARNER

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# SURVEY OF CRIMINAL STATISTICS IN THE UNITED STATES

## CHAPTER I. INTRODUCTION

The five principal sources of criminal statistics are the records of police departments, courts, probation officers, penal institutions, and parole boards. This report will devote a chapter to the statistics of each of the first four of these sources, but will omit those of parole boards, because they give rise to no problems not considered in discussing the statistics of the other agencies.

Statistics obtained from these different sources are used principally to supply three kinds of information:

First. The number and nature of offenses committed.

Second. The measures taken by society in dealing with offenders.

Third. Certain characteristics of offenders.

The best index of the number and nature of offenses committed is police statistics showing offenses known to the police. Because such statistics are nearly always either not available or inaccurate, police statistics of arrests or court statistics of prosecutions commenced are commonly used as the best available indication of the number and nature of crimes committed.

Some of the measures taken by society in dealing with offenders are shown in the statistics of each agency engaged in the suppression of crime. The most important, however, are in court statistics, because in the court are determined both whether the defendant is guilty and, if guilty, what shall be done with him.

Statistics relating to the sex, age, nativity, occupation, etc., of persons who commit crime are sometimes included in police and court statistics, but because of the greater facili-

ties of probation and prison officials for obtaining such data, the statistics of these agencies are our main source of information concerning the characteristics of offenders.

This report will not discuss the amount of crime committed in the United States, the number of defendants arrested, prosecuted, or convicted, or whether these defendants are men or women, white or black, youths or octogenarians. It will pay no attention to what criminal statistics show, but will deal instead with the sources of statistical information.

The chapters on police, court, probation, and institution statistics will discuss the publication, content, and value of the statistics of these agencies. They will attempt to answer such questions as the following: How many reports containing police statistics were printed in 1928 by city, county, and State officials? What of the many possible dispositions of a defendant in court are included in court statistics? Do institution statistics show the number of previous commitments of prisoners, and if so, how accurate is such information?

In addition to discussing the publication, content, and value of police, court, probation, and institution statistics, the report also contains a consideration of measures that should be taken by the Federal Government to the end that there may exist in each State of the Union reliable and comparable criminal statistics. These recommendations are made not only in view of the present state of statistical science, but also with regard to the problems of administration presented by the Federal nature of our country. In making these recommendations it has been necessary to bear in mind related statistical work by the Federal Government, its scope, its method of collection, and the means used for collaboration between the Federal Government and the States.

### 1. VALUE OF CRIMINAL STATISTICS

Adequate criminal statistics are no open sesame to the reduction of crime or to the improvement of criminal justice. For example, statistics showing that there are more robberies in proportion to the population in Chicago than in

London may be both interesting and useful, but they throw no light either upon the reasons for the difference or what measures should be taken by the citizens of Chicago to reduce their robbery rate. If in addition statistics show that a much greater percentage of the persons prosecuted for robbery are convicted in London than in Chicago, we have another interesting and useful piece of information. We must not, however, make the mistake of inferring without further investigation that there is any connection between these two bits of statistical information, or that the prosecution of robbers is more efficient in London than in Chicago. The greater proportion of convictions in London may be due to the greater efficiency of the London prosecutor's office, but statistics of convictions, acquittals, and "nolles" do not in and of themselves prove that. It is just as possible that the weak cases against robbers are eliminated in London by the police and in Chicago by the prosecutor's office. The small number of acquittals in London may be due to more efficient preparation and presentation of cases, or to unwillingness to try anything but open-and-shut cases. Inefficiency, political influence, or corruption may account for the larger number of "nolles" in Chicago. On the other hand, the explanation may be that the Chicago prosecutor is "nolling" not only cases in which he has not sufficient evidence to convict, but also those in which he does not think the ends of justice would be served by the conviction and punishment of the guilty parties.

In short, to determine the causes of crime or to improve the administration of criminal justice, we need to know a great many more facts than are contained in the statistics of any nation on earth. To obtain all these facts statistically, for all criminal cases or a large proportion of the cases, would involve an expense prohibitive even for the richest nation. The way to ascertain such facts is not by mass statistics, but by intensive case studies of small groups.

But because mass statistics can not give us the solution of various problems involved in the improvement of criminal justice, it does not follow that such statistics are worthless. The great value of statistics is to make us aware of the

existence and size of our problems and of the most likely topics for further and more intensive investigations. They do this by indicating differences and trends, that is, variations between different localities and between different years in the same locality. To revert to our former example, if statistics show that the robbery rate for Chicago is very high compared with that of other cities, or is increasing yearly, this fact indicates that the citizens of Chicago should bestir themselves to suppress robbery. If in addition the statistics show that a very much smaller proportion of the persons arrested for robbery are convicted than in other cities, or than formerly in Chicago, this indicates the desirability of an intensive case study of the handling of robbery cases by police, prosecutors, and judges.

The function of statistics is, then, to focus attention on matters needing investigation and explanation. In the words of Mr. Justice Harlan F. Stone:<sup>1</sup>

The statistical method of dealing with social problems often can not be relied on as mathematical demonstration leading to specific conclusions, but it may be used to indicate tendencies, to mark out the boundaries of a problem, and to point out the direction which should be given to a particular investigation of a nonstatistical character.

The value of criminal statistics in society's struggle with crime may be compared with that of the balance sheet and profit-and-loss statement in a corporation's struggles for profits. Neither the balance sheet nor the profit-and-loss statement show why the business has been successful, yet no corporation would think of operating without them. The balance sheet and the profit-and-loss statement are for the corporation the indispensable tools of knowledge. Similarly, criminal statistics are the indispensable tools of knowledge for any community that is attempting to reduce its crime and improve its administration of criminal justice.

## 2. MATERIAL COVERED BY THIS SURVEY

The purpose of this survey is to ascertain whether reports containing adequate criminal statistics exist in such

<sup>1</sup> 35 Harvard Law Review, 968.

form as to make feasible their collection by libraries and their dissemination to persons interested in studying the problems of criminal law and criminology.

This purpose makes it possible to ignore typewritten and mimeographed reports as well as reports printed only in newspapers, and to concentrate on reports printed in the form of pamphlets and books. Obviously, adequate criminal statistics are not available for the United States if to get them it is necessary to consult the files of thousands of newspapers, or to obtain unprinted reports.

Not only is the survey limited to reports printed and in the form of pamphlets or books, but unofficial reports and those not published regularly are omitted. Unofficial reports are omitted because less authoritative than official reports and because there is not so great assurance of their uniformity and continuity from year to year. Examples of unofficial reports often containing valuable criminal statistics, but not included in the scope of this survey, are crime surveys and reports of crime commissions.

Official reports made at irregular and uncertain intervals are also omitted because not an adequate source of criminal statistics, since one can not depend upon their being published in the future. For this reason reports such as the Report of the Commission on Probation on an Inquiry into the Permanent Results of Probation, published by the Commonwealth of Massachusetts in 1924, are omitted. The Commonwealth of Massachusetts may not make a similar study again in a hundred years, if ever. All series of reports which have been discontinued are, of course, disregarded. For that purpose all series in which there has been no report published since 1924 are arbitrarily treated as discontinued.

Reports containing statistics relating to juveniles are included in the check list, but are not discussed in the text, because they represent a distinct problem. Further, juvenile court statistics are now being collected and studied by the Children's Bureau of the United States Department of Labor.

Financial statistics and statistics relating to subjects other than the amount of crime, the characteristics of offenders, and the handling of offenders are omitted both from the text and the check list, as are also statistics concerning military prisoners.

### 3. METHODS OF COLLECTING THE MATERIAL

A large part of the work of this survey consisted in collecting Federal, State, county, and city reports containing criminal statistics. To locate and collect such reports, letters were written to all State libraries, attorney generals, and State departments dealing with penal institutions. Letters were also written to the clerk or board of supervisors in every county, clerks of all courts having criminal jurisdiction, and, in cities of over 5,000 inhabitants, to the police department and city clerk. In all, some 20,000 letters were written; 8,000 replies and 1,500 books and pamphlets received.

From the fact that more than twice as many letters were written as replies received, a person might infer that the information secured was very incomplete. Such an inference would be incorrect. The reason so many more letters were written than replies received is that many people were written to more than once. Further, whenever a reply was not received from one person in a community, a letter was written to somebody else requesting the same information. For example, six letters were written to officials of every city of over 10,000 inhabitants, unless a reply was sooner received.

Replies were received from practically all the librarians and State officials, and from the majority of clerks of courts. Some city official replied in all cities over 100,000 inhabitants, almost all cities over 30,000, three-fourths of the cities over 10,000 inhabitants, and the majority of the smaller cities.

In addition to this inquiry by letter, an examination was made of the Library of Congress, the public libraries of Boston and New York City, including the Municipal Reference Library of New York City, the Russell Sage Founda-

tion Library, and the Harvard College and Law School libraries. Several of these libraries had good collections of material for one or two States, but neither any one of them nor all together contained anything like the number of current reports secured by this survey.

From the information obtained from all these sources a bibliography of the printed reports containing criminal statistics was constructed for each State. Each State bibliography was sent to several persons in the State to which it referred, to be verified. In most States a check was thus secured against the catalogue of the State and the leading public and university libraries.

Because of the care taken in compiling the list of reports in all these different ways, it is probably almost complete. In order for a report to be omitted, the officials concerned, though repeatedly written to, must have failed to forward it or to acknowledge its existence. Further, the attorney general and other State officials in each State who replied stating what reports containing criminal statistics are printed in their State, must have overlooked it. In addition, if it is in the libraries in the State to which it refers, it must have been missed by the two or three librarians who checked the list of reports for their State against the catalogues of their libraries. It is clear, therefore, that if any reports are omitted, they are not available to students of criminal law and criminology.

## CHAPTER II. POLICE STATISTICS

### 1. PRESENT STATE OF POLICE STATISTICS

#### A. PUBLICATION OF POLICE STATISTICS

Police statistics may be of a number of different kinds. They may deal with the personnel of the police department, with its finances, or with traffic, or some other of the activities of the department that are not necessarily connected with crime. With such police statistics this survey has nothing to do. It is concerned only with police statistics relating to crimes known to the police, crime clearances, or arrests made by the police.

The National Government does not publish police statistics relating either to offenses or arrests. No State publishes statistics of offenses known to the police,<sup>1</sup> and only one, Massachusetts, prints statistics showing the total number of arrests made in the State. However, ten<sup>2</sup> print reports relating to the comparatively small number of arrests made by the State or highway police. With these exceptions, the sole source of police statistics of the sort with which this survey deals is the reports of city police departments.

Of all the cities and towns in the United States from which replies were received, only 285 print police reports containing criminal statistics. These 285 cities are not evenly distributed throughout the United States. One-third of them are in Massachusetts, over half in New England, and two-thirds in New England, New Jersey, New York, and Pennsylvania.

<sup>1</sup> Four States, California, Louisiana, Minnesota, and New York, will probably print such statistics within a year.

<sup>2</sup> Connecticut, Delaware, Indiana, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia. South Dakota prints the report of its State sheriff.

Of the 285 cities, 44 have a population of over 100,000; 56 of between 30,000 and 100,000; and 185 under 30,000. Thus police reports containing criminal statistics are printed in half the cities of over 100,000 inhabitants, a quarter of the cities of from 30,000 to 100,000 inhabitants, and outside of New England, New Jersey, New York, and Pennsylvania in almost none of the smaller cities and towns.

These police reports range in bulk all the way from the 100-page annual and semiannual reports of the police department of New York City down to half a page or less, with an average of not over 2 or 3 pages. In only a few cities are the reports of police departments printed as separate documents. They are usually part of a pamphlet which, though it may contain the reports of all the city departments, often boasts neither table of contents nor index.

#### B. CONTENTS OF POLICE STATISTICS

##### 1. STATISTICS OF OFFENSES AND CLEARANCES

The sole sources of information concerning crimes known and the success of the police in clearing these crimes, that is, discovering their perpetrators, are city police reports, since, though California, Louisiana, Minnesota, and New York are about to do so, no State has yet published a report showing the number of crimes known to the police.

Statistics of offenses now published in police reports are of two kinds: First, those showing the value of stolen property and the number of stolen automobiles; and second, those giving the number of crimes known to the police by the name of the offense committed.

It is quite common for police reports to state the value of stolen property, the value of stolen property recovered, the number of stolen automobiles, and the number of stolen automobiles recovered. Nearly a third of the police reports set out all four of these facts, while over half give one or more of them.

Statistics concerning property stolen and recovered are the only statistics on crimes committed that are given in five-sixths of the printed police reports in the United States.



Fourteen cities<sup>3</sup> report for the most serious offenses the number of crimes known to the police, but elsewhere the few police reports that contain any statistics of offenses at all give figures for only one or two offenses. The most common entries are "number of burglaries" and "number of hold-ups."

All the 14 cities report crimes known to the police by a considerable list of offenses, though none of them use a complete list of indictable offenses, as do the English criminal statistics, or even a complete list of felonies. Though the exact list of offenses recorded differs considerably from city to city, it is in general that recommended by the International Association of Chiefs of Police, namely, murder, manslaughter, aggravated assault, rape, robbery, burglary, larceny except auto theft, and auto theft.<sup>4</sup>

The only cities in the United States publishing the number or proportion of crimes known to the police that are solved or cleared, as the police say, are 7<sup>5</sup> of the 14 cities reporting offenses. Though the form of recording clearances varies considerably in the different cities, especially as to the inclusion of unfounded offenses, that is, offenses reported to the police but never in fact committed, and as to the treatment of cases brought over from previous years, it resembles in most of the 7 cities the form recommended by the International Association of Chiefs of Police.<sup>6</sup> Down the side of each table is put the list of offenses, while across the top are: (1) Offenses known or reported to the police; (2) unfounded; (3) cleared by arrest; (4) not cleared by arrest; and (5) reported not cleared other years, cleared by arrest.

## 2. STATISTICS OF ARRESTS

Statistics of arrests for the entire State are published only in Massachusetts. On the other hand, practically every city

<sup>3</sup> Berkeley, Los Angeles, and San Mateo, Calif.; Miami, Fla.; Atlanta, Ga.; Baltimore, Md.; Somerville, Mass.; Detroit and Kalamazoo, Mich.; Buffalo, and Rochester, N. Y.; Cleveland, Ohio; and Portland, Oreg.

<sup>4</sup> Return B of Uniform Crime Reporting, Tentative Draft No. 1, by Bruce Smith, police expert of the National Institute of Public Administration.

<sup>5</sup> Buffalo, Cleveland, Detroit, Los Angeles, Miami, New York City, and Portland, Oreg.

police report that contains any criminal statistics at all states the number of arrests made, and in nine-tenths of the reports the number of arrests is stated by offense. The lists of offenses used in almost all the reports are similar to those used in court reports. The lists almost never give "suspicion" as one of the offenses or in any other way indicate that they include persons who were released by the police without court action.

The belief that the table in police reports entitled "Arrests," "Persons arrested," or often merely "Offenses" should be entitled "Offenses of persons prosecuted" is strengthened in many instances by the police accounts of the disposition made of the persons arrested. About half of the police reports contain a table which is usually entitled "Disposition." The dispositions listed consist nearly always only of court dispositions, such as nolle, dismissed, acquitted, convicted, fined, probation, jail, penitentiary, etc. In only three or four of the best police reports is there a heading "Discharged by the police," though there is often the ambiguous entry "Discharged." It is sometimes possible by comparing the table of dispositions with the court report for the same city to determine the exact meaning of the term "discharged." In all cases so compared the word "discharged" turned out to mean "discharged by the court."

Most of the police reports contain in addition to one or both of the two tables just considered a third table often entitled "Miscellaneous." In this table a few reports have some such entries as "by warrants," "without warrants," and "by summonses" or "by arrests and summonses." These entries throw doubt upon whether the preceding tables include persons arrested only or those brought into court both by arrest and by summons.

Thus it is often impossible to tell from a police report whether what is stated to be the number of arrests means persons arrested or persons prosecuted, or whether it includes persons summoned as well as those arrested. The statistical practice in this regard very evidently differs from city to city. In many cases, however, it is clear that the

title "arrested" is a misnomer and that the heading should be "Defendants prosecuted."

### 3. OTHER STATISTICS

Police reports often contain more information concerning arrested persons than merely the offense for which they were arrested and their disposition in court. The most common additional fact is sex, which is given in nearly a third of the reports. The next are age and nativity, each of which appears in about a fifth of the reports. Then in order of frequency come residence, color, occupation, and marital condition. Many more items of information concerning persons arrested are reported occasionally, but these are the only ones given in more than half a dozen reports.

Sex is, of course, necessarily given correctly and in the same manner everywhere; but the other facts are not commonly stated either correctly, that is, in the manner in which they are given in the Federal census of population, etc., or in the same way in the different police reports. Nativity, for example, is sometimes given by names of countries and sometimes merely by "native" and "foreign." The statement of age may be by a list of individual years, by various and differing combinations of years, such as "under 18," "19 to 21," etc., or merely by "minors" and "adults."

### 2. VALUE OF PRESENT POLICE STATISTICS

The value of city police statistics, like those of courts, probation departments, etc., may be viewed either from the point of view of the particular department or community publishing them, or from that of the whole country. For example, it may be very important to the police department and citizens of Middleboro to have the annual town report state the number of women and girls arrested as the basis of a plea for a police matron; but from the point of view of persons interested in studying arrests of women and girls, that information may be obtained much better from some other source. This survey deals with the value of

present statistics solely from the point of view of their worth to whole States and to the Nation. From this angle their value depends upon their usefulness in indicating trends and problems needing attention in the administration of criminal justice.

### A. VALUE OF STATISTICS OF OFFENSES

The possibilities inherent in statistics of crimes known to the police as an indication of the volume of crimes committed have long been recognized. As Mr. Bennet Mead has stated in a recent article:<sup>6</sup>

Statistics of the number of offenses known to the police form the best available means of measuring the extent of crime at a given time, and the changes from time to time in the prevalence of the more serious offenses against persons and against property. It is, of course, impossible to obtain complete statistics of crimes committed, since many crimes remain undiscovered, and many more crimes are known only to private individuals and are not reported to official agencies.

There are wide variations in the completeness with which different classes of offenses are reported to the police. It is probable, for example, that in most localities the great majority of homicides are officially recorded. On the other hand, many cases of embezzlement and of petty theft are not reported.

The value of existing police statistics of offenses depends then upon how closely they come to this ideal of "measuring the extent of crime." The existing statistics fall short of the ideal in four important respects. First, they cover only a very small portion of the United States; second, they do not cover all crimes reported to public officials within their areas; third, they are not compiled on a uniform basis; and fourth, they are lacking in accuracy.

First. Statistics of offenses are printed in only 14 cities. It is not possible to estimate the amount of crime in the United States from statistics of crime in these 14 cities for three reasons. These cities comprise too small a sample of the total population of the country. They are nearly all large cities and so crime conditions in them are representative only of the situation in large cities. These cities are

<sup>6</sup> Mr. Bennet Mead, *Police Statistics*, p. 76 of *The Annals* for November, 1929.

not so located as to be equally representative of the various geographic divisions of the country.

Second. In none of the 14 cities do the police reports show all of the crimes reported to public officials within the city. The reports show crimes known to the police for only a few of the major offenses, such as murder, manslaughter, aggravated assault, rape, robbery, burglary, and larceny, instead of for all indictable offenses as do the English criminal statistics. Further, they show in most cases only the crimes reported to the police, and not those reported to all public officials investigating crimes committed in the city.

In some localities many offenses are reported to the district attorney or sheriff and never come to the knowledge of the police. In some counties if an offense is reported to the district attorney, he makes a complaint before a justice of the peace, who issues the warrant. The arrest is then made by a special investigator or the prosecutor without the police taking any part in the case, and sometimes in spite of their opposition. People may appeal to the prosecutor or the sheriff, because he has built up a reputation for efficiency in handling complaints. Further, in certain kinds of cases, such as loss occasioned by confidence games, a person would naturally appeal to the prosecutor to see if he had a legal ground of complaint, rather than to the police to make an arrest.

So if we are to know the full number of offenses reported, it may be necessary to get statistics from sheriffs, constables, county detectives, prosecutors, State police, and State and county traffic police, as well as from municipal police departments. Further, if we are dealing with the United States as a whole, statistics from United States marshals, the Department of Justice, postal inspectors, the narcotic and prohibition divisions, etc., must be included.<sup>7</sup>

Third. The statistics are not compiled on a uniform basis in the 14 cities reporting offenses known to the police. The lack of comparability between the statistics of even the best police departments is patent to anybody who has discussed police statistics with those who compile them. But it is not necessary to know how the statistics are collected to realize their lack of comparability. This is evident from a comparison of the reports themselves. It is shown by the differences both in the headings of the columns in the

<sup>7</sup> Instructions for Compiling Criminal Statistics, published by the Bureau of the Census, p. 41.

tables and in the figures they contain. The police themselves have long lamented the absence of a standard method of collecting and compiling statistics and have recently again attempted to secure a uniform system, by appointing a research committee which has just worked out and published an adequate plan for police records and statistics.<sup>8</sup>

Fourth. Police statistics of offenses are lacking in accuracy. The police are often afraid to publish reports stating accurately the number of crimes committed, especially if that means showing a material increase in crime, because such action may bring down upon them the wrath of the public. As Mr. Bruce Smith has aptly put it, there is a great tendency in this country to charge crime rates against the police rather than against the community.<sup>9</sup> This together with the political and nonprofessional character of many American police forces has led to a great reluctance on the part of many police departments to publish correct figures of crimes known to the police. As Professor Sutherland has said:<sup>10</sup>

In addition the records of crimes known to the police are apt to be juggled by the police in the effort to protect themselves against criticisms which would be launched if the number of crimes reported as known to them was significantly larger than the number of arrests. In 1920 the crime commission organized by the Chamber of Commerce of Chicago secured a record of 141 crimes of violence committed in one month in one police precinct, but the captain of the precinct reported only 37 of them as known to him. The number of thefts of all kinds reported by police as known to them was, per 100,000 of population, in 1920 in Washington, D. C., 1,929; Baltimore, 861; Rochester, 633; Philadelphia, 405; and Toronto, 1,562. Only an extremely credulous person would accept these figures as proof that there was from four to five times as much larceny in Washington or Toronto as in Philadelphia.

#### B. VALUE OF STATISTICS OF ARRESTS

As already stated, the actual existing statistics of arrests differ greatly from city to city. Sometimes they represent

<sup>8</sup> See statements by Mr. Bruce Smith on pp. 1-3 of Uniform Crime Reporting; Mr. Bennet Mead on p. 75 of *The Annals for November, 1929*; and Mr. L. S. Timmerman on p. 97 of *The Annals for November, 1929*.

<sup>9</sup> Prof. Edwin H. Sutherland, *Criminology*, pp. 35-36.

true arrests, but more often prosecutions. In many cases it is impossible to tell from the reports what their tables do represent. This variation and the uncertainty as to what the practice is in a given city in a given year robs the figures of most of the value that they might otherwise have.

If all police statistics of arrests were what many of them clearly are, statistics of prosecutions, they would be of doubtful statistical value in many States. We have already seen that police statistics of arrests are printed for only one entire State, Massachusetts. We shall see when considering court statistics that in nearly half the States the attorney general or some other State official collects and prints some court statistics relating to criminal prosecutions in all the principal trial courts of the State.

If a State official collects from clerks of courts and publishes statistics showing the offenses and dispositions of defendants, similar statistics in city and county reports have little statistical value, especially as it is not to be expected that every city or county in a single State would print a police report containing criminal statistics. If a State prints even fairly good judicial statistics, persons interested in statistics of prosecutions will go to that source for information and entirely ignore scattered local police reports. In States in which neither the State nor the cities or counties print court statistics, then, of course, police reports containing court statistics fill the gap.

If police statistics of arrests were really that, and not statistics of prosecutions, they would be valuable even where court statistics are printed, provided there exists either the practice of bringing people into court by summons as well as by arrest, or that of dismissing an appreciable proportion of the persons arrested without court action. But even where such practices exist, it is, of course, debatable whether the information obtained is of sufficient value to justify the trouble and expense of obtaining it by general annual statistics, or whether it is not the sort of thing that should be covered by occasional intensive investigations.

### C. VALUE OF OTHER POLICE STATISTICS

The value in a national publication on criminal statistics of police statistics concerning matters other than those already discussed is doubtful. The Canadian dominion police statistics contain no information about persons arrested except whether their appearance was secured by summons, by a warrant of arrest, or by arrest without a warrant. The English statistics show, by offense, the number of persons arrested, the number summoned, and the disposition of all persons prosecuted. One additional fact is shown, sex.

Sex and also age are very important facts in the administration of criminal justice. If national criminal statistics should include any facts concerning the characteristics of persons arrested, they undoubtedly should show sex and age. Probation and State penal-institution statistics at present include both sex and age. This information should be given in the statistics of local jails and lockups as well. Whether it is worth while also to collect it on a national scale from police or courts so as to show the sex and age of persons arrested or prosecuted, but never imprisoned or placed on probation, is doubtful.

The desirability of trying to obtain from the police statistics stating the color, nativity, occupation, residence, or marital condition of persons arrested for the purpose of including them in national criminal statistics is even more doubtful than the value of securing sex and age. New York State is now attempting to collect such information from clerks of courts. Its experience will doubtless throw light upon the feasibility of obtaining such information from police as well as from courts. Of course, it can do no harm for a city police department to include such information in its annual report.

### 3. RECOMMENDATIONS

Of the seven recommendations made under this heading, only the last two relate exclusively to police statistics. The first five deal with the problems relating to the collection and publication of all varieties of criminal statistics—court,

probation, and institution, as well as police. The problems raised by these five recommendations should logically be dealt with in a chapter by themselves preceding the chapter on police statistics. They are not so considered, because an understanding of the present condition of some field of criminal statistics is essential to their evaluation. They are placed ahead of the recommendations relating to police statistics, because the correctness of the latter, as well as of the recommendations concerning court, probation, and institution statistics, depends in large measure on the soundness of these five recommendations.

#### A. RECOMMENDATIONS REGARDING THE PUBLICATION OF CRIMINAL STATISTICS

The problem of criminal statistics is a unified one, not a problem of police statistics, a problem of court statistics, a problem of prison statistics, etc. There can be no adequate system of criminal statistics unless the statistical information obtained from each agency engaged in the administration of criminal justice is only such as it is best able to furnish. These various items of information obtained from police, courts, probation and parole officers, jails and prisons, must then be put together by some statistical expert so as to present a picture of the administration of criminal justice as a whole that is free from overlapping and from important omissions.

Such a system of criminal statistics can not be put together by a town, a city, or a county. None of these units are large enough to have under their control a sufficient number of the agencies engaged in the administration of criminal justice to enable their statistical reports to paint a true picture of its administration as a whole.

For example, in Boston a person might be arrested by the police of Boston, the sheriff of Suffolk County, the police of the metropolitan district commission, or the State police. He might be tried by a municipal court or the superior court and sentenced to a county or State penal institution. Obviously the report of no one of the four arresting agencies, of neither of the courts, nor of either

county or State penal institutions can give a complete account of the administration of criminal justice in Boston. The smallest unit having under its control all these various agencies, and hence the only one that can print a statistical report covering them all, is the State.

Even the criminal statistics of a State will not show the administration of criminal justice as to all offenses committed within its boundaries, for a few will be handled by Federal police, courts, and penal institutions. But the number of Federal prosecutions as compared with State prosecutions is trifling and can be disregarded unless one is studying narcotics, prohibition, or a few other special topics.

**Recommendation 1.**—Each State should publish an annual report on criminal statistics.

The impossibility of any unit smaller than the State publishing really worth while criminal statistics results in the first recommendation being that some State official or department in each State be authorized to collect, unify, and publish criminal statistics. There are laws to-day in over half of the States providing for the collection by some State official or department of criminal statistics from at least some of the agencies engaged in the administration of criminal justice.<sup>10</sup> The trouble with existing State publications of criminal statistics is that they are usually mere collections of reports from various agencies. One book may contain the reports of penal institutions, district attorneys, and perhaps probation or parole officers and jails, and in Massachusetts alone police as well; but such reports are not rewritten and made into a unified whole by the central agency. Unity in the printing of the reports has been achieved in many States; all the reports, or at least many of them, are to be found in a single volume. But the more important unity, the welding together of these various reports into a single unified whole, has not been achieved.

In no State is there a single volume like the English and Canadian volumes on criminal statistics, which contains detailed statistical tables all arranged in accordance

<sup>10</sup> See Appendix II.

with a unified plan and preceded by an introduction interpreting the tables and calling attention to their most significant features. It is such a volume on criminal statistics that is needed in each State.

The reason why there is in no State a State report on criminal statistics such as has been described is ultimately, of course, that there has not been sufficient public demand for such a volume. But a more immediate cause has been the lack of knowledge on the part of State officials as to how to collect and interpret criminal statistics. If tomorrow the attorney general of some State should desire to collect and compile a volume on criminal statistics similar to the English and Canadian, he would be unable to do so without going to the great expense of employing experts to work out a plan. Even then he might fail, because his term of office might expire before the study was completed and the plan put into operation.

It is asking a great deal to expect every State or even a considerable proportion of the States to work out alone plans for the collecting and compiling of criminal statistics. It is asking the impossible to expect that all the plans thus independently worked out would be similar, so as to make criminal statistics comparable from State to State. Some outside agency, public or private, must take the lead, work out a plan in all its details and furnish advice and assistance to the States. This is a function which the Federal Government through its Bureau of the Census is peculiarly fitted to perform.

**Recommendation 2.**—The Federal Bureau of the Census should be authorized to assist the States in the collection of criminal statistics.

**Recommendation 3.**—The Federal Bureau of the Census should publish the criminal statistics from those States whose methods of collection comply with its standards.

In 1880 the Federal Bureau of the Census undertook to standardize, collect, and compile mortality statistics. At that time many States did not collect such statistics at all, and most of the States that gathered them did so as poorly as criminal statistics are usually collected to-day. At first but

two States, Massachusetts and New Jersey, the District of Columbia, and some 20 cities were able to comply with the standards set up by the Bureau of the Census and join its registration area. By 1900 only 9 more States had entered the registration area, but in 1928 only 4 States were outside of it.

In short, within less than 50 years the experts of the Bureau of the Census, assisted by other persons interested in such statistics, have been able to devise a uniform plan for the collecting, forwarding, and compiling of mortality statistics that has been adopted and lived up to by nine-tenths of the States. To-day in each State in the recording area doctors report a considerable number of facts concerning each death to the local health officer. The State health officer sends a copy of each return received to the Bureau of the Census, which pays him a small amount for each report. Thus, though in 1880 uniform mortality statistics were only a dream, to-day they are a reality. The time and labor spent in securing uniform mortality statistics not only brought about that end, but greatly facilitated the collection of other somewhat similar statistics. In 1915 the Bureau of the Census created a registration area for birth statistics, and in a period of less than 15 years accomplished with them what it has taken nearly 50 years to bring about in the case of statistics of deaths. If State officials can be brought to collect and return one lot of statistics, they are much more ready to collect and return others.

The same procedure which has worked so successfully in the case of vital statistics could undoubtedly be applied equally successfully in the cases of criminal statistics. Congress might be persuaded to pass a statute authorizing the Bureau of the Census to collect criminal statistics. The experts of the Bureau of the Census together with those of the various States could then work out a plan for State and National criminal statistics. This plan together with the blanks, forms, and instructions necessary to carry it into operation could then be distributed to those States desiring it. By publishing the statistics of those States whose methods of collection came up to its standards, the

Bureau of the Census would be creating a registration area for criminal statistics.

At first probably only a few States would comply with the standards set up by the Bureau of the Census, but if we may judge by the experience of the Bureau of the Census with statistics of births and deaths, State officials will soon realize the value of uniform criminal statistics and be anxious to assist in their collection. Officials take pride in having their State in the recording area rather than in the list of backward, uncooperative States. Then, too, there is the financial inducement that can be held out to State officials for cooperation. As previously stated, the Bureau of the Census pays State officials a small sum for returns of births and deaths. This payment is doubtless a welcome addition to the salaries of many underpaid State officials and is probably one of the reasons why they have been so willing to cooperate in the collection of these vital statistics.

In 1926 the Bureau of the Census commenced taking an annual census of prisoners in State and Federal prisons and reformatories. It induced 90 per cent of the institutions to fill out the returns it requested without paying them anything for so doing. Thus returns can be obtained free, though a small payment undoubtedly facilitates their collection.

It would not be possible to-day to inaugurate a system of criminal statistics that would be ideal according to the present state of our knowledge of criminology, because the ideal plan would require more elaborate statistics than the police, courts, jails, etc., are at present able to furnish. Much less is it possible to-day to foresee what statistics will seem most desirable 10 or 20 years hence. The 1923 census of prisoners in institutions differed greatly from the 1910 census, and it already seems certain that the 1933 census will not follow the exact pattern of the 1923 census. Criminology is a young and rapidly growing science. The facts which seem of greatest significance to-day may not seem so important ten years from now.

The necessity of continual changes in criminal statistics has been mentioned here, because it is an additional argu-

ment for intrusting the problem of criminal statistics to a single Federal bureau, the Bureau of the Census. One of the dangers besetting the future of criminal statistics is that the State statisticians in charge of criminal statistics will not exercise sufficient control over the statistics furnished by the various crime-combating agencies. Unless control is exercised over the statistics of the various agencies, police statistics are likely to develop in one direction, court statistics in another and institution statistics in a third. Divergent development will result not only in overlappings and gaps, but what is far more serious in differences in classification. The International Association of Chiefs of Police, for example, has just recommended for use in the collection of police statistics a classification of offenses that is not comparable with that used by the Bureau of the Census in compiling its census of prisoners in penal institutions.<sup>11</sup> Unless there is a single Federal agency to which State statisticians will look to resolve such divergencies, we are likely to have no more comparable criminal statistics in the future than we have had in the past.

**Recommendation 4.**—National criminal statistics should be intrusted to a single department of the Federal Government, preferably to the Bureau of the Census.

The vital part of this recommendation is that all national criminal statistics be intrusted to a single Federal bureau and not police statistics to one bureau, institution statistics to another, and perhaps court or probation statistics to a third. In view of the present chaotic state of criminal statistics and the urgent need for securing comparability both between different cities, counties, and States and between different varieties of statistics, that is, police, court, probation, and institution statistics, it seems axiomatic that one Federal agency can handle the problem much better than two or three.<sup>12</sup>

The Federal department best qualified to handle the entire problem of criminal statistics is the Bureau of the Census.

<sup>11</sup> Compare chs. 2 and 5 of Uniform Crime Reporting, Tentative Draft No. 1, with ch. 5 of Instructions for Compiling Criminal Statistics.

<sup>12</sup> Reasons to support this statement are given in the discussion of the two preceding recommendations.



The principal reasons why it is likely to deal with the problem more successfully than any other bureau are three:

First. The problem of the collection, tabulation, and interpretation of criminal statistics is at bottom a statistical problem and not a police, court, probation, or institution problem. Hence it is a task for that department of the Federal Government which is most expert in solving statistical problems, the Bureau of the Census.

The staff of the Bureau of the Census has, of course, no expert knowledge of the subject matter of the various special censuses it conducts. When such knowledge has been needed, it has for years been in the habit of consulting nationally known experts in the various fields involved. No Government department has on its staff the experts who should be consulted in working out a plan for national criminal statistics, for such a staff would require experts in criminology, anthropology, sociology, economics, psychiatry, police administration, court organization, probation, prison administration, parole, settlement work, boys' clubs, immigration, and other specialties making use of criminal statistics.

The peculiar fitness of the general statistical department of the Government to handle criminal statistics is clearly recognized in Canada, Australia, and New Zealand. In Canada criminal statistics are collected by the bureau of statistics; in Australia, by the bureau of census and statistics; and in New Zealand, by the census and statistics office. In England criminal statistics, whether relating to police, courts, or institutions, are published by the statistics branch of the Home Office. The statistics branch of the Home Office, although not the only statistical department of the English Government, is a specialized statistical bureau handling, in addition to criminal statistics, all statistics required by the various divisions of the Home Office.

Second. The Bureau of the Census is the only department of the Federal Government that is now collecting criminal statistics, and hence is the only bureau that has a staff acquainted with the problems involved in the collection,

tabulation, and interpretation of such statistics. The Bureau of the Census is at present collecting statistics of prisoners in penal institutions decennially and annually. The experts of the Bureau of the Census have acquired much valuable experience in the course of collecting these statistics, most of which would be thrown away if the work were turned over to some other department. Further, since the proper way to collect criminal statistics is to create a registration area and follow the plan used in collecting vital statistics, the experience gained by the staff of the Bureau of the Census in collecting these statistics should prove of material assistance in collecting criminal statistics.

Third. It is much more economical to have criminal statistics collected by the Bureau of the Census than by any other department. The collection of criminal statistics is not a full-time occupation that can be engaged in every week of the year. The experts used by the Bureau of the Census to devise schedules and instructions for collecting statistics, arrange punch cards, and analyze completed statistics work on many different censuses. So that the staff of the Bureau of the Census may not have a couple of rush years every 10 years with slack years in between, the various decennial censuses are not all taken on the same years, but are staggered through each 10-year period. No such economies would be possible in any Federal bureau handling only one variety of statistics.

**Recommendation 5.**—The Bureau of the Census should collect criminal statistics only from State statistical bureaus.

There are two possible ways in which the Bureau of the Census can collect criminal statistics. One is to collect them through statistical bureaus in some State department such as that of the attorney general or commissioner of correction. If such a method is employed, the Bureau of the Census will try to get the State legislatures of the States in which no such statutes already exist to pass suitable statutes for the collection of criminal statistics. The State statistical bureaus will then collect reports from the various city police departments, county jails, city and county courts, etc. These reports will be checked in the State bureau, and



then either copies of them, or of statistical tables made up from them, sent to the Bureau of the Census.

The other way is for the Bureau of the Census to deal directly with the particular local agency that has the records from which statistics are desired, such as, for example, the New York City police department or Sing Sing prison. The first method, that employed in the collection of vital statistics, is the more difficult to inaugurate, because it requires in many States the passage of statutes, although it should be noted (Appendix II) that over half the States already have such statutory authority. This first plan has, moreover, three important advantages: First, it insures the State collection of criminal statistics, a thing of considerable benefit to the State; second, it is more likely to succeed because it requires the voluntary cooperation of many less individuals; and third, it is much cheaper.

It is of considerable advantage to a State to have its criminal statistics cleared through a State statistical bureau instead of being sent directly from various city, county, and State officials to the Bureau of the Census. As previously stated, the two principal uses of criminal statistics are to indicate trends and matters requiring further attention and investigation. The Bureau of the Census can publish criminal statistics by groups of States or at most by individual States. It can point out the national and perhaps also the sectional problems raised by the statistics.

A State statistical bureau, on the other hand, can publish its tables by individual cities and counties. It can call attention to discrepancies between the figures from two neighboring county courts and suggest that they show that such and such practices need careful investigation. In short, State collection and publication of criminal statistics should prove very valuable to persons interested in the various phases of the administration of criminal justice within the state.

Second. The collection of criminal statistics directly from the agencies keeping the records requires the voluntary cooperation of so many individuals totally independent of Federal control that it is likely to fail. There are

in this country some 1,500 cities of over 5,000 inhabitants and over 3,000 counties. If statistics of arrests, for example, are to be obtained directly from the police, each chief of police in these 1,500 cities and each sheriff in these 3,000 counties must be induced to cooperate. The task is only slightly less gigantic if one seeks to obtain the number of prosecutions directly from city and county courts. In probably two-thirds of these counties and half of these cities there is some court handling criminal cases—county court, municipal court, or justice of the peace. In all probability special agents would have to be sent to a large proportion of the cities and counties of the United States and even then the desired information would be in many cases unobtainable.

A State statistical bureau, on the other hand, is in a much better position than the Bureau of the Census to obtain information from city, county, and State officials. It proceeds under a statute making it the duty of the officials to furnish the desired information. It is going to publish statistics by cities and counties and thus is in a much better position to convince doubting city and county officers of the advantage to their communities of their making returns than is the Bureau of the Census. Further, there are likely to be ties of personal friendship or at least acquaintance between the State statistician and the local recording clerks.

Third. Even if it should prove possible to secure criminal statistics directly from a substantial majority of the city and county police departments, courts, jails, etc., the cost to the Federal Government of so doing would be staggering. If the figures were obtained from each local chief of police clerk of court, probation officer, jailer, etc., returns would be received from some 8,000 to 10,000 officials. Undoubtedly a small sum would have to be paid for each return, then there would be the cost of reminding the officials to send in the returns and of checking discrepancies by correspondence or by field agents, and finally of compiling and analyzing the figures contained in the huge number of returns received. If one can judge by the cost of other statistical enterprises, it might cost the National Government over a

million dollars a year to collect criminal statistics by this method.

But if criminal statistics are collected through State bureaus, a great deal of the cost to the Federal Government is eliminated. The States would bear the burden of collecting the figures from city, county, and State officers. The cost of consolidating and compiling the returns for each State would also be borne by the States. The only collection costs borne by the Federal Government would be those of correspondence with the State bureaus and the sums paid State bureaus for the tables desired by the Bureau of the Census. The compiling costs within the Bureau of the Census would also be infinitely lower. Instead of having to work over thousands of city and county returns, the statistics would be compiled from consolidated State returns.

In collecting vital statistics, the Bureau of the Census in a number of cases collected statistics from cities in States that were outside the registration area, when these cities wished to be included and their statistics came up to the standard set by the Bureau of the Census. But the collection of statistics from municipalities was used as a means of bringing home to the State in question the desirability of joining the registration area, and the goal was always the State collection of statistics. A similar procedure could well be adopted in the case of criminal statistics.

#### B. RECOMMENDATIONS REGARDING POLICE STATISTICS

**Recommendation 6.**—The Federal Government should not at present attempt to obtain statistics of crimes known to the police.

Everybody admits that correct statistics of crimes known to the police and other crime-detecting agencies are worth collecting and are the best known index of the amount of crime committed. At present, statistics of offenses committed are, however, so untrustworthy in most American cities as to be unworthy of a place in a national publication on criminal statistics.

Mr. Bruce Smith and a committee of police chiefs are attempting to standardize police methods of record keep-

ing and statistics gathering. It is to be hoped that their project will succeed and that within a decade or so nearly all police departments will keep their records and gather their statistical data in substantially the same way. But if we may judge from English experience, that will be only the beginning of the struggle to obtain correct police statistics of offenses. The unwillingness of the police captain to jeopardize his position by reporting the true number of known offenses in his district to his chief, and the hesitancy of the chief of police to make known to the public the true number that are reported to him, will still have to be overcome.

In England a plan for the collection of police statistics of offenses on a uniform and national basis was worked out in 1856 and the necessary orders and instructions sent to each police department. Though statistics of offenses have been a regular part of the annual report on criminal statistics since 1857, the discussions as to the amount of crime contained in the introduction to each report have been based more on the number of prosecutions than on the number of crimes known to the police. Again and again readers have been warned that judicial statistics of the number of prosecutions are the most reliable index of the amount of crime.<sup>13</sup> As late as the 1922 report<sup>14</sup> it is stated that:

the figures of persons for trial for indictable offenses are usually regarded as the most trustworthy index of the state of crime.

In 1893 police statistics were moved from the beginning of the annual report and placed after court statistics, where they have ever since remained. The reason for the change was stated in the report:<sup>15</sup>

The tables of the results of judicial proceedings, which are at once the most important, the most definite, and the most accurate of all criminal statistics, occupy the first place. The tables as to police action \* \* \* are of less statistical value, and follow in a subordinate position.

<sup>13</sup> Judicial Statistics, England and Wales. Criminal Statistics, 1895, p. 11; 1896, p. 11; 1897, p. 12; 1907, p. 12; and 1912, p. 7.

<sup>14</sup> Judicial Statistics, England and Wales, 1922. Criminal Statistics, p. 6.

<sup>15</sup> Judicial Statistics, England and Wales, 1893. Part I—Criminal Statistics, p. 14.

The report for 1894 contains an elaborate introduction in which considerable space is devoted to the reliability of police statistics of offenses. It states:<sup>16</sup>

The figures showing the number of crimes, and consequently the proportions, must be taken with a great deal of caution. The returns of the number of crimes depend to a considerable extent on the discretion of the police; they are not certain and definite figures in the same way as the numbers of prosecutions and convictions are certain and definite.

There seems much reason to think that, though the instructions as to the mode of collecting them have been made as definite as possible, there is still a tendency on the part of some police forces to adopt a very high standard of what constitutes a "crime committed" or a "crime reported to the police," and by this means to reduce further the number of cases entered in this column. \* \* \* No doubt it is natural, when an absolutely definite rule cannot be laid down and something therefore is left to their own discretion, that they should seek to minimize the amount of unpunished crime existing in their district, but such a tendency detracts so much from the value of the returns of crimes committed that it almost raises the question whether it is worth while retaining these returns at all. For certain purposes and with certain qualifications, I believe, they are useful.

The 1900 report again calls attention to the unreliability of police statistics of offenses known to the police, saying:<sup>17</sup>

A comparison of the returns made by the different police forces indicates the uncertain nature of the figure of "crimes reported." While in the country generally the proportion of prosecutions to crimes is 77 per cent, in some districts it falls below 60 and even below 50 per cent, while in others it rises above 100 per cent. \* \* \*

Although differences in local conditions explain considerable variations, they can not account for the wide diversities shown above. In some cases adjacent police districts are at the opposite extremities of the scale; and this is also the case with regard to districts which, though distant, are similar in character, such as two large seaports. \* \* \* The fact seems to be that some police forces include in the return every case of alleged crime reported to them, while others carefully examine the returns and reject all those in which they think no crime was committed, with, in some instances, a strong bias in favor of reducing their tale of crime by holding that there can be no crime where no criminal is discovered.

<sup>16</sup> Judicial Statistics, England and Wales, 1894. Part I—Criminal Statistics, pp. 30, 34.

<sup>17</sup> Judicial Statistics, England and Wales, 1900. Part I—Criminal Statistics, pp. 16-17.

Finally in 1923 the report states<sup>18</sup> that the police statistics of offenses are "more trustworthy now than formerly" and uses them as the basis of its discussion as to the amount of crime. Thereafter the annual reports treat police statistics of offenses as worthy of credence.

So many English reports have been cited because of the wish to show that distrust of English police statistics of offenses did not occur in one year only, but was a continuing phenomenon from the time these statistics were first collected on a national scale in 1857 down to 1923, when they were at last considered worthy of acceptance.

If it took the highly centralized English Government 66 years to get its famous and highly efficient police to report correctly crimes known to the police, it is evident that it will be many years before our decentralized and nonprofessional police forces can be induced to make trustworthy reports of crimes known to the police.

On the ground of economy it would be absurd for the Federal Government to spend several hundred thousand dollars annually in collecting statistics which it must label as false. But more important than that, the effect on our people of the publication of incorrect criminal statistics would be very bad. In spite of anything said in the report, the Federal Government would be giving credence to statistics of offenses known to the police by publishing them. Public opinion and legislation would be based on them. Therefore until statistics of crimes known to the police become reliable they should not be published by the Federal Government. In the meantime we must do what England did and rely upon court statistics of prosecutions as our best index of criminality.

**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.

When considering the content and value of statistics of arrests, it was stated that nine-tenths of the police reports containing any criminal statistics at all give the number

<sup>18</sup> Judicial Statistics, England and Wales, 1923. Criminal Statistics, p. 5.

of persons arrested by offense, and that half of them show the dispositions made of these persons. It was stated also that these statistics were very unreliable, because of the difficulty in telling from the reports whether they covered persons summoned as well as those arrested, and whether all persons arrested or only those prosecuted. The majority of these statistical tables, it was concluded, really dealt only with such arrests and summonses as resulted in court action and with court dispositions.

It is obvious that the original and best source of information as to the offense with which a man is charged in court, or as to what happens to a man in court, is the court record. Hence that information should be obtained from the courts and not from the police, unless it is desired to differentiate between the offenses and dispositions of persons sent to the same court by two different police departments. This a State statistical bureau might well desire to do in the case of State or highway police or of city police, if there are several cities sending people to the same county court.

Thus all the statistics on defendants prosecuted that are needed for a national report on criminal statistics on its inception, can probably be obtained from the courts without resort to the police at all. If this can be accomplished, it will reduce enormously the cost of the collection and compilation of national criminal statistics during its first experimental, and so necessarily expensive, years. Even if this proves impossible, it may be necessary to obtain figures from only a few of the police departments or to secure concerning arrests only the one fact of the number summoned and the number arrested, as is done in Canada.

Even if in starting a national system of criminal statistics, it should prove best not to collect any statistical information from the police, that would be only a temporary situation. Eventually the competence and esprit de corps of the police will certainly be so raised that they will be able to furnish more reliable statistics of crimes known to the police.

The fact that police statistics are not at first published by the Federal Government does not mean that it will have nothing to do with them. The plan to be worked out by the Bureau of the Census for the collection of criminal statistics will include police statistics. A number of statistical bureaus will want to collect police statistics and to collect them in accordance with the plan of the Federal Government, so that when their police statistics reach the required degree of accuracy they will be published by the Federal Government. To such bureaus the Bureau of the Census will doubtless be able to furnish much expert assistance, including the necessary blanks and instructions for the collection of statistics. It may be able even to furnish assistance to cities that are confronted with knotty problems in police statistics.

## CHAPTER III. COURT STATISTICS

### 1. PRESENT STATE OF COURT STATISTICS

#### A. PUBLICATION OF COURT STATISTICS

Reports containing court statistics are published by individual courts, cities, counties, States, and the Federal Government. One hundred and fourteen reports containing criminal or juvenile court statistics are printed by individual courts, cities, and counties. Nearly a third of these come from New York State alone, while over half are from three States—New York, New Hampshire, and Washington. The rest are fairly well distributed throughout the country and include the courts of many of the largest cities.

State reports containing criminal court statistics are published by the attorney general, judicial council, secretary of state, or some other State official or department in 23 States.<sup>1</sup> The Attorney General of the United States publishes an annual report containing statistics of the criminal prosecutions in the Federal courts.

There are also in every State printed reports of the opinions of the supreme court in criminal and civil cases, and in a number of States the report of the attorney general gives the title, disposition, and a short summary of each criminal case handled by his office, whether in a trial court or on appeal. From any of these reports statistics could easily be compiled. The ease of making the compilation may be the reason why it is usually not done and why reports of attorneys general ordinarily do not contain any account of criminal appeals arranged in tabular form. Most of these reports are, therefore, more properly considered as sources of

<sup>1</sup> Alabama, Arkansas, California, Connecticut, Florida, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Montana, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Texas, and Utah.

criminal statistics than as themselves statistical reports. But even if reports of criminal cases in supreme courts were in statistical form, they would deserve but scant notice, because of the insignificance of the proportion of criminal cases that reach supreme courts. Criminal statistics of appellate courts will not, therefore, be further considered in this survey, but attention will be focused on trial-court statistics.

#### B. CONTENTS OF TRIAL-COURT STATISTICS

The description of the contents of trial-court statistics will be limited to those in State reports, because these are by far the most important source of information concerning court statistics. Besides, except as to the number of courts included in the tables, court statistics printed by individual courts, cities, and counties differ in no essential respect from those published by the States. Federal court statistics will not be discussed, because, due to the peculiarities of Federal jurisdiction over offenses, they present a special and unique problem. Trial-court statistics deal almost entirely with legal processes and almost none at all with facts concerning defendants. The only facts ever shown concerning adult defendants are color, sex, and age. Color and sex are shown in only three State reports, those for Arkansas,<sup>2</sup> North Carolina,<sup>3</sup> and South Carolina,<sup>4</sup> and age in that for South Carolina alone.<sup>4</sup>

Trial-court statistics, except in California, Connecticut, and Massachusetts, do not cover all criminal cases tried in all the courts of the State. Sometimes the statistics cover only felonies or indictable offenses, but more often they are limited to the principal trial courts of the State, omitting police courts and justices of the peace. It is usually possible to tell from the report itself what courts it covers, because the tables will contain some such heading as "Table giving number of cases, etc., before the several common

<sup>2</sup> Attorney general, Biennial Report, 1928, pp. 286-305.

<sup>3</sup> Attorney general, Biennial Report, 1928, pp. 17-18, 86-88, 55.

<sup>4</sup> Attorney general, Annual Report, 1928, pp. 284-308.

pleas courts in Ohio,"<sup>5</sup> or "Report of clerk of court of general sessions for Calhoun County."<sup>6</sup> But in several States the heading of the tables are "Tabulation of criminal statistics as reported by the clerks of court,"<sup>7</sup> "Summary of reports of county attorneys,"<sup>8</sup> or some other expression equally unenlightening to a person unacquainted with the statutes and court organization of the State in question. In every case, however, it is possible to make a very good guess as to the courts included, from the nature and number of offenses listed in the table. When, for example, drunkenness and traffic violations are omitted, it is obvious that police courts and justices of the peace are not included. Of course the question can be settled by resort to the State statutes.

State trial-court reports differ not only as to the courts covered, but also as to what facts they tabulate concerning the cases before the courts covered. The Oregon<sup>9</sup> and Rhode Island<sup>10</sup> reports state only the number of prosecutions filed and the number of jury trials, while in the Florida report<sup>11</sup> the statistics differ with the county. In all other States printing trial-court statistics the tables show concerning each defendant prosecuted two or more of the following facts:

1. Name of offense for which prosecuted.
2. Nature of disposition of case.
3. Name of county or other political subdivision for which court sat.

In none of these States are these three facts shown singly. The tables always show two or more of them in combination, as, for example, counties by offenses in Montana,<sup>12</sup> counties by dispositions in California,<sup>13</sup> Indiana,<sup>14</sup> and

<sup>5</sup> Secretary of state, Ohio Statistics, 1928, p. 254.

<sup>6</sup> Attorney general, Annual Report, 1928, p. 235.

<sup>7</sup> Board of parole, Report (Biennial), 1928, p. 8.

<sup>8</sup> Attorney general, Report and Official Opinions, 1928, insert p. xxx.

<sup>9</sup> Secretary of state, Biennial Report, 1928, pp. 68-69.

<sup>10</sup> Judicial council, Second Report, 1928, pp. 31, 32-34.

<sup>11</sup> Attorney general, Report (Biennial), 1928, pp. 61-113.

<sup>12</sup> Attorney general, Report and Official Opinions, 1928, insert p. xxx.

<sup>13</sup> Attorney general, Biennial Report, 1928, pp. 84-85. See also Second Report, Judicial Council of California, 1929, Appendices B, C, D, E, K, and M.

<sup>14</sup> State of Indiana, Statistical Report, 1928, pp. 55-57.

Kansas;<sup>15</sup> and both counties by dispositions and dispositions by offenses in Iowa,<sup>16</sup> Michigan,<sup>17</sup> and Minnesota.<sup>18</sup> In four States, Connecticut,<sup>19</sup> Massachusetts,<sup>20</sup> North Carolina,<sup>21</sup> and North Dakota,<sup>22</sup> the reports show counties by offenses and also counties by dispositions.

In the four States just mentioned it is possible to tell from the tables the number of people convicted in County A, or the number of prosecutions for robbery that resulted in conviction. The relationship of fact three (county) is shown with fact one (offense) and fact two (disposition), but the relationship of facts one and two with each other is not. In seven States, Alabama,<sup>23</sup> Louisiana,<sup>24</sup> Maine,<sup>25</sup> Ohio,<sup>26</sup> South Carolina,<sup>27</sup> Texas,<sup>28</sup> and Utah,<sup>29</sup> the relationship of each of these facts with each other is shown by having one or more tables that state separately for each county or judicial district offenses by dispositions.

In the Alabama and Louisiana reports a considerable number of dispositions and of offenses are listed with the result that the figures cover 136 and 125 pages, respectively. In the South Carolina report the tables comprise only 74 pages, but the only dispositions given are "guilty" and "not guilty." The Maine table deals with comparatively few cases and would cover less than the 59 pages it takes up, except that it gives the name of each defendant. The Ohio report by using fine print and comparatively short lists of offenses and of dispositions manages to compress its 3-way table into 34 pages. The Texas and Utah reports use but 8 and 10 pages, respectively, but in each State only 4 dis-

<sup>15</sup> Judicial council, Second Annual Report, 1928, pp. 87-93, 107-118, 120-121, 134-137.

<sup>16</sup> Board of parole, Report, 1928, pp. 8-16.

<sup>17</sup> Attorney general, Biennial Report, 1928, pp. 824-830.

<sup>18</sup> Attorney general, Biennial Report, 1928, pp. 21-25.

<sup>19</sup> Biennial Report of the Criminal Business of the Courts, 1928, pp. 6-45.

<sup>20</sup> Commissioner of correction, Annual Report, 1928, pp. 132-155.

<sup>21</sup> Attorney general, Biennial Report, 1928, pp. 17-57.

<sup>22</sup> Attorney general, Report, 1928, opp. p. 36.

<sup>23</sup> Attorney general, Biennial Report, 1928, pp. 754-880.

<sup>24</sup> Attorney general, Statistical Report, 1928, pp. 68-102.

<sup>25</sup> Attorney general, Reports, 1928, pp. 400-520.

<sup>26</sup> Secretary of state, Ohio Statistics, 1928, pp. 219-257, 263-268.

<sup>27</sup> Attorney general, Annual Report, 1928, pp. 234-308.

<sup>28</sup> Attorney general, Biennial Report, 1928, pp. 78-92.

<sup>29</sup> Attorney general, Biennial Report, 1928, pp. 31-41.

positions are shown, and Texas lists only 10 offenses, while Utah saves space by reporting by 7 judicial districts instead of by counties. In short, no State shows counties by offenses by dispositions, that is, uses a 3-way table, without consuming a great amount of space or curtailing radically the list of offenses or of dispositions, or of both.

The great variations in the facts shown and the methods of showing them in State reports containing trial-court statistics have just been considered; but, except for occasional references to short lists of dispositions and of offenses, nothing has been said to indicate that the dispositions and offenses listed in the various reports differ. Needless to say, both lists differ greatly. The Massachusetts report lists 21 dispositions, that is, different ways in which cases get into and out of the court, for cases in the superior courts. At the other extreme is the South Carolina report, which contains but 2, "guilty" and "not guilty." The California and Ohio reports each show 10, but most of the reports list only from 6 to 8.

The two most common dispositions listed are "acquitted" and "convicted." "Pending," "nolled," "dismissed," "pleas of guilty," "suspended sentence," "probation," "fined," and "imprisoned" are also common entries. In general the reports concentrate in the dispositions that they list either on the steps in court procedure or on the sentence. Those that do the former show several entries like the following: "Pending at beginning of year," "filed during year," "change of venue," "nolled," "dismissed before trial," "pleaded guilty," "tried," "convicted," "acquitted," "hung jury," "dismissed after trial," "sentence suspended," "sentenced," and "pending at end of year." Reports that specialize on the sentence may show whether it is "death," "life," "a term of years," "fine and imprisonment," or "fine only," and whether it is to the "penitentiary" or "jail." They sometimes even name the penal institution to which the defendant is sentenced.

The lists of offenses also vary. The variations do not seem to be due primarily to variations in State statutes defining offenses, but rather to differences in the jurisdic-

tion of the courts, the frequency of prosecutions for each offense, and the ideas of the compiler of the statistics as to how best to shorten his list of offenses. The variations are greatest in the so-called minor offenses. Murder, manslaughter, robbery, assault, burglary, and larceny are contained in almost all the lists.

## 2. VALUE OF PRESENT TRIAL-COURT STATISTICS

Trial-court statistics have the undoubted merit of being in most cases correct, since they relate entirely to matters on the court record. They are valuable also because they are printed for nearly half the States of the Union. Within each of these States they can be used to compare the business of different courts and of the same court in different cities and counties. In all the States in which such statistics are printed they show some facts with regard to which it is desirable to be able to make comparisons, though of course their value is much greater in the States in which they cover a considerable number of dispositions and offenses.

For purposes of comparison between States, the existing criminal court statistics have some value; but this value is very much less than it would be if the many variations in the courts covered, lists of offenses and of dispositions, and methods of tabulating the statistics, could be eliminated, or at least materially reduced.

## 3. RECOMMENDATIONS

**Recommendation 8.**—The Bureau of the Census should establish a registration area for trial-court statistics.

It should not prove difficult to develop trial-court statistics to the point where a registration area including a considerable number of States could be created. Trustworthy records from which trial-court statistics might be obtained exist in almost every court. The problem of the falsification of the returns, so vital in the case of police statistics, does not exist. The statistical information obtained from court records might reflect on the wisdom of the statutes passed by the legislature regarding court procedure, or on the desirability of the customary judicial ways of doing business;

but in no event could it reflect on the honesty or ability of the clerk giving the information or his superiors.

Further, the clerk of a court has no opportunity to falsify his record except through carelessness, without doing an act which he knows is wrong. He is not called upon to exercise any discretion. It is his duty to file every paper handed to him. A police officer, on the other hand, is called upon, according to both of the systems in vogue for recording offenses known to the police, to exercise his discretion in determining whether a crime has in fact been committed. One system requires him to record only those of the reports of crimes made to him which he believes really represent offenses committed. The other system makes him record all reports of offenses, and then investigate and check off as unfounded those in which he believes no offense was in fact committed. In either system he must exercise his discretion without any precise standards for his guidance. In so doing every motive of personal interest is on the side of determining that after all no crime was committed.

The defects in trial-court statistics lie mainly in three directions:

First. Except in a few States, they do not cover the inferior criminal courts, such as police courts.

Second. The methods used in the reports of tabulating and presenting the figures are not uniform nor in many cases desirable.

Third. The lists of offenses and of dispositions used in the statistics vary greatly from State to State and are usually too short.

The extent of the difficulties of remedying these defects depends largely on how high you set your ideal for criminal statistics. Take first the question of the completeness of the area covered. Except in very few States the statistics now published do not cover all the courts of the State; that is, the inferior criminal courts, often called police courts in cities and justices of the peace in rural districts, are not included. Where the registration area is an entire State, the statistics should, of course, cover all the courts of the State. The inferior courts in cities keep good records and could doubtless in most States be induced to report without

much difficulty. To get every rural justice of the peace to report is in most States well-nigh impossible. But if returns from a few inferior courts of limited jurisdiction and few criminal cases are missing, the effect on the statistics is not serious.

The second defect, that of the imperfections and variations in the methods of tabulation and the form of the tables, is very serious from the point of view of comparability. It is one difficult to remedy completely and in all minor details, but if the blanks for the statistical tables and full instructions for filling them out were supplied by the Bureau of the Census, and if the State statistical bureaus were induced to use them, the variations in statistical practice should not prove serious after the system had been in operation for a few years.

The third defect is that of the inadequacies and differences in the lists of offenses and of dispositions used in reports of various States. Differences between States in the definitions of offenses will undoubtedly exist for many years, both because of the autonomy of State legislatures and because differences in local conditions require different laws. These differences may always prove an insurmountable barrier to absolutely comparable criminal statistics, but their importance from the statistical point of view can easily be overrated. Statistics are useful only for rough comparisons and small variations are unimportant. Suppose, for example, that State A makes an act burglary which is only larceny in State B. A number of defendants may be included under burglary in State A who would be placed under larceny in State B. But in all probability the number will be so small as to be completely invisible in the picture of total burglaries and total larcenies. Furthermore, variations in the laws of the different States reflect upon the comparability of all criminal statistics—police, court, probation, and institution, alike. Uniform State criminal laws can not, and should not, be obtained. We must either decide to forego all attempts at national criminal statistics or accept these differences as unavoidable and for most statistical purposes immaterial.



The differences between States in offenses have not prevented the Bureau of the Census from evolving a standard list of classified offenses<sup>30</sup> for use in its censuses of prisoners in penal institutions. That list is sufficient to secure practical comparability between States as to all classes of criminal statistics. Some States will doubtless desire to use that list in part of their tables in their own publications on criminal statistics, employing in the remainder a complete list of all the offenses known to their penal laws.

Differences in the dispositions listed in statistical tables are due almost entirely to differences in statistical practice and only slightly to differences in State laws. The fact that South Carolina, for example, reports only two dispositions, "guilty" and "not guilty," is not caused by these being the only possible court dispositions in that State. The collector of its statistics could include "dismissed," "fine," "jail," "State prison," "pending," etc., without requiring the courts to change one whit their methods of dealing with offenders. The great and important differences in the lists of dispositions used in the statistical reports of the various States are due to differences of opinion as to what is significant. These differences are occasioned by lack of knowledge. No adequate survey of what dispositions should be reported has ever been made. Of course, such a survey should be undertaken before the Bureau of the Census attempts to standardize procedure and create a registration area. This question will, however, be discussed under the next recommendation.

At least two, and perhaps three, advantages can be obtained by overcoming the difficulties just discussed and establishing a registration area. First, the statistics of offenses prosecuted can be used as an index of criminality; second, statistics on what happens in court will throw considerable light on the way the judicial machinery is combating the crime problem; third, it may be possible to make trial court statistics sufficiently detailed to indicate the weaknesses in court machinery that need to be discovered and remedied.

<sup>30</sup> Instructions for Compiling Criminal Statistics, published by the Bureau of the Census, 1927, ch. 2.

First. Consider statistics of prosecutions as an index to crime. In the last chapter it was pointed out that correct statistics of crimes known to the police are the best index of crimes committed. It was also explained in that chapter that such statistics are not in existence in this country and that, if we may judge by English experience, they will not be reliable for many years after they come into existence. In their absence, either arrests or prosecutions may be used as an index of crime. Of the two, the number of prosecutions is the more reliable figure and the easier to obtain. Hence it should be used as an index of crimes committed until such time as accurate statistics of crimes known to the police are available.

Second. Statistics of prosecutions and their disposition in court are extremely valuable aside from their bearing on the number of crimes committed. The court is the main battle ground in society's war on crime. It is therefore very important to know the number of defendants accused of various offenses and what happened to them in court—the proportion who are dismissed, acquitted, sentenced, etc. The value of this information is greatly increased if it is made comparable between different years and different places. It is difficult to overrate the value of court statistics. Put in the language of the English report,<sup>31</sup> judicial statistics—

are at once the most important, the most definite, and the most accurate of all criminal statistics.

Third. It may be possible to use court statistics to form a basis for estimates of the efficiency of the courts and to indicate desirable topics for further study to the end that the weaknesses in the judicial machine may be discovered and remedied. If court statistics are to serve this purpose, the dispositions listed must be many more than the five or six now commonly used. The main headings of court action must be subdivided so as to show more specifically what is going on. For example, it is necessary to distinguish between convictions on plea of guilty and convictions by trial,

<sup>31</sup> Judicial Statistics, England and Wales, 1893. Part I—Criminal Statistics, p. 14.

and between a defendant's plea of guilty of a lesser offense and a plea of guilty of the offense with which he was charged. It may be that the elaborate table of court dispositions recommended by the Bureau of the Census in Instructions for Compiling Criminal Statistics will serve the purpose, or perhaps a still more elaborate table may be needed. On the other hand, a table sufficiently elaborate to serve the purpose may require too much information from court clerks or be too intricate to be tabulated by the people who will actually operate the system. Thus the whole plan of designing court statistics to indicate the efficiency of the courts may be impossible. But nobody can be sure what can be done along this line with court statistics until a careful survey is made of the problem.

**Recommendation 9.**—As a prerequisite to the establishment of a registration area for trial-court statistics, a thorough survey should be made of existing court records.

Enough has already been said to indicate the great value to chief justices, judicial councils, and law reformers of having detailed statistics of court dispositions. Doubt has been expressed as to the practicability of obtaining such statistics. The only way to resolve that doubt is to make a careful and detailed investigation both as to how detailed and in what form court statistics need to be to furnish the desired information, and as to how much work is involved in getting the information off the court records. It may even prove desirable to devise more convenient systems of record keeping for some States.

All the necessary information concerning the offense with which the defendant was charged and what happened to the defendant in court is on the records of every court of record, but that information is often not recorded in such form as to be readily available for statistical purposes. The great difference between the problem of court statistics and that of police or probation statistics lies in this fact that all the information necessary for court statistics is now obtained and obtained accurately. The problem is merely one of devising practical means of getting it off the court record. While in the case of police and probation statis-

tics, the problem relates to the accuracy of the record as well as to the means of obtaining information from it.

The fact that the problem of court statistics is so much simpler than that of police or probation statistics is a reason why they should be the first to be included in a national system of criminal statistics. It is not, however, a reason why an inadequate or unworkable system of court statistics should be instituted. The more detailed the dispositions in court statistics are, the more valuable the statistics will be, but also the more difficult it will prove to obtain them. Just how detailed the dispositions can be without preventing the collection of court statistics nobody can tell without careful study and experimentation.

**Recommendation 10.**—Trial-court statistics should include only facts relating to the offenses and court dispositions of defendants.

Court records and court statistics at present relate in nearly all States wholly to the offense with which each defendant is charged and the disposition made of him by the court. They do not show the sex, color, age, occupation, etc., of defendants. It is undoubtedly very desirable for court statistics to contain accurate social statistics. However, in England social statistics, except sex and age, are not obtained from the courts but only from the prisons. In Canada a few social statistics are obtained from the courts; but uncertainty as to their accuracy and the large number of cases as to which no information is obtained, over a third in the question regarding the use of intoxicants,<sup>82</sup> make the statistics of little value.

The recent New York statute on criminal statistics<sup>83</sup> provides for ascertaining from courts the sex, age, nativity, occupation, marital status, whether native or alien, degree of education, religious instruction, whether of temperate or intemperate habits, recidivism, whether of urban or rural residence, and whether parents are living or dead of all persons convicted. The statute throws no light upon how the courts are to ascertain these facts. Some of them the clerk

<sup>82</sup> Dominion Bureau of Statistics, 49th Annual Report of Criminal Statistics, 1925, p. 171.

<sup>83</sup> Laws of New York, 1928, ch. 875, § 947.

of the court can doubtless ascertain with reasonable accuracy by looking at the defendant or asking him. However, the clerk certainly can not discover whether the defendant is a fourth offender subject to life imprisonment under the Baumes Act merely by asking him. Neither is a convicted defendant likely to admit that he is an alien and so perhaps liable to deportation, or even a chronic alcoholic needing institutional treatment.

If the time arrives when a sufficient number of trained social workers are attached to each court so that social case histories can be obtained of all convicted defendants before they are sentenced, then it will be possible to obtain from courts many correct and significant social statistics concerning all convicted offenders.

At present, however, the clerk in obtaining the information for the statistics must rely in the main on the word of the defendant. This means either that the social statistics must be very limited in scope or else that they, like some of the New York statistics, will contain a large and unpredictable amount of error.

It would seem, therefore, better not to collect social statistics at present from courts, but only from those agencies which have facilities for checking the correctness of the answers given by the defendants. The only two such agencies dealing with adult offenders are probation departments and penal institutions. This means, of course, that as long as the system of obtaining social statistics exclusively from these two agencies exists, they will never be obtained concerning convicted defendants who are neither imprisoned nor put on probation. In addition it will mean that for a considerable period they will be obtained only concerning defendants imprisoned in State penal institutions. County jails are not equipped to furnish any but the simplest social statistics, if any at all. Probation departments have the expert investigator; but, as is explained in the next chapter, adult probation statistics, though containing great possibilities, have not yet become sufficiently perfected and standardized to be included in a national system of criminal statistics.

Besides the advantage in accuracy to be obtained by getting social statistics from penal institutions and later from probation departments, instead of from the courts, this method has the further advantage of facilitating experimentation. Experimentation can scarcely be avoided in the field of social statistics. We are not now sure what are the significant social facts concerning defendants. Our ideas of what social statistics we should collect will doubtless change greatly in the next twenty years. If statutes are passed forcing courts to obtain especially for statistical use facts which later turn out not to be significant, it will create dissatisfaction. Further, it may prove necessary to enumerate in the statutes the information to be collected and thus make changes impossible without amending the statutes. On the other hand, State penal institutions will not object to supplying the Bureau of the Census in different years with different facts from the case histories which they collect not for statistical purposes, but to enable them better to handle their charges.

Another reason for not collecting social statistics from courts is that to do so would require the passage of a statute and a change in the methods of collecting and keeping court records in every State of the Union with the possible exception of New York, for social statistics do not possess the great merit of other varieties of court statistics, that is, the existence in every State of records from which they may be obtained, and, in the majority of States, of laws requiring their transmission to a central State authority.

## CHAPTER IV. ADULT PROBATION STATISTICS

### 1. PRESENT STATE OF ADULT PROBATION STATISTICS

#### A. PUBLICATION OF ADULT PROBATION STATISTICS

In seven States, Indiana, Massachusetts, Michigan, New York, Rhode Island, Vermont, and Wisconsin, State reports containing adult probation statistics for the entire State are printed. In 2 of these States and in 10 other States, one or more cities or counties print a report containing statistics of adult probation. The total number of such reports is 39, of which 18 come from New York.

Many of these reports also contain statistics concerning juveniles on probation, because the same department often handles both adult and juvenile cases. Juvenile probation statistics will not, however, be considered in this chapter, because statistics of juveniles are not included in this survey.

#### B. CONTENTS OF ADULT PROBATION STATISTICS

The statistics concerning adult probation contained in these State, county, and city reports differ greatly. If all the statistics concerning the work of probation departments, such as the number of cases investigated, the number of visits made and the amount of money collected, be disregarded and only the statistics concerning probationers be considered, there are 35 separate items of statistical information in these reports. A number of reports contain only some 1 item and the average report has but 5, while that of Essex County (Newark), N. J.,<sup>1</sup> shows 18.

The offense of which the probationer was convicted is given in 28 reports. Sex, age, and movement of probation population are stated in 20 or more. Other items commonly reported, though no one of them is contained in as many as

10 reports, are the results of probation,<sup>2</sup> number of times previously on probation, the length of the probation period, the name of the court from which received, and the marital condition, nationality, color, and religion of probationers. In short, there is no standardization in the printed statistics of adult probation.

### 2. VALUE OF PRESENT ADULT PROBATION STATISTICS

The value of present adult probation statistics is not great for three reasons:

First. They are not generally published, being printed for only 7 States and 39 cities or counties.

Second. The adult probation statistics do not contain comparable information, since of the 35 items of statistical information contained in one or more of the reports only 4 items occur in over a third of them.

Third. There is no uniformity in the methods by which the statistical information is gathered in various localities.

The lack of uniformity in the methods of collecting and interpreting the data for the statistics is not apparent from the reports themselves. It is, however, common knowledge to all who have visited various probation departments or attended the annual meetings of the National Probation Association. Further, its existence can be positively affirmed from the absence of any accepted guide and standardized procedure for collecting and compiling probation material. What constitutes success on probation or improvement on probation is just as various and illusive a term as what is a crime known to the police. Until the methods of gathering and tabulating statistical information concerning probationers are greatly improved and standardized, probation statistics will not be sufficiently accurate and uniform to have any considerable national value, no matter how useful locally.

<sup>2</sup> Shown in a great variety of ways. The headings of the city of Elmira (N. Y.) Municipal Reports, 1928, p. 301, are "Discharged with improvement," "Discharged without improvement," "Revoked and committed," "Transferred to other probation officers," "Absconded or lost from oversight."

<sup>1</sup> Essex County probation department, Twenty-fifth Annual Report, 1928.

## 3. RECOMMENDATIONS

**Recommendation 11.**—The Federal Government should not attempt to collect adult probation statistics until they have been further perfected and standardized.

The reasons just given for the small value of present adult probation statistics are also reasons why no attempt should be made at present to collect probation statistics on a national scale. Probation is a young and vigorous development, however, and material improvement in its statistics is to be expected in the near future. When that time comes, probation statistics will undoubtedly play a very important part in the scheme of national criminal statistics. Not only will probation statistics be the source of information concerning a growing and very important method of handling offenders, but they, together with prison statistics, will be the chief source of information concerning the social conditions of offenders.

The services which a department of the Federal Government in charge of criminal statistics can at present render toward the improvement of probation statistics are similar to those that it can furnish the cause of better police statistics. It can draw a model statute for the collection of probation statistics and assist in securing its passage in various States. It can draft blanks and instructions for the collection of probation statistics and place at the disposal of State, county, and city probation departments the services of its experts to assist them in solving their statistical problems.

## CHAPTER V. INSTITUTION STATISTICS

## 1. PRESENT STATE OF INSTITUTION STATISTICS

The penal institutions for adults in the United States divide themselves into two groups: First, State and Federal prisons and reformatories; and second, city and county jails, workhouses, houses of correction, lockups, etc. For convenience the term "prisons" will be used in this chapter to include all institutions in the first group, and the term "jails" to include all institutions in the second.

The reports containing statistics relating to prisoners in prisons and jails fall into three classes: First, the decennial and annual censuses of the United States Bureau of the Census; second, State and institution reports concerning prisons; and third, the State, county, and city reports dealing with jails.

Following the general plan of this survey, this chapter deals only with statistics concerning prisoners in prisons or jails, thus omitting financial statistics, which constitute the bulk of the statistics in institution reports. The statistics concerning prisoners often appear pitifully insufficient after the many pages of detailed financial statistics showing the nature and value of the produce raised and the sums expended and received down to purchases that might have been made in the local 5-and-10-cent store.

## A. PUBLICATION OF INSTITUTION STATISTICS

## 1. THE FEDERAL CENSUSES

Decennial censuses of imprisoned offenders have been made by the United States Bureau of the Census at intervals usually of 10 years ever since 1850. The last was taken in 1923. The results of that census are published in two reports entitled "Prisoners: 1923," and "The Prison-

er's Antecedents." In 1926 the Bureau of the Census commenced to take an annual census of prisoners in State and Federal penal institutions. To date only the report of the census of 1926 has been published. It is entitled "Prisoners in State and Federal Prisons and Reformatories: 1926."

## 2. STATE AND INSTITUTION REPORTS RELATING TO PRISONS

The annual Federal census of 1926 covers prisoners from 96 out of the 99<sup>1</sup> State and Federal prisons and reformatories. Of these 99 institutions, 89 print reports containing statistics either as separate documents or as part of the report of some State department. Thus it is necessary to rely on the Federal census alone for statistics concerning prisoners in only 10 of the institutions covered by the Federal census of 1926.<sup>2</sup>

## 3. STATE, COUNTY, AND CITY REPORTS RELATING TO JAILS

Jail statistics are published for the entire State in 13 States.<sup>3</sup> Reports containing some statistics concerning prisoners in jail are printed also by 58 cities and counties. Three-fourths of these cities and counties are located in Maine, Massachusetts, New Hampshire, and New York. Thus as the Federal annual census does not include jails, the only source of information concerning prisoners in the great majority of the jails of the United States is the Federal decennial census.

# B. CONTENTS OF INSTITUTION STATISTICS

## 1. DECENNIAL CENSUS OF 1923

The census of 1923 covered prisoners in city and county jails, workhouses, etc., as well as in State and Federal

<sup>1</sup> No reports were received for the State prisons of Alabama, Florida, and Idaho.

<sup>2</sup> See Appendix I for institutions printing reports, and New Jersey State prison.

<sup>3</sup> Alabama, California, Connecticut, Indiana, Kansas, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and Wisconsin. Ohio prints a report covering 4 workhouses only, and Georgia publishes a few statistics.

prisons and reformatories, but it omitted military prisoners. Insane and mentally defective prisoners if in separate institutions or separate departments of penal institutions, and all juvenile delinquents confined in institutions exclusively for juveniles, though covered by the census, were dealt with in separate reports. Like the census of 1910, that of 1923 deals only with prisoners serving sentences of imprisonment or committed for nonpayment of fine, thus omitting the large number of prisoners in city and county jails who are awaiting trial, held as witnesses, etc.

The information sought in the 1923 census concerning prisoners in city and county penal institutions is similar to that obtained in 1910. With regard to prisoners in State and Federal penal institutions, however, the 1923 census doubles the number of questions asked in 1910. The reason for this difference in the information sought concerning prisoners in city and county institutions and those in State and Federal institutions is due to the difference in the quantity and quality of the data collected by these two classes of institutions. The records of county jails in a large part of the country are so poor and the officials are so inexpert at obtaining and recording information, that it was not thought possible to obtain accurate replies to as elaborate questionnaires as could be answered by State prisons and reformatories.

The census of 1923 included both prisoners who were serving sentences in prisons and jails on January 1, 1923, and those committed to or released from such institutions from January 1 to June 30, 1923. The method of making the enumeration was to send to an employee of each institution card schedules, one to be filled out for each prisoner.

The bulk of the questions on the schedule dealt with prisoners committed between January 1 and June 30, 1923, because due to differences in length of sentence, statistics concerning prisoners admitted give a more accurate picture of persons sentenced to imprisonment than statistics relating to prisoners in institutions on a given date.

The data secured for prisoners committed to city and county institutions during the first six months of 1923

comprised sex, color or race, country of birth, mother tongue, age, offense of which convicted, sentence, and number of prior commitments; while for those leaving there was obtained the reason for leaving and time served. All the data secured from city and county institutions was obtained also from State and Federal prisons, and in addition for prisoners committed during the census period—marital condition, state of birth, the citizenship and time in the United States of the foreign born, literacy, school attendance, language spoken, locality where crime was committed, and length of time in this place, occupation, earnings, employment, relatives with whom prisoner lived, age of leaving parents, whether residence was urban or rural, prior commitments to penal and to other institutions, and war service.

All the information obtained by this census with regard to prisoners in, committed to, and released from county and city penal institutions was published in 1926 in a book entitled "Prisoners: 1923." This book also contains all the data collected relating to prisoners in State and Federal prisons and reformatories on January 1, 1923, and released from those institutions during the six months covered by the census. With regard to prisoners committed to prisons and reformatories during the census period, it contains the same data that was obtained concerning admissions to city and county penal institutions, except that relating to the number of prior commitments, and in addition, facts relating to marital condition, state of birth, and the citizenship and time in the United States of the foreign born. The remainder of the data collected concerning prisoners committed to State and Federal penal institutions was published in 1929 in *The Prisoner's Antecedents*.

## 2. ANNUAL CENSUS OF 1926

The scope of the annual census is much narrower than that of the decennial in that it omits entirely prisoners in city and county institutions. Further, its inquiries are much more limited than those in the decennial census, being

confined to questions relating to race, country of birth, sex, age, offense for which committed, sentence, recidivism, time served, and method of discharge.<sup>4</sup>

The plan is to use the annual census to obtain the most necessary and easily obtainable items of information, extending it to cover city and county institutions as the opportunity offers. This leaves the decennial census free to deal in considerable detail with special lines of inquiry. What lines of inquiry give promise of proving peculiarly fruitful will doubtless differ from decade to decade.

## 3. STATE AND INSTITUTION REPORTS RELATING TO PRISONS

Many of the reports of the State and Federal prisons and reformatories included in this survey are quite lengthy. No attempt was made to read the entire report of each institution to search for bits of statistical information concerning prisoners that might be scattered through the text. In addition, all statistics were omitted that were in special divisions of the reports, such as those given dental or medical treatment. But even with the investigation thus limited to the part of each report devoted to statistics, 89 different topics were found in the reports relating to these institutions.

The topics most commonly dealt with are movement of prison population, offense for which committed and sentence. Tables showing these facts are in over nine-tenths of the reports. The table on movement of prison population usually shows the number of arrivals and discharges for each variety of receipt or discharge, as well as the number of prisoners on hand at the beginning and at the end of the period covered by the report.

The table on offense for which committed lists the offenses as they appear on the commitment papers. The table on sentence varies greatly from institution to institution due in part at least to differences in the laws and practices in different States. The table may show only six or eight dif-

<sup>4</sup> An account of the information sought and the methods of obtaining it is given in ch. 3 of *Instructions for Compiling Criminal Statistics*, published by the Bureau of the Census.

ferent lengths of sentence or it may cover several pages, and in the case of indeterminate sentences show separately all the actual combinations of maxima and minima.

Nearly all the reports show the prisoners' color and sex. Probably the few institutions that do not report these facts omit them because they have prisoners of only one color or sex. Color as shown in prison reports usually means white or colored, but in a few instances includes also Indian, Japanese, Chinese, Mexican, and Portuguese.

Almost nine-tenths of the institutions reporting show also age, county or district from which received, State or country of birth, and education. The table on education may show whether the education received was none, grammar school, high school, or college. It may show in addition the grammar-school grade or high-school year. Whether the grades shown in the table represent the highest grades completed by the prisoners or only the highest grades attended, the reports seldom indicate. In reckoning up the number of institutions reporting education, there were included a number which divided the prisoners merely into literate and illiterate.

The age table may give actual years, but it is more common for it to group a number of years together in some manner such as under 21, 21 to 30, 31 to 40, etc., or under 21, 21 to 24, 25 to 34, etc.

Between 70 and 80 per cent of the reports include also occupation, religious belief, marital condition, and some one of a great variety of facts relating to recidivism. The most common table on recidivism shows former commitments by number. Former commitments refer sometimes to previous terms in the institution in question and sometimes to terms served in it or in other State penal institutions.

The prisoners' habits with regard to the use of intoxicating liquors are reported by a third of the institutions and their use of tobacco and narcotic drugs by a fourth.

Between 11 and 15 institution reports show the occupations of prisoners in the institution; the punishments the institution inflicts on them accompanied sometimes by the

causes of the punishments, the mental condition or intelligence of the prisoners, the country of birth of their parents, and whether the parents are dead, separated, etc.

Between 6 and 10 reports give also the physical condition of the prisoners, whether they have a venereal disease, the age at which they left their parents' home, and the time they have served in the institution.

In addition to the topics already mentioned 63 are statistically treated in the reports of 5 or less institutions, of which 46 are given in only one report.

#### 4. STATE, COUNTY, AND CITY REPORTS RELATING TO JAILS

State reports containing jail statistics are much more important than the city and county reports, both because of the greater number of institutions covered and because as a group they contain more statistics than do city and county reports. The discussion of the contents of jail statistics will, therefore, be limited to those in State reports.

The 13 State reports containing criminal statistics relating to prisoners in jail usually show at least some of their figures separately for each county. They contain in all 28 separate items of information concerning prisoners. Sex is the only item in as many as 10 reports. The only other facts shown in more than 3 reports are movement of jail population, offense, and color.

#### 2. VALUE OF PRESENT INSTITUTION STATISTICS

##### A. VALUE OF THE TWO FEDERAL CENSUSES

The value of the Federal decennial and annual censuses may be viewed from at least three different angles: First, the significance of each item of information they contain; second, a comparison of their contents with that of the English and Canadian censuses; and third, the probable accuracy of the information collected.

##### 1. IMPORTANCE OF TOPICS COVERED

No attempt will be made in this survey to try to evaluate the relative importance of the items of information secured



in these censuses. The importance of many of the items is to-day a question on which experts differ. The opinion of the writer on the significance of these items has already been published<sup>6</sup> and need not be repeated here.

## 2. COMPARISON OF THE FEDERAL CENSUSES WITH THOSE OF ENGLAND AND CANADA

A comparison of the two Federal censuses with those of England and Canada shows that the annual Federal census covers nearly as much ground as the English and Canadian compilations and that the Federal decennial census of 1923 deals with about twice as many topics as either the English or the Canadian.

The only respect in which the Federal censuses may fairly be said to be inferior to the English and Canadian is that the annual Federal census omits city and county institutions, which are covered by the English and Canadian censuses, and that the complete Federal census is decennial instead of annual like the English and Canadian compilations. On the other hand, the decennial Federal census contains a wealth of information omitted from the others.

English statistics of prisoners in penal institutions are published annually in two volumes, *Judicial Statistics, England and Wales—Criminal Statistics*, and *Report of the Commissioners of Prisons and the Directors of Convict Prisons*. The former shows for all convicted adult offenders, sex and age, and for prisoners, offense, nature and length of sentence, previous conviction, sex, age, degree of education, nativity, and occupation. The latter report contains statistics only on the employment and punishment of prisoners in prisons.

The Canadian annual report entitled "*Criminal Statistics*" gives for all persons convicted of indictable offenses all the information contained in the English volume on judicial statistics, except previous convictions, and in addition, information concerning religion, marital condition, use of intoxicating liquor, and whether residence was rural or urban.

<sup>6</sup> S. B. Warner: *New Federal Criminal Census*. 14 *Journal of Criminal Law and Criminology*, pp. 79-90.

Thus the annual English census tabulates 10 topics and the Canadian 11 as against 26 in the Federal decennial census of 1923.

The English statistics dwell in great detail upon two matters not included in either the Canadian or the Federal statistics, prison employments, and punishments. Both these subjects are important, but as to neither do comparable records exist in any considerable number of the penal institutions of this country.

The Canadian statistics deal with two topics not touched upon in the English and Federal compilations, but often shown in reports of State prisons. These topics are religion and the use of intoxicating liquor. Statistics on the use of liquor are of no value either to the institution or to the country at large. There are no statistics on the use of liquor by noncriminals with which these figures can be compared. Further, the figures are very unreliable, since the matter is one upon which prisoners have a strong interest in lying, and the majority of prisons do not check up the truthfulness of the prisoners' statements as to their use of liquor.

The Federal decennial census of 1923 covers all the topics included in either the English or the Canadian compilations, except the 4 just discussed, and in addition 16 other topics dealing mainly with immigration, population movement, the break-up of the family, or economic conditions.

## 3. PROBABLE ACCURACY OF THE INFORMATION IN THE FEDERAL CENSUSES

The weaknesses of the statistics used in the Federal censuses lie not in the methods of their collection and tabulation, for these are of the best, but in the accuracy of the information on the prison records. The reliability of prison records varies greatly from institution to institution. In some institutions the records are based almost entirely upon the statement of the prisoner. In others the answers of the prisoners are carefully checked by the investigations of a field worker. Further, the accuracy of the records varies with different items of information. Sex, color, and age, for example, can readily be obtained with a high degree of reliability, while it is almost impos-

sible to secure even reasonably complete information concerning the number of crimes previously committed. It is safe to assume that the figures of all penal institutions on the number of recidivists materially understate the facts, but how far they are from the truth nobody knows.

#### B. VALUE OF STATE AND INSTITUTION REPORTS RELATING TO PRISONS

The impossibility of Federal statistics showing their figures by individual institutions indicates the statistical function of the report of an individual institution and of a State department dealing with all the institutions in a single State. It is to show how the offenders of a particular institution agree with or differ from those of the country at large. Thus these reports can throw light upon the progress being made in particular localities and the need for peculiar measures to meet peculiar local conditions.

As an indication of local conditions, the majority of these reports are fairly adequate, but as a source from which information could be obtained as to the country at large they are highly unsatisfactory. In the first place there is no uniformity as to the period covered by the various reports. The reports in 14 of the 44 States printing reports of their penitentiaries or reformatories cover one year; 28, two years; 1, two and a half years; and 1, four years. Twenty-three of these States end their statistical year on June 30; 8, on December 31; 7, on September 30; 3, on November 30; 1, on January 1; 1, on May 31; and 1, on July 1. When to the confusion due to differing terminations of the statistical year and different lengths of the period covered is added that occasioned by varying practices as to the group of prisons covered by the statistics, the difficulties in the way of obtaining national statistics from the publications of individual institutions become insurmountable. Though the majority of institutions base most of their statistical tables on admissions to the institution during the period covered by the report, some base them on all the prisoners in the institution between these dates, still others on the number in the institution at the beginning

of the statistical period, and a few on the number there at the end of the period.

A comparison of the statistics concerning prisoners found in the reports of State and Federal prisons and reformatories with those in the English and Canadian national publications shows that every topic contained in the reports of over half the institutions is also in the English or Canadian reports, except color and county in which convicted. Further, every subject dealt with in the English and Canadian volumes is contained in the reports of over half the State penal institutions, except the use of intoxicating liquor, prison punishments, and occupation in the institution.

#### C. VALUE OF STATE, COUNTY, AND CITY REPORTS RELATING TO JAILS

Statistics in State, county, and city reports relating to prisoners in jails have value to the local communities in which these reports are published. Their value for national statistical purposes is small both because of the lack of uniformity in the topics they include and because they cover but twelve States and a sprinkling of cities in other States. They have value, however, as forming a nucleus around which it may be possible in the near future to construct a registration area for jail statistics.

### 3. RECOMMENDATIONS

**Recommendation 12.**—The Federal annual census of prisoners should be continued and extended as opportunity offers to include prisoners in jails.

At present the Federal decennial and annual censuses of prisoners in State and Federal prisons and reformatories are giving us on a national scale all the statistical information needed concerning prisoners in these institutions. The decennial census adequately covers statistics of prisoners in jails. These are, however, omitted from the annual census. The next step in the development of institution statistics is, therefore, to extend the annual census to cover jails. This has been recommended by Leon E. Truesdell, Chief

Statistician of the Bureau of the Census.<sup>6</sup> Thus the only object of recommendation 12 is to express approval of this project.

**Recommendation 13.**—The Federal decennial census of prisoners should be used to make special inquiries into matters not covered by the annual census.

This recommendation also is merely one of approval, because the Bureau of the Census hopes to be able to use the next decennial census for this purpose.

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<sup>6</sup> 23 (N. S.) American Statistical Association Journal, p. 133.

## CHAPTER VI. CONCLUSION

### 1. SUMMARY OF FINDINGS

Crime statistics, that is, statistics of offenses of various sorts that are known to the police, are for practical purposes nonexistent in the United States. They exist for no entire State and for only 14 cities, and where they do exist their accuracy is doubtful.

Police statistics of arrests are printed for one entire State, Massachusetts, and for nearly half of the cities over 30,000 inhabitants. Unfortunately they are not sufficiently standardized to be of much comparative value.

Court statistics showing the disposition of criminal cases in the principal trial courts of the State are published by the attorney general or some other State official in 23 States. In addition there are a number of reports dealing with the work of individual courts. The content and methods of tabulation of court statistics differ so from State to State that comparisons between States are extremely difficult and hazardous.

Adult probation statistics are compiled for seven States and a number of cities and counties. Here again the value of the statistics for comparative purposes is almost completely ruined by lack of uniformity.

Statistics of prisoners in State and Federal prisons and reformatories are printed in the Federal decennial census of prisoners, the Federal annual census of prisoners, and the individual reports of nine-tenths of the institutions. Statistics of prisoners in jails are contained in the Federal decennial census of prisoners, State reports for 13 States, and scattering county and city reports.

To summarize the situation, the only criminal statistics now printed that are both adequate and comparable on a national scale are those contained in the Federal decennial

and annual censuses of prisoners in institutions. Statistics of court proceedings are compiled for all the principal trial courts in many States and make accurate intrastate comparisons possible, but they lack standardization between States. Police and probation statistics are lacking both in standardization and in state-wide compilation.

## 2. SUMMARY OF RECOMMENDATIONS

As appears from the findings, we have not to-day adequate criminal statistics except as to penal institutions. The defects in our criminal statistics are three:

First. For many States and parts of States no statistics at all exist.

Second. Where statistics are gathered by political divisions smaller than States, there is no comparability within the State.

Third. Where they are gathered by State agencies for the whole State, there is no comparability between States.

The task of persuading all the separate police departments, courts, probation departments, and jails of each State to collect and compile criminal statistics on a comparable basis is too gigantic to be undertaken by the Federal Government. The Federal Government should not try to collect criminal statistics directly from city or county agencies. The only practical way to proceed is to get a single State agency in each State to collect criminal statistics for the entire State.

State agencies charged with the duty of collecting some criminal statistics, usually from courts, exist in over half the States. The problem is to extend and perfect the work of these agencies. In most respects this is a task for each individual State and one that must be worked out by it alone. There are, however, two important services which the Federal Government can render the States in collecting criminal statistics:

First. By undertaking the research necessary to determine what is the best form of a State statute for the collection of criminal statistics and how State statistical bureaus had best go about collecting criminal statistics and compiling them, it can supply the States

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## 1 OF 3

with technical assistance that they otherwise might not obtain.

Second. By creating a registration area for criminal statistics and publishing annually the statistics of those States that follow its recommendations, it can bring about uniformity in the criminal statistics collected by the different States.

This method of securing adequate and uniform statistics for the whole Nation is entirely practicable. It has been used by the Bureau of the Census with signal success to obtain uniform vital statistics from the States. This method has long been recognized as the most feasible way of obtaining criminal statistics, having been recommended by Prof. Louis N. Robinson as long ago as 1910.<sup>1</sup>

Further, if the Federal Government obtains criminal statistics through State statistical bureaus, the benefit to the States will be much greater than if it secures them directly from individual cities, courts, institutions, etc. The greatest usefulness of criminal statistics lies in the information they furnish to those administering the various State, county, and city agencies dealing with crime prevention. If a State statistical bureau collects criminal statistics, comparative data as to how local units are operating will necessarily be compiled and placed at the disposal of those in charge of these agencies. But if the Federal Government collects the information it desires directly from individual city and county agencies, it will not be assisting in making such local information available. The limitations of space will, of course, force the statistical publications of the Federal Government to show figures only by groups of States or at very best by individual States.

As soon as the necessary authorization has been secured from Congress and the preliminary investigation carried out, a registration area for court statistics can be created. It may also prove desirable to create at the same time a registration area for prison and jail statistics. Probation statistics should soon be sufficiently developed to permit the creation of a registration area for them.

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<sup>1</sup> L. N. Robinson, *Criminal Statistics in the United States*, p. 99.

Correct police statistics showing crimes known to the police are undoubtedly very valuable. Unfortunately, if we may judge by English experience, many years are likely to pass before such statistics become reliable. In fact for a number of years the National Government will probably not find it desirable to include any police statistics in its statistical publications, but will be obliged to confine its efforts regarding such statistics to investigation and advice.

## APPENDIX I

CHECK LIST OF PRINTED REPORTS CONTAINING  
CRIMINAL STATISTICS

The method of collecting the material for this check list is described in chapter 1, section 3. As stated in section 2 of chapter 1, this check list covers only current, official, printed reports made at regular intervals. No reference is made to financial statistics or to statistics relating to anything other than the amount of crime, the characteristics of offenders, and the handling of offenders.

If a State report contains criminal statistics collected from city or county officials, that fact is stated under the name of the report. Whenever a police report gives statistics of offenses known to the police, that fact is noted. The principal statistical tables in State prison reports are mentioned to show the statistical information concerning serious offenders available in each State.

The year given after the name of each report refers, whenever possible without a misdescription of the report, to the last year or fraction of a year covered by the statistics in the report and not to the year of publication.

## FEDERAL

## COURTS

## Attorney General—Annual Report, 1929.

Movement of criminal cases by circuits and disposition by major divisions of Federal jurisdiction. For paroles, district from which committed, by offense and by institution in which confined. Also some data from *Annual Reports, Federal Penal and Correctional Institutions*.

## Chief of the Children's Bureau—16th Annual Report, 1928, p. 28.

Number delinquency cases disposed of by sex in each of 42 juvenile courts.

## PENAL INSTITUTIONS

## Bureau of the Census—Prisoners, 1923.

Crime conditions in the United States as reflected in census statistics of imprisoned offenders, decennial census, 1923.

**Bureau of the Census—The Prisoner's Antecedents.**

Statistics concerning the previous life of offenders committed to State and Federal prisons and reformatories, part of decennial census, 1923.

**Bureau of the Census—Prisoners in State and Federal Prisons and Reformatories, 1926.**

Report of annual census of nearly all State and Federal prisons and reformatories.

**Department of Justice—Annual Reports, Federal Penal and Correctional Institutions, 1929.**

Separate report for each institution.

**Bureau of the Census—Children Under Institutional Care, 1923.**

Decennial census of delinquent and neglected children in institutions.

**ALABAMA****POLICE****CITY REPORT:**

Mobile—Report of the Board of Commissioners, 1928, pp. 33-38.

**COURTS****STATE REPORT:**

Attorney General—Biennial Report, 1928, pp. 9-10, 754-889.

Disposition on appeal of cases in court of appeals and supreme court.

Disposition of circuit court cases by offense and county.

**STATE PENAL INSTITUTIONS****State Board of Administration—Quadrennial Report, 1926.**

Statistics of nine prisons lumped together. Movement of population, sex, color, age, county, offense, sentence, and occupation within institution.

**Alabama Boys' Industrial School—Annual Report of the Superintendent, 1928.****JAILS****State Prison Inspector—Report, 1923.**

Movement of population of each county jail by sex and color; also average time served and number of prisoners in each jail by months.

**State Prison Inspector—A Comparative Statement Relative to Certain Conditions Obtaining in the County Jails, 1928.**

Largely material selected from Report of State Prison Inspector.

**ALASKA****United States Department of the Interior—Annual Report of the Governor of Alaska, 1928.**

Nothing.

**ARIZONA****STATE PENAL INSTITUTIONS****Arizona State Industrial School—Annual Report of Superintendent, 1929.****ARKANSAS****POLICE****CITY REPORT:**

Little Rock—Yearbook, 1928, pp. 34-37.

**COURTS****STATE REPORT:**

Attorney General—Biennial Report, 1928, pp. 284-305.

Statistical summary of disposition of cases in Supreme Court. Disposition, sex, and color of felony cases in circuit court by judicial district and offense.

**STATE PENAL INSTITUTIONS****Arkansas State Penitentiary—Report, 1928.**

Statistics of prisoners include movement of population, color, sex, age, education, occupation, religion, nativity, county, offense, sentence, and parole.

**Arkansas Boys Industrial School—Report, 1928.**

Arkansas Training School for Girls—4th Biennial Report, 1928.

**CALIFORNIA****POLICE****STATE REPORT:**

California State Bureau of Criminal Identification and Investigation—Report, 1928.

Offense, race, and sex of persons arrested in the State whose cases passed through the bureau.

## CITY REPORT:

Berkeley—5th Annual Report of the City Manager, 1928, p. 72.

Number of complaints and number of arrests for six offenses.

Compton—1st Annual Report, 1927, pp. 25-26.

Los Angeles—Annual Report of the Police Department, 1929.

Excellent report. Charges and clearances for 14 offenses; also by offense the sex, age, race, nativity, occupation, changed charges and disposition of persons arrested, citizenship and length of time in country, State, and county of arrested persons.

Palo Alto—19th Annual Report, 1928, pp. 62-63.

Redlands—Report of the City Clerk, 1929, p. 13.

Richmond—City Auditor's Annual Report, 1929, p. 24.

San Diego—Annual Report of the Police Department, 1926.  
Nationality of persons arrested.

San Mateo—Annual Report of the City, 1928, pp. 14-17.  
Complaints and arrests for 22 offenses.

Santa Barbara—Annual Report, 1928, pp. 10-11.

Stockton—Annual Report of the Police Department, 1927.  
Number of burglaries and holdups committed; also nativity and occupation of persons arrested.

## COURTS

## STATE REPORTS:

Attorney General—Biennial Report, 1928, pp. 84-99.

Disposition of criminal cases in district court of appeals and supreme court.

Disposition of felony cases in superior court by counties.

Judicial Council of California—2d Report, 1928.

Excellent report. Elaborate statistics on disposition of all classes of criminal cases in all trial courts.

## CITY REPORTS:

Berkeley—5th Annual Report of the City Manager, 1928, p. 72.

Justice court.

Pomona—Annual Report of the Auditor, 1929, p. 32.

Report of police judge.

San Francisco—Annual Report of H. I. Mulcrevy, County Clerk, 1929.

Superior, police, and juvenile courts.

## STATE PENAL INSTITUTIONS

State Board of Prison Directors—Biennial Report, 1928.

Reports of San Quentin and Folsom. Statistics differ slightly. Those for Folsom show movement of population, county, color, age, nativity, offense, sentence, recidivism, education, occupation, occupation in prison, religion, and movement of parole population.

Preston School of Industry—Biennial Report, 1926.

Governor C. C. Young—Reprieves, Commutations, and Pardons, 1929.

Account of governor's reasons for acting in each case.

## JAILS

## STATE REPORT:

Department of Social Welfare—1st Biennial Report, 1928, pp. 138-139.

Movement of jail population by sex and counties.

## COUNTY REPORT:

Los Angeles—Report of the Probation Committee on Juvenile Hall and El Retiro, 1929.

## COLORADO

## POLICE

## CITY REPORTS:

Denver—Annual Report of Police Department, 1928.

Offense, sex, age, occupation, and nativity of persons arrested.

Longmont—Annual Reports of City Departments, 1929.

Pueblo—City Controller's Annual Statement, 1928, pp. 40-49.

## COURTS

## STATE REPORT:

Attorney General—Biennial Report, 1928, pp. 20-21.

Disposition of criminal cases in supreme court.

## CITY REPORT:

Denver—7th Annual Report of the Clerk of the District Court, 1925.

## STATE PENAL INSTITUTIONS

Colorado State Penitentiary—26th Biennial Report of Colorado Board of Corrections and Warden, 1928.

Movement of population, county, nativity, age, offense, sentence, recidivism, offenses, and punishments in institution, occupation, marital condition, habits re liquor and tobacco, literacy, religion, and movement parole population.



- Colorado State Reformatory—Biennial Report of State Board of Corrections and Warden, 1928.  
Boys' Industrial Training School—Yearbook and 24th Biennial Report, 1928.  
Colorado State Industrial School for Girls—Biennial Report of the Board of Control, 1928.

## CONNECTICUT

## POLICE

## STATE REPORT:

State Police Department—Reports, 1928.

## CITY REPORTS:

- Ansonia—Annual Report, 1928, pp. 54-61.  
Bridgeport—Municipal Register, 1929, pp. 113-129.  
Bristol—Report, 1928, pp. 114-123.  
Danbury—Yearbook, 1927-8, pp. 30-31, 64-66, 106-108, 135-137.  
Enfield—Annual Report, 1929, pp. 131-133.  
Meriden—Municipal Register, 1928, pp. 38-52.  
Middletown—Annual Message of the Mayor, etc., 1928, pp. 74-81.  
Milford—Yearbook, 1928, pp. 77-78.  
New Britain—Municipal Record, 1927, pp. 154-172.  
New Haven—Annual Report of the Department of Police Service, 1928.  
New London—Annual Report, 1928, pp. 15-16.  
Norwich—Council Journal, 1929, pp. 372-373.  
Putnam—Municipal Register, 1928, pp. 44-45.  
Rockville—Municipal Register, 1928, pp. 23-26.  
Stamford—Annual Report, 1928, pp. 42-56.  
Stratford—Annual Report, 1928, p. 31.

Crimes committed more than twenty times by name and number of times.

- Wallingford—Annual Report of the Officers, 1928, p. 43.  
Waterbury—Annual Report of the Police Department, 1928.  
Willimantic—Annual Statement of the Mayor, 1928, pp. 115-119.  
Winchester and Winsted—Annual Reports of the Officers, 1929, pp. 59-60.

## COURTS

## STATE REPORTS:

Comptroller—Biennial Report of the Criminal Business of the Courts, 1928.

Disposition of cases in superior court and common pleas court by counties.

Judicial Council of Connecticut—1st Report, 1928.

No criminal statistics not in Biennial Report of the Criminal Business of the Courts.

## CITY REPORTS (of city and juvenile courts):

- Bridgeport—Municipal Register, 1929, pp. 261-264.  
East Hartford—Annual Report of the Town Officers and Town School Committee, 1929, pp. 33-36.  
Manchester—Annual Reports of the Selectmen and Town Officers, 1929, p. 48.  
Meriden—Municipal Register, 1928, p. 94.  
New Haven—4th Annual Report of the Bureau of Domestic Relation and the Juvenile Court, 1928.

## PROBATION

## CITY REPORTS:

- Bristol—Report, 1928, pp. 124-127.  
New London—Annual Report, 1928, pp. 49-53.

## STATE PENAL INSTITUTIONS

- Connecticut State Prison—Report of the Directors, 1928.  
Statistics recommended by Bureau of the Census in Instructions for Compiling Criminal Statistics.  
Connecticut Reformatory—Report of the Directors, 1928.  
Statistics recommended by Bureau of the Census, in Instructions for Compiling Criminal Statistics.  
Connecticut State Farm for Women—Biennial Report of the Board of Directors, 1928.  
Long Lane Farm—Report of the Board of Directors, 1928.  
Department of Public Welfare—Report, 1928.  
Reports of all State penal institutions, including Connecticut School for Boys.  
Commission on State Institutions—Initial Report, 1927.  
Much interesting information and a few statistics.

## JAILS

## STATE REPORT:

- County Commissioners—Returns in Relation to Jails, etc., 1928.  
Good jail statistics by counties.  
Department of Public Welfare—Report, 1928, p. 47.

## DELAWARE

## POLICE

## STATE REPORTS:

State Highway Department—Annual Report, 1928, pp. 21-22.

Arrests by highway police.

## CITY REPORT:

Wilmington—Annual Report of the Superintendent of Public Safety for the Bureau of Police, 1928.

## STATE PENAL INSTITUTIONS

Delaware Industrial School for Girls—Report, 1928.  
Industrial School for Colored Girls of Delaware—Report, 1928.

New Castle County Workhouse (a State institution)—Biennial Report, 1928.

## DISTRICT OF COLUMBIA

## POLICE

Metropolitan Police—Report of the Major and Superintendent, 1929.

Elaborate statistics on murders and manslaughters committed.

## COURTS

Juvenile Court of the District of Columbia—Senate Doc. No. 265, 1928.

Excellent statistics.

## PENAL INSTITUTIONS

Board of Public Welfare—Report, 1929.

Contains reports of the reformatory, workhouse, asylum, and jail, and of the two training schools.

## FLORIDA

## POLICE

## CITY REPORT:

Miami—1st Annual Report, Department of Public Safety, 1929.

Excellent report. Number and disposition of offenses known to the police by seven serious offenses and their subdivisions. Age, sex, nativity, and color of persons arrested.

## COURTS

## STATE REPORT:

Attorney General—Biennial Report, 1928, pp. 49-112.

Varying statistics concerning criminal cases in each court of record.

## CITY REPORT:

Tallahassee—7th and 8th Annual Reports, 1928, p. 12.

Municipal court report.

## STATE PENAL INSTITUTIONS

State Prison Farm—20th Biennial Report of the Prison Division of the Department of Agriculture, 1928.

Movement of population, county, sex, color, age, and offense.

Florida Industrial School for Boys—Biennial Report, 1928.

## GEORGIA

## POLICE

## CITY REPORTS:

Atlanta—48th Annual Report, Chief of Police, 1928.

Crimes known to police reported for seven offenses. Sex, color, age, occupation, nativity, offense, and disposition of persons arrested.

Augusta—Yearbook of the City Council, 1928, pp. 125-141.

Crimes known to the police reported for four offenses, possibly included. Headings of tables misleading.

Brunswick—Annual Report, 1928, pp. 8-10.

Cordele—Annual Report, 1928, p. 6.

Decatur—Annual Report, 1928, one unnumbered page.

## STATE PENAL INSTITUTIONS

Prison Commission—2d Biennial Report, 1928.

Deals both with prisoners at State prison farm and those leased out. Movement of population, color, sex, age, county, offense, sentence, recidivism, literacy, marital condition, and occupation.

Georgia Training School for Boys—Biennial Report, 1929.

Georgia Training School for Girls—Biennial Report of the Board of Managers, 1928.

## JAILS

## STATE REPORT:

Department of Public Welfare—Biennial Report, 1928, pp. 22-26.

Few statistics. Not by individual jails.

## HAWAII

## COURTS

Governor of Hawaii—Annual Report, 1927, pp. 127-131.  
Criminal cases in territorial and Federal courts.

## PENAL INSTITUTIONS

Board of Industrial Schools—Report, 1928.  
Governor of Hawaii—Annual Report, 1927, pp. 90-91,  
124-127.  
Statistics relating to prisoners in Oahu prison and the industrial  
schools.

## IDAHO

## COURTS

STATE REPORT:  
Attorney General—Report, 1928, pp. 203-206.  
Cases in supreme court.

## STATE PENAL INSTITUTIONS

Idaho State Penitentiary—Biennial Report, 1928.  
Movement of population, nativity, parent nativity, race, sex, age,  
county, offense, sentence, recidivism, education, occupation,  
marital condition, religion, years of residence in Idaho, age  
left parents' home and habits re liquor.  
Idaho Industrial Training School—13th Biennial Report,  
1928.

## ILLINOIS

## POLICE

CITY REPORTS:  
Chicago—Annual Report, Police Department, 1928.  
Offense, disposition, sex, nativity, age, marital condition, and  
occupation of persons arrested. Elaborate statistics of homi-  
cides known to the police.  
Dixon—Annual Financial Report, 1929, pp. 26-28.  
Forest Park—Annual Report of Village Officials, 1929,  
p. 30.  
Kewanee—Auditor's and Municipal Officers' Annual Re-  
ports, 1929, pp. 30-31.  
Paris—14th Annual Report, 1929, p. 4.  
Quincy—Annual Reports of the City Officers, 1928, pp.  
24-34.  
Rockford—Annual Reports, 1928, pp. 88-104.

## COURTS

STATE REPORT:  
Attorney General—Report and Opinions, 1928, pp. 534-  
543.  
Cases in supreme court.  
CITY REPORTS:  
Chicago—19th, 20th, 21st, and 22d Annual Report of the  
Municipal Court, 1928.  
Many statistical tables, especially as to cases on probation.  
Quincy—Annual Reports of the City Officers, 1928, pp.  
35-36.  
Report of police magistrate.

## PROBATION

COUNTY REPORTS:  
Cook—16th Annual Report of the Adult Probation Depart-  
ment, 1927.  
Fine report. Race, nationality, sex, age, offense, occupation,  
marital condition, and results of probation.  
Cook—Annual Report, Juvenile Court Branch of the Insti-  
tute for Juvenile Research, 1927.  
Fine report containing elaborate statistics of cases before juvenile  
court and on probation.

## STATE PENAL INSTITUTIONS

Department of Public Welfare—11th Annual Report, 1928.  
Reports of the statistician, the criminologist, and the seven State  
penal institutions. Most of the statistics in the report of the  
statistician. Movement of population, race, nativity, citizen-  
ship, county, age, offense, sentence, recidivism, religion, educa-  
tion, habits re alcohol and drugs, urban or rural environment,  
and employed or unemployed at time of commitment.  
St. Charles School for Boys—Annual Report, 1927.

## JAILS

CITY AND COUNTY REPORTS:  
Cook County—Annual Report, Juvenile Court Branch of  
the Institute for Juvenile Research, 1927.  
Report of the superintendent of the juvenile detention home.  
Quincy—Annual Reports of the City Officers, 1928, pp.  
44-46.

## INDIANA.

## POLICE

## STATE REPORT:

Yearbook of the State of Indiana, 1928, pp. 31-34.  
Report of the State police.

## CITY REPORTS:

Goshen—Annual Report, 1928, pp. 13-17.  
Huntington—Annual Report of the City Clerk, 1928, pp. 22-23.  
Lafayette—Annual Report, 1928, pp. 38-40.  
Mishawaka—Annual Report, 1928, pp. 81-83.  
Terre Haute—Proceedings of the Common Council, April 20, 1929, pp. 82-89.

## COURTS

## STATE REPORTS:

Statistical Report for the State of Indiana, 1928, pp. 55-57.  
Disposition of cases in circuit, superior, and criminal courts by counties.

## CITY REPORTS (of city courts):

Huntington—Annual Report of the City Clerk, 1928, p. 20.  
Lafayette—Annual Report, 1928, p. 26.  
Mishawaka—Annual Report, 1928, pp. 49-50.

## PROBATION

Year Book of the State of Indiana, 1928, pp. 456-462.  
Statistics for entire State of persons on probation by county.

## STATE PENAL INSTITUTIONS

Indiana State Prison—Annual Report, 1928.

Greatest number of items of statistical information of any prison report in the United States. Tables are in form recommended by Bureau of the Census, in Instructions for Compiling Criminal Statistics.

Indiana Reformatory—Annual Report, 1928.  
Indiana State Farm—14th Annual Report, 1928.  
Indiana Woman's Prison—57th Annual Report, 1928.  
Indiana Boys' School—62d Annual Report, 1928.  
Indiana Girls' School—22d Annual Report of the Board of Trustees, 1928.

## JAILS

Board of State Charities—39th Annual Report, 1928, pp. 279-281.  
Admissions and population for entire State by sex and county.

## IOWA

## POLICE

## CITY REPORTS:

Davenport—Annual Report, 1929, pp. 79-84.  
Des Moines—City Auditor's 21st Annual Report, 1929, pp. 125-144.  
Dubuque—Report, 1926, pp. 45-46.  
Fort Dodge—Annual Reports of the City Officers, 1929, pp. 54-56, 58-59.  
Keokuk—19th Annual Report, 1929, pp. 5-7.  
Mason City—Annual Report, 1929, p. 5.

## COURTS

## STATE REPORTS:

Attorney General—Report, 1928, pp. 8-15, 30-33.  
Disposition of cases in supreme court and Report of Bureau of Investigation.

Board of Parole—Report, 1928, pp. 8-16.  
Disposition of criminal cases by counties.

## CITY REPORT (of police magistrate):

Fort Dodge—Annual Reports of the City Officers, 1929, pp. 56-58.

## STATE PENAL INSTITUTIONS

State Penitentiary—43d Biennial Report of the Warden, 1928.

Second largest number of items of statistical information in any American prison report.

Women's Reformatory—6th Biennial Report of the Superintendent, 1928.

Training School for Boys—31st Biennial Report of the Superintendent and 11th Biennial Report of the State Agents, 1928.

Training School for Girls—31st Biennial Report of the Superintendent and 12th Biennial Report of the State Agent, 1928.

## Board of Control—16th Biennial Report, 1928.

Many facts for State penal institutions as a group, but nothing not in individual reports.

## Board of Parole—Report, 1928.

Governor of Iowa—Report of Pardons, Suspensions, and Commutations of Sentence and Remissions of Fines, 1928.

## KANSAS

## POLICE

## CITY REPORTS:

Atchison—Annual Report of the City Manager, 1928, pp. 20-22.

Hays—6th Annual Report, 1928, one unnumbered page.

## COURTS

## STATE REPORTS:

Judicial Council of Kansas—2d Annual Report, 1928.

Seventy-two pages of elaborate statistics on civil and criminal cases in all courts in Kansas showing time of disposition as well as nature of disposition. Criminal cases shown by courts and counties, but not by offenses.

State Board of Administration—Statistics, 1928, pp. 13-20.  
Disposition of cases in juvenile and district courts by county.

## STATE PENAL INSTITUTIONS

Kansas State Penitentiary—26th Biennial Report, 1928.

Movement of population, race, nativity, age, offense, sentence, recidivism, causes of downfall, education, occupation, marital condition, habits re liquor, tobacco and drugs, religion, time served, movement of parole population and for those paroled, offense, race, and offenses on parole.

Kansas State Industrial Reformatory—17th Biennial Report, 1928.

State Industrial Farm for Women—6th Biennial Report, 1928.

Boy's Industrial School—24th Biennial Report, 1928.

Girls' Industrial School—20th Biennial Report, 1928.

Board of Administration—6th Biennial Report, 1928.

Reports of all five State penal institutions.

State Board of Administration—Statistics, 1928, pp. 8-9.  
Population by counties of each State penal institution.

## JAILS

## STATE REPORT:

State Board of Administration—Statistics 1928, pp. 22-23.  
Population of county jails by county.

## KENTUCKY

## POLICE

## CITY REPORTS:

Bellevue—Reports of City Officers, 1928, p. 14.

Lexington—Annual Report, 1925, pp. 69-71.

Louisville—Annual Report of the Police Department, 1928.

Statistics of homicides known to the police.

## STATE PENAL INSTITUTIONS

State Board of Charities and Corrections—Report, 1927, p. 62.

Movement of population in houses of reform, girls' department houses of reform, reformatory and penitentiary.

## LOUISIANA

## POLICE

## CITY REPORT:

Shreveport—Biennial Report of the Mayor and Commissioners, 1926, pp. 37-41.

## COURTS

## STATE REPORTS:

Attorney General—Statistical Report, 1928.

Disposition of cases in supreme court. Reports of district attorneys showing disposition by offense of cases prosecuted by them. Separate table for each parish.

Louisiana State Board of Charities and Corrections—Annual Report, 1927, pp. 37-39.

Dispositions of juvenile-court cases in 1925 and 1926 in some parishes.

## PARISH REPORT:

Orleans—Report of Juvenile Court, 1925.

## MAINE

## POLICE

## CITY REPORTS:

Auburn—Annual Report, 1928, pp. 14-17.

Augusta—Mayor's Address and Annual Reports, 1928, pp. 55-57.

Bangor—Annual Reports, 1927, pp. 273-276.

Bath—81st Annual Report, 1929, pp. 110-111.

Biddeford—Annual Report, 1929, pp. 59-60.

Brewer—Annual Reports, 1929, p. 43.

Brunswick—190th Annual Report of the Selectmen, 1929, pp. 107-111.  
 Eastport—36th Annual Report of the Several Departments, 1929, pp. 33-34.  
 Lewiston—66th Annual Report of the Receipts and Expenses, 1929, pp. 36-42.  
 Portland—Annual Report, 1928, pp. 148-154.  
 Rockland—75th Annual Report, 1928, pp. 24-25.  
 Saco—62d Annual Report, 1929, p. 89.  
 South Portland—30th Annual Report of the City of South Portland, 1929, pp. 86-87.  
 Waterville—City Report, 1929, pp. 86-90.  
 Westbrook—Annual Reports, 1928, p. 7.

## COURTS

## STATE REPORT:

Attorney General—Report, 1928, pp. 460-520 (for 1928).  
 Name, offense, and disposition of criminal cases handled by each county attorney.

## PROBATION

## COUNTY REPORTS:

Androscoggin—A Statement of the Financial Condition, 1928, p. 23.  
 Aroostook—Financial Conditions, 1928, p. 16.  
 Kennebec—Annual Statement of the Financial Condition, 1928, p. 32.  
 Penobscot—Annual Statement, 1928, pp. 50-52.  
 Piscataquis—Statement of the Financial Condition, 1928, p. 20.  
 Washington—Financial Statement, 1928, p. 15.

## STATE PENAL INSTITUTIONS

Department of Public Welfare—10th Report, 1928, p. 30.  
 Average daily population, number inmates admitted, and number discharged during year by institution.

## JAILS

## COUNTY REPORTS:

Androscoggin—A Statement of the Financial Condition, 1928, pp. 21-22.  
 Aroostook—Financial Condition, 1928, pp. 14-15.  
 Hancock—A Statement of the Financial Condition, 1928, p. 23.  
 Kennebec—Annual Statement of the Financial Condition, 1928, p. 31.

Knox—Statement of the Financial Condition, 1928, pp. 15-16.  
 Penobscot—Annual Statement of the Financial Condition, 1928, pp. 48-49.  
 Piscataquis—Statement of the Financial Condition, 1928, p. 21.  
 Somerset—Statement of the Financial Condition, 1928, p. 20.  
 Washington—Financial Statement, 1928, p. 15.

## MARYLAND

## POLICE

## CITY REPORT:

Baltimore—Report of the Police Commissioner, 1928.  
 Offenses reported to the police by 12 offenses.

## COURTS

## STATE REPORT:

Attorney General—Annual Report and Official Opinions, 1928, pp. 3-6.  
 Cases in court of appeals.

## CITY REPORTS:

Baltimore—5th Annual Report of the State's Attorney, 1929.  
 Baltimore—Report of the Juvenile Court, 1926.  
 Good report. Much statistical information both as to children brought before the court and as to those placed on probation.

## PROBATION

## CITY AND COUNTY REPORTS:

Baltimore—Report of the Probation Department, 1929.  
 Harford County—Annual Report of Probation Officer, 1929.  
 Juveniles only.

## STATE PENAL INSTITUTIONS

Board of Welfare—7th Annual Report, 1929, pp. 1-98.  
 Report of penitentiary and house of correction. Former shows sex, color, age, nativity, county, offense, sentence, recidivism, occupation, religion, literacy, habits re drugs and liquor, marital condition, left orphans, and movement of population.  
 Maryland Training School for Boys—60th Report of the Board of Managers, 1928.  
 House of Reformation for Colored Boys—Biennial Report of the Board of Managers, 1928.

Board of State Aid and Charities—14th Biennial Report, 1928, p. 18.

Population of seven reformatories for juveniles.

Parole Commissioner—Report, 1928.

#### JAILS

##### CITY REPORT:

Baltimore—Annual Report of the Visitors to the City Jail, 1928.

#### MASSACHUSETTS

##### POLICE

##### STATE REPORTS:

Commissioner of Correction—Annual Report, 1928, pp. 125-131.

Arrests in entire State by county, sex, and 3 offense groups; also by city and 12 offenses. Arrests for drunkenness by city, month, and sex.

Commissioner of Public Safety—Annual Report, 1927.

Arrests by State police.

##### CITY REPORTS:

Abington—216th Annual Report of Officers and Committees, 1928, pp. 49-51.

Adams—Annual Report, 1928, pp. 101-113.

Agawam—Annual Report of Town Officers, 1928, pp. 60-61.

Amesbury—Annual Report, 1928, pp. 70-76.

Andover—Annual Report of the Receipts and Expenditures, 1928, pp. 59-60.

Arlington—122d Annual Report of the Town Officers, 1928, pp. 180-184.

Belmont—Reports of the Town Officers, 1928, pp. 258-262.

Bedford—Annual Reports of the Officers, 1928, pp. 154-156.

Beverly—City Documents, 1928, 89-95.

Boston—23d Annual Report of the Police Commissioner, 1928.

Brockton—Annual Report of the City Marshal, 1928. Also contained in Municipal Register, 1928, pp. 149-162.

Brookline—Annual Report of the Chief of Police, 1928.

Also contained in 223d Annual Report of the Town Officers, 1928, pp. 151-161.

Cambridge—Annual Report of the Police Department, 1929.

Chelmsford—Annual Report, 1928, pp. 98-99.

Chelsea—City Documents, 1928, pp. 65-74.

Chicopee—Annual Report of Chief of Police, 1928.

Clinton—Official Reports, 1928, pp. 23-33.

Cohasset—Town Report, 1928, pp. 186-189.

Concord—Annual Report of the Officers, 1928, pp. 48-50.

Danvers—Statement of the Accounts, 1928, pp. 110-115.

Dedham—293d Annual Report of the Town Officers, 1928, pp. 20-25.

Easthampton—Annual Reports, 1928, pp. 143-149.

Easton—Annual Report of the Officers, 1928, p. 71.

Fall River—Annual Report of the Board of Police, 1928.

Fitchburg—Annual Report of Police Department, 1928.

Also contained in Fitchburg City Documents, 1928, pp. 233-249.

Framingham—228th Annual Report, 1928, pp. 226-227.

Franklin—71st Annual Report of the Officers, 1928, pp. 60-61.

Gardner—Annual Report, 1928, pp. 65-69.

Gloucester—City Documents, 1928, pp. 203-207.

Great Barrington—Annual Reports of the Officers, 1928, pp. 70-71.

Greenfield—176th Annual Report of the Town Officers, 1929, pp. 144-147.

Haverhill—Annual Report of the City Marshal, 1928.

Hingham—Annual Report of the Town of Hingham, 1927, pp. 112-113.

Holyoke—Annual Report of the Department of Police, 1928. Also contained in Holyoke City Documents, 1928, pp. 262-279.

Hudson—Annual Reports of the Several Boards of Town Officers, 1928, pp. 62-64.

Leominster—Report of Police Department, 1928. Also contained in City Government of 1928, pp. 75-80.

Lexington—Annual Reports of the Town Officers, 1928, pp. 156-158.

Lowell—Annual Report of the Police Department, 1928.

Lynn—Annual Report of the Chief of Police, 1928.

Malden—Annual Report of the Police Commissioner, 1928.

Also contained in Annual Reports, 1928, pp. 59-66.

Manchester—Annual Report of the Receipts and Expenditures, 1928, pp. 202-204.

Mansfield—Annual Report of the Town Officers, 1928, pp. 20-22.

Marblehead—Annual Report, 1928, pp. 67-70.

Maynard—Annual Reports of Town Officers, 1928, pp. 11-12.

Medfield—278th Annual Report of the Town Officers, 1928, pp. 31-33.

Medford—Annual Reports, 1928, pp. 147-151.

- Methuen—Annual Reports, 1928, not paged consecutively.  
 Middleboro—Annual Report of the Town Officers, 1928, pp. 66-69.  
 Montague—Annual Reports, 1928, p. 113.  
 Nahant—73d Annual Report, 1925, pp. 63-66.  
 Natick—Reports of Town Officers, 1928, pp. 29-32.  
 Needham—217th Annual Report of the Officers, 1928, pp. 87-90.  
 New Bedford—Annual Report of the Chief of Police, 1928. Also contained in City Documents, 1928. Not paged consecutively.  
 Newburyport—Annual Reports, 1928, pp. 135-138.  
 Newton—Annual Report of the Chief of Police, 1928.  
 North Adams—Annual Report of the Police Department, 1928. Also contained in 33d Annual Report of the City, 1928, pp. 103-110.  
 North Andover—Annual Report, 1928, pp. 45-46.  
 Northhampton—Annual City Reports, 1928, pp. 331-333.  
 Northbridge—Annual Reports of the Town Officers, 1928, pp. 67-68.  
 Norwood—Municipal Story for 1928, pp. 171-176.  
 Orange—Annual Report of the Town Officers, 1928 p. 114.  
 Palmer—Annual Reports of the Town Officers, 1928, pp. 128-129.  
 Peabody—Annual Report of the Chief of Police, 1928.  
 Pittsfield—Annual Report of the Police Department, 1928. Also contained in Municipal Register, 1929, pp. 173-189.  
 Plymouth—Annual Report of the Town Officers, 1928, pp. 89-93.  
 Quincy—Departmental Reports for the Year 1928, pp. 193-202.  
 Reading—Annual Report for the Financial Year, 1928, pp. 66-67.  
 Rockland—55th Annual Report of the Town Officers, 1928, pp. 101-105.  
 Salem—Annual Report of the Police Department, 1928. Also contained in Salem City Documents, 1928, pp. 60-68.  
 Saugus—113th Annual Report, 1928, pp. 200-203.  
 Shrewsbury—Annual Report of the Town Officers, pp. 73-75.  
 Somerville—Annual Report of the Chief of Police, 1928. Also contained in Annual Reports, 1928, pp. 169-180.  
 Crimes known to the police by assaults, burglaries, larcenies, robberies, and a few minor offenses.

- Southbridge—Annual Reports of the Town Officers, 1928, pp. 71-74.  
 South Hadley—Annual Reports of the Town Officers, 1928, pp. 91-92.  
 Stoneham—Reports of Town Officers, 1928, pp. 133-135.  
 Stoughton—202d Annual Report, 1928, pp. 113-115.  
 Springfield—Annual Report of the Board of Police Commissioners, 1928. Also contained in City Documents, 1929, pp. 133-159.  
 Swampscott—Town Documents, 77th Annual Report, 1928, pp. 165-168.  
 Wakefield—117th Annual Report, 1928, pp. 87-90.  
 Walpole—204th Annual Report of the Town Officers, 1928, pp. 158-162.  
 Waltham—Annual Reports of the Public Safety Departments, 1928.  
 Ware—Annual Report of the Town Officers, 1928, pp. 15-17.  
 Watertown—Annual Reports of the Officers, 1928, pp. 414-421.  
 Webster—Annual Report of the Town Officers, 1928, pp. 131-134.  
 Wellesley—48th Annual Report of the Town Officers, 1928, pp. 31-32.  
 Westfield—Annual Reports, 1928, pp. 98-102.  
 Westminster—Annual Reports of the Town Officers, 1928, p. 27.  
 West Springfield—Annual Reports of the Town Officers, 1928, pp. 115-119.  
 Weymouth—Town Report, 1928, pp. 170-172.  
 Whitman—54th Annual Report of the Town Officers and Committees, 1928, pp. 117-119.  
 Winchendon—Annual Reports of the Officers, 1928, pp. 26-27.  
 Winchester—Annual Report of the Town Officers of Winchester, 1928, pp. 171-176.  
 Winthrop—77th Annual Report of the Officers, 1928, pp. 279-281.  
 Woburn—Annual Report of the Government, 1928, pp. 40-45.  
 Worcester—Report of the Chief of Police, 1928.

## COURTS

## STATE REPORTS:

- Commissioner of Correction—Annual Report, 1928, pp. 132-155.  
 Excellent report. Statistics of prosecutions in all courts except supreme court.



**Judicial Council of Massachusetts—4th Report, 1928, pp. 122-123.**

Only statistics not in Annual Report of Commissioner of Correction is complete list of prosecutions in Boston municipal court, by offense.

**Administrative Committee of District Courts—Statistics of the District Courts of Massachusetts, 1928.**

A single sheet. Only statistics not in Annual Report of Commissioner of Correction are prosecutions for operating a motor vehicle under the influence of liquor, by courts.

**PROBATION**

**STATE REPORTS:**

**Commissioner of Correction—Annual Report, 1928, pp. 135-136.**

Number of persons placed on probation by each superior court.

**Commission on Probation—Annual Report, 1927.**

Excellent report. Statistics concerning persons placed on probation and the results of probation. Tables by age and court. Also number of persons arrested for drunkenness and released by probation department without court appearance, a fact not shown in Annual Report of Commissioner of Correction.

**STATE PENAL INSTITUTIONS**

**Commissioner of Correction—Annual Report, 1928, pp. 1-89.**

Excellent report. Reports of State prison, Massachusetts reformatory, reformatory for women, prison camp and hospital, and State farm. Statistics differ from the different institutions. Most elaborate are those of State prison, which show in addition to the usual population table, admissions classified by offense and sentence, offense and age, offense and nativity, offense and parent nativity, number and places of former commitments, conjugal condition, and literacy. Also statistics on parole.

**Trustees of Massachusetts Training Schools—Annual Report, 1928.**

Reports of Lyman school for boys, industrial school for boys, and industrial school for girls.

**JAILS AND HOUSES OF CORRECTION**

**STATE REPORT:**

**Commissioner of Correction—Annual Report, 1928, pp. 105-125.**

Sentence, sex, and recidivism by name of institution and offense. Age, nativity, parent nativity, conjugal condition, and literacy for all jails and houses of correction combined.

**CITY AND COUNTY REPORTS:**

- Berkshire County—Treasurer's Report, etc., 1928, p. 52.  
 Boston—Annual Report of the Penal Institutions Department, 1927, pp. 1-21.  
 Essex County—Report of Treasurer and County Commissioners, 1928. Part II, pp. 81-89.  
 Hampden County—Treasurer's Report, 1928, pp. 143-148.  
 Middlesex County—County Treasurer's Report, 1928, Part II, pp. 43, 65-79.  
 Norfolk County—Reports of Treasurer and County Commissioners, 1928. Part II, pp. 57-58.  
 Plymouth County—Treasurer's Report and Commissioners' Report, 1928, pp. 94-97.  
 Salem—Annual Report of Superintendent of Plummer Farm School, 1928, pp. 1-20.  
 Webster—Annual Reports of the Town Officers, 1928, pp. 129-130.  
 Worcester County—County Treasurer's Report, 1928, pp. 180-185.

**MICHIGAN**

**POLICE**

**STATE REPORT:**

**Department of Public Safety—Report, 1929.**  
 Work of State police.

**CITY REPORTS:**

**Detroit—63d Annual Report, Detroit Police Department, 1928.**

Excellent report. For seven offenses and subdivision of them, offenses known to the police, unfounded, actual offenses, cleared, not cleared, and reported not cleared other years—cleared. Many other tables.

**Detroit—Annual Reports, 1928, pp. 369-387.**

Different report from that printed separately. Contains a different list of offenses known to the police.

**Ironwood—Annual Report, 1929, pp. 33-35.**

**Kalamazoo—Annual Report, 1928, pp. 15-22.**

Complaints by offense for a number of offenses. Figures obviously incorrect; only two larcenies recorded.

**Marquette—Reports, 1928, p. 54.**

**Plymouth—Annual Report, 1928, pp. 26-27.**

**Pontiac—Annual Report, 1928, pp. 27-32.**

**Traverse City—Annual Reports, 1928, p. 40.**

## COURTS

## STATE REPORT:

Attorney General—Biennial Report, 1928. Schedules B, K, and L.

Disposition of cases in supreme court, and of cases of prosecuting attorneys in lower courts.

## CITY AND COUNTY REPORTS:

Detroit—Annual Report of the Clerk of the Recorder's Court, 1928.

Ironwood—Annual Report, 1929, p. 41.

Report of justice of the peace.

Kent County—Proceedings of the Board of Supervisors, 1928, pp. 116-117.

Annual report of juvenile court.

Marquette—Reports, 1928, p. 53.

Report of the municipal court.

Van Buren County—Proceedings of the Board of Supervisors, 1929, pp. 54-56.

Report of prosecuting attorney.

## PROBATION

## STATE REPORT:

Michigan State Welfare Commission—29th Biennial Report, 1928, pp. 60-63.

Movement of probation population by courts.

## COUNTY REPORT:

Kent—Proceedings of the Board of Supervisors, 1928, 100-101.

## STATE PENAL INSTITUTIONS

Michigan State Prison—Statistical Report, July, 1929.

Monthly report. Movement of population, county, offense, sentence, recidivism, nativity, race, occupation, war service, age, marital condition, religion, and education.

Commissioner of Pardons and Paroles—Report, 1928.

Also statistics concerning prisoners in State prison, U. P. branch of State prison, Michigan reformatory, and Detroit house of correction.

## JAILS

## CITY AND COUNTY REPORTS:

Detroit—68th Annual Report of the Detroit House of Correction, 1928. Also Annual Reports, City of Detroit, 1928, pp. 226-328.

Kent County—Proceedings of the Board of Supervisors, 1928, pp. 98-99, 101-103.

Van Buren County—Proceedings of the Board of Supervisors, 1929, pp. 5-7, 32-33.

## MINNESOTA

## POLICE

## CITY REPORTS:

Duluth—Annual Report of the Police Department of the Division of Public Safety, 1928.

Minneapolis—Annual Report, Department of Police, 1927.

## COURTS

## STATE REPORT:

Attorney General—Biennial Report, 1928, pp. 12, 19, 21-30.

Disposition of cases prosecuted by the attorney general in the supreme court and in the district courts. Disposition of cases prosecuted by county attorneys in district, municipal, and justice courts by county and offense.

## COUNTY REPORT:

Hennepin—The Juvenile Court, 1928.

Statistics concerning juvenile court, juvenile and adult probation, and county institution for delinquent boys.

## PROBATION

## COUNTY REPORT:

Ramsey—23d Annual Report of the Probation Officer, 1928.

Statistics concerning probation, juvenile court, district court, and the two county institutions for juvenile delinquents.

## STATE PENAL INSTITUTIONS

Minnesota State Prison—25th Biennial Report, 1928.

Movement of population, nativity, county, age, offense, sentence, prior commitments, parent nativity, education, religion, occupation, marital condition, number of children, habits re liquor, and movement of parole population.

Minnesota State Reformatory—Biennial Report, 1928.

Minnesota State Reformatory for Women—4th Biennial Report, 1928.

Minnesota Training School for Boys and Home School for Girls—Reports of Superintendents, 1928.

State Board of Control—14th Biennial Report, 1928.

Duplicates to a considerable degree the institution reports.

Board of Parole—9th Biennial Report, 1928.

## MISSISSIPPI

## POLICE

## CITY REPORT:

Meridian—Financial Statement, 1928, p. 11.

## COURTS

## STATE REPORT:

Attorney General—Biennial Report, 1927.

Disposition of cases in supreme court.

## STATE PENAL INSTITUTIONS

Mississippi State Penitentiary—Biennial Report of the Board of Trustees, Superintendent, and Other Officers, 1927.

Movement of population, race, sex, age, nativity, county, offense, sentence, year in which sentenced, literacy, marital condition, religion, occupation, pardons, etc.

Mississippi Industrial and Training School—6th Biennial Report, 1927.

## MISSOURI

## POLICE

## CITY REPORT:

St. Louis—68th Annual Report of the Board of Police Commissioners, 1929.

## STATE PENAL INSTITUTIONS

Department of Penal Institutions—Biennial Report, 1928.

Reports of penitentiary and three State institutions for juvenile delinquents. Statistical tables for penitentiary show movement of population, color, sex, nativity, county, age, offense, sentence, recidivism, education, and occupation.

## MONTANA

## COURTS

## STATE REPORT:

Attorney General—Report, 1928, pp. xviii–xix, xxii, xxx.

Disposition of cases of attorney general in supreme and district courts. Disposition of cases of county attorneys by county and offense.

## STATE PENAL INSTITUTIONS

Montana State Prison—26th Biennial Report, 1928.

Movement of population, color, native or foreign born, sex, age, county, offense, sentence, recidivism, pleas on trial, religion, marital condition, literacy, and average number of trustees outside the walls.

Montana State Industrial School—21st Annual Report of the Executive Board, 1929.

## NEBRASKA

## POLICE

## CITY REPORTS:

Fairbury—Annual Reports, 1928, pp. 39–46.

Lincoln—25th Annual Report of the Auditor, 1928, pp. 17–20.

## COURTS

## COUNTY REPORT:

Douglas—Annual Report of the County Clerk, 1928, pp. 37–38. Report of Juvenile Court.

## STATE PENAL INSTITUTIONS

State Penitentiary—Biennial Report of the Warden, 1927.

Movement of population, sex, race, nativity, county, age, offense, sentence, religion, education, occupation, and marital condition.

State Reformatory for Men—Biennial Report of the Superintendent, 1927.

State Reformatory for Women—Biennial Report of the Superintendent, 1927.

State Industrial School—Biennial Report of the Superintendent, 1927.

Girls' Training School—Biennial Report of the Superintendent, 1927.

Nebraska Industrial Home—Biennial Report of the Superintendent, 1927.

Board of Control—7th Biennial Report, 1927.

Contains reports of all State penal institutions.

## NEVADA

## STATE PENAL INSTITUTIONS

State Penitentiary—Biennial Report of the Superintendent, Nevada State Police, and Warden, State Penitentiary, 1928.

No police statistics. As to prisoners in State penitentiary, movement of population, nativity, county, and age.

Nevada School of Industry—Biennial Report, 1928.

## NEW HAMPSHIRE

## POLICE

## CITY REPORTS:

Berlin—32d Annual Report, 1929, pp. 44-51.

Claremont—Annual Reports of the Selectmen and Other Town Officers, 1929, pp. 114-115.

Concord—76th Annual Report, 1928, pp. 227-233.

Dever—Annual Report of the Receipts and Expenditures, 1928, pp. 84-87.

Franklin—Annual Report of the Municipal Government, 1928, p. 87.

Hanover—28th Annual Report of the Officers of the Village Precinct, 1929, pp. 43-44.

Keene—Annual Report, 1928, pp. 483-490.

Laconia—Report, 1929, pp. 113-116.

Lebanon—Annual Report of the Selectmen and Other Town Officers, 1929, p. 80.

Nashua—76th Annual Report, 1928, pp. 167-173.

Newport—Annual Report, 1928, p. 48.

Pembroke—Annual Reports, 1929, p. 30.

Plymouth—Annual Report, 1928, p. 30.

Portsmouth—Annual Report, 1927, pp. 77-78.

Rochester—Annual Report, 1928, pp. 112-114.

## COURTS

## STATE REPORT:

Attorney General—Report, 1928, pp. 89-93.

Disposition of cases of attorney general in supreme and superior courts.

## CITY AND COUNTY REPORTS:

Belknap County—Reports, 1928, p. 42.

Carroll County—Annual Report, 1928, p. 50.

Cheshire County—Reports of County Commissioners, etc., 1928, pp. 66-78.

Coos County—Report, 1928, pp. 67-74.

Dover—Annual Report of the Receipts and Expenditures for the Municipal Year, 1928, pp. 88-90.

Franklin—Annual Report, 1928, p. 88.

Grafton County—Annual Report of the Commissioners, 1928, pp. 56-58.

Hanover—Annual Report of the Selectmen, 1929, pp. 37-38.

Merrimack County—Reports, 1928, pp. 96-98.

Rockingham County—Reports of the County Commissioners, 1928, pp. 100-110.

Strafford County—Reports, 1928, pp. 113-120.

Sullivan County—Annual Reports of the Commissioners, etc., 1928, p. 65.

## PROBATION

## CITY REPORT:

Franklin—Annual Report, 1928, p. 89.

## STATE PENAL INSTITUTIONS

Report of Purchasing Agent and State Institutions, 1928.

Bound in this report but separately paged are report of the officers of the New Hampshire State prison and report of the superintendent of the industrial school. Prison statistics on movement of population, age, nativity, offense, religion, education, occupation, domestic relations, and habits re liquor and tobacco.

## JAILS AND HOUSES OF CORRECTION

## STATE REPORT:

State Board of Charities and Correction—17th Biennial Report, 1928, pp. 68-81.

Number of prisoners committed during year and present at end of year by sex for each jail and house of correction in the State.

## COUNTY REPORTS:

Belknap—Belknap County Reports, 1928, pp. 33-39.

Carroll—Annual Report, 1928, p. 49.

Cheshire—Reports of the County Commissioners, etc., 1928, pp. 45-52.

Coos—Coos County Report, 1928, pp. 56-62.

Grafton—Annual Report of the Commissioners, 1928, pp. 28-52.

Hillsborough—Annual Reports, 1928, pp. 118-199, 218.

Merrimack—Merrimack County Reports, 1928, pp. 65-93.

Rockingham—Reports of the County Commissioners, 1928, pp. 53-99.

Strafford—Strafford County Reports, 1928, pp. 10-64, 111-112.  
 Sullivan—Annual Reports of the Commissioners, etc., 1928, pp. 12-59.

## NEW JERSEY

## POLICE

STATE REPORT:  
 Department of State Police—8th Annual Report, 1929.

CITY REPORTS:  
 Belleville—Annual Report of the Board of Commissioners, 1927, pp. 15-16.  
 East Orange—Annual Report, 1928, pp. 13-17.  
 Englewood—Annual Report of the Police Department, 1928.  
 Irvington—Annual Report of the Municipal Accounts, 1928, pp. 47-58.  
 Morristown—Yearbook, 1928, p. 27.  
 New Brunswick—Annual Reports of Officers, 1928, pp. 62-63.  
 Paterson—Annual Report of the Chief of Police, 1927.  
 Plainfield—Annual Report, 1928, pp. 50-53.  
 Summit—Annual Report, 1928, pp. 36-38.  
 Vineland—Annual Statement, 1928, p. 35.  
 Woodbury—Annual Report of Finances and Departmental Workings, 1928, p. 39.

## COURTS

CITY REPORTS:  
 East Orange—Annual Report, 1928, pp. 93-94. Report of Recorder's Court.  
 Plainfield—Annual Report, 1928, p. 54.

## PROBATION

COUNTY REPORTS:  
 Essex—About a Laboratory of Human Affairs, Annual Report of Probation Department, 1928.  
 Hudson—Annual Report for 1928, Probation Bureau.  
 Union—Report of the Probation Officer, 1918 to 1928.

## STATE PENAL INSTITUTIONS

New Jersey Reformatory—27th Annual Report of the Board of Managers, 1927.

## INSTITUTIONS FOR JUVENILES

Newark City Home—55th Annual Report, 1928.

## NEW MEXICO

## STATE PENAL INSTITUTIONS

New Mexico State Penitentiary—Report of Board of Commissioners and Superintendent, 1929.

Movement of population, race, nativity, county, sex, age, offense, sentence, recidivism, education, marital condition, religion, occupation in institution, and movement of parole population.

## NEW YORK

## POLICE

STATE REPORT:  
 New York State Troopers—Annual Report, 1928.

CITY REPORTS:  
 Albany—29th Annual Report of the Commissioner of Public Safety, 1928, pp. 19-50.  
 Auburn—Council Proceedings, 1928, pp. 5-9.  
 Buffalo—Annual Report of the Police Department, 1928.  
 Fine report. Eight offenses by number known to police, per cent cleared by arrest, and number and per cent of arrests convicted. Seven offenses by month and time of day. Numerous other tables.

Elmira—Municipal Reports, 1928, pp. 359-375.  
 Newburgh—Annual Reports, 1927, p. 27.  
 New York City—Police—Semiannual Report, June 30, 1929.

Good report aimed to appeal to esprit de corps of department. Eleven offenses by cases reported, cleared by arrest, cleared otherwise, and pending. Homicides classified by motive and robberies and burglaries by place.

New York City—Police Department—Annual Report, 1928.  
 Differs from semiannual report. Arrests and dispositions by sex and offense given in such detail as to offense that table occupies 40 pages.

Niagara Falls—Annual Reports of the City Manager and City Auditor, 1928, pp. 31-34.

Oswego—Mayor's Annual Report, 1928, pp. 108-111.  
 Poughkeepsie—Annual Reports of City Government, 1928, pp. 41-47.

**Rochester—Annual Report of the Police Bureau, 1928.**

Best statistics of any American police report. Fine charts showing for various separate crimes, number of crimes, of arrests, and of cases with property recovery. Many tables.

**Schenectady—Proceedings of the Common Council, 1928, pp. 148-162.**

"Complaints attended by members of the uniform force" by 11 offense classes.

## COURTS

## STATE REPORT:

**New York Crime Commission—Report, 1928.**

This particular report is not issued regularly, but inasmuch as the criminal-court statistics of New York State have been issued regularly in the past by the secretary of state, and are to be issued regularly in the future by the department of correction, it is thought best to include here the current official report which contains such court statistics.

## REPORTS OF CHILDREN'S COURTS:

**Albany County—Journal of the Board of Supervisors, 1928, pp. 531-536.**

**Buffalo—17th Annual Report of the Children's Court, 1928.**

**Cattaraugus County—Proceedings of Board of Supervisors, 1927, pp. 371-374.**

**Chenango County—Board of Supervisors, Journal of Proceedings, 1928, pp. 101-103.**

**Clinton County—Proceedings of Board of Supervisors, 1928, pp. 239-241.**

**Columbia County—Proceedings of the Board of Supervisors, 1928, pp. 465-478.**

**Delaware County—Proceedings of the Board of Supervisors, 1928, pp. 264-268.**

**Dutchess County—Proceedings of Board of Supervisors, 1928, pp. 429-439.**

**Fulton County—Proceedings of the Board of Supervisors, 1928, pp. 292-293.**

**Genesee County—Proceedings of the Board of Supervisors, 1928, p. 186.**

**Greene County—Journal of Proceedings of the Board of Supervisors, 1928, pp. 134-136.**

**Herkimer County—Annual Report of the Children's Court, 1928.**

**Monroe County—Annual Report of the Children's Division, County Court, 1928.**

**New York City—Annual Report of the Children's Court, 1928.**

**Oneida County—Proceedings of the Board of Supervisors, 1928, pp. 587-593.**

**Orleans County—Supervisors' Proceedings, 1928, pp. 307-308.**

**Oswego County—Journal of Proceedings, Board of Supervisors, 1928, pp. 245-250.**

**Rockland County—Proceedings of the Board of Supervisors, 1928, pp. 373-374.**

**St. Lawrence County—Proceedings of the Board of Supervisors, 1928, pp. 51-52.**

**Schenectady County—Board of Supervisors, Proceedings of 1928, pp. 272-273.**

**Schuyler County—Proceedings of the Board of Supervisors, 1928, pp. 144-146.**

**Sullivan County—Proceedings of the Board of Supervisors, 1928, pp. 186-195.**

**Ulster County—Proceedings of the Board of Supervisors, 1928, pp. 426-429.**

**Washington County—Proceedings of the Board of Supervisors, 1928, pp. 80-83.**

**Westchester County—Annual Report, Children's Court, 1927.**

**Yates County—Proceedings of the Board of Supervisors, 1928, pp. 93-94.**

## REPORTS OF COURTS OTHER THAN CHILDREN'S COURTS:

**Chenango County—Board of Supervisors, Journal of Proceedings, 1928, pp. 254-257.**

**Elmira—Municipal Reports, 1928, pp. 359-375.**

**New York City—Annual Report of the Court of Special Sessions, 1928.**

**New York City—Annual Report, City Magistrates' Courts, 1928.**

**Syracuse—Annual Report of the Court of Special Sessions, 1928.**

## REPORTS OF DISTRICT ATTORNEYS:

**Cattaraugus County—Proceedings of Board of Supervisors, 1927, pp. 506-508.**

**Monroe County—Proceedings of the Board of Supervisors, 1928, pp. 84-89.**

**Ontario County—Proceedings of the Board of Supervisors, 1928, pp. 257-271.**

**Oswego County—Journal of Proceedings, Board of Supervisors, 1928, pp. 165-174.**

**Rensselaer County—Journal of the Board of Supervisors, 1928, pp. 75-76.**

**Yates County—Proceedings of the Board of Supervisors, 1928, pp. 95-99.**

## PROBATION

## STATE REPORT:

Division of Probation—21st Annual Report, 1927.

Probation statistics for entire State.

## CITY AND COUNTY REPORTS:

Chemung County—Proceedings of the Board of Supervisors, 1928, pp. 239-244.

Clinton County—Proceedings of the Board of Supervisors, 1928, pp. 145-147.

Columbia County—Proceedings of Board of Supervisors, 1928, pp. 479-482.

Dutchess County—Proceedings of the Board of Supervisors, 1928, pp. 423-429.

Elmira—Municipal Reports, 1928, opp. p. 301.

Fulton County—Proceedings of the Board of Supervisors, 1928, pp. 293-295.

Madison County—Supervisors' Journal, 1928, pp. 208-209.

Monroe County—Proceedings of the Board of Supervisors, 1928, pp. 92-96.

Newburgh—Annual Reports, 1927, pp. 34-36.

Onondaga County—Proceedings of the Board of Supervisors, 1928, pp. 298-300.

Oneida County—Proceedings of the Board of Supervisors, 1928, pp. 503-595.

Ontario County—Proceedings of the Board of Supervisors, 1928, pp. 235-237.

Orange County—Proceedings of Board of Supervisors, 1928, pp. 243-247.

Oswego County—Journal of Proceedings. Board of Supervisors, 1928, pp. 227-230.

Rockland County—Proceedings of the Board of Supervisors, 1928, pp. 375-377.

St. Lawrence County—Proceedings of the Board of Supervisors, 1928, pp. 60-62.

Saratoga County—Proceedings of the Board of Supervisors, 1928, pp. 237-238.

Sullivan County—Proceedings of the Board of Supervisors, 1928, pp. 195-197.

## STATE PENAL INSTITUTIONS

State Commission of Correction—Second Annual Report, 1928, esp. pp. 498-526.

Statistics of Auburn, Clinton, Great Meadow, and Sing Sing prisons, and also of New York State reformatory, New York State reformatory for women, and Albion State training school.

Movement of population, race, nativity, sex, age, county, offense, sentence, recidivism, education, occupation, religion, marital condition, and occupation in institution.

New York House of Refuge—104th Annual Report of the Managers of the Society for the Reformation of Juvenile Delinquents, 1928.

State Agricultural and Industrial School—80th Annual Report of the Board of Visitors, 1928.

New York State Training School For Girls—Annual Report, 1928.

State Board of Charities—62d Annual Report, 1928.

A few statistics concerning New York house of refuge, State agricultural and industrial school, and New York State training school for girls, but nothing not in reports of these institutions.

## COUNTY PENITENTIARIES

State Commission of Correction—Second Annual Report, 1928, esp. pp. 531-546.

Data concerning county penitentiaries are also often contained in county reports, especially those of Erie, Onondaga, and Westchester Counties.

## JAILS

## STATE REPORT:

State Commission of Correction—2d Annual Report, 1928, esp. pp. 547-567.

Statistics and reports of inspections of all city and county jails. Reports of inspections are also often given in county reports.

## CITY AND COUNTY REPORTS:

Allegheny County—Proceedings of the Board of Supervisors, 1928, p. 103.

Cattaraugus County—Proceedings of the Board of Supervisors, 1927, pp. 378-380.

Delaware County—Proceedings of the Board of Supervisors, 1928, pp. 251-255.

Genesee County—Proceedings of the Board of Supervisors, 1928, pp. 159-161.

Livingston County—Supervisors' Proceedings, 1928, p. 227.

New York City—Report of the Department of Correction, 1928.

Most of the statistics concerning prisoners not shown separately for each of the 25 city penal institutions.

New York City—Annual Report of the Parole Commission, 1927.

Niagara County—Proceedings of the Board of Supervisors, 1928, pp. 382-383.

- Ontario County—Proceedings of the Board of Supervisors, 1928, p. 251.  
 Oswego County—Journal of Proceedings, Board of Supervisors, 1928, pp. 150-153.  
 Saratoga County—Proceedings of the Board of Supervisors, 1928, pp. 274-281.  
 Schenectady County—Board of Supervisors, Proceedings of 1928, pp. 264-266.  
 Steuben County—Annual Proceedings of the Board of Supervisors, 1928, pp. 529-530.  
 Yates County—Proceedings of the Board of Supervisors, 1928, pp. 94-95.

## NORTH CAROLINA

## POLICE

- CITY REPORTS:  
 Durham—6th Annual Report, 1928, pp. 29-37.  
 Wilson—Annual Report, Police Department, 1929.

## COURTS

- STATE REPORT:  
 Attorney General—Biennial Report, 1928, pp. 17-57.  
 Disposition of cases in supreme and superior courts for entire State.

## STATE PENAL INSTITUTIONS

- State's Prison—Biennial Report, 1928.  
 Movement of population, race, sex, county, age, offense, occupation, marital condition, and church and Sunday-school attendance.  
 Stonewall Jackson Manual Training and Industrial School—10th Biennial Report of the Superintendent, 1928.  
 Eastern Carolina Industrial Training School for Boys—1st Biennial Report, 1928.  
 State Home and Industrial School for Girls—5th Biennial Report of the Board of Managers, 1928.  
 Morrison Training School—2d Biennial Report, 1928.  
 North Carolina State Board of Charities and Public Welfare—Biennial Report, 1928.  
 Movement of population for each State penal institution.

## JAILS

## STATE REPORT:

- North Carolina State Board of Charities and Public Welfare—Biennial Report, 1928, pp. 59-64.  
 Monthly commitments by color to about one-half the county jails.  
 Figures not given by individual jails.

## NORTH DAKOTA

## COURTS

## STATE REPORT:

- Attorney General—Report, 1928, pp. 19-20, 25, opp. 36.  
 Disposition of cases of attorney general in supreme and district courts and of State's attorneys, by county.

## STATE PENAL INSTITUTIONS

- Board of Administration—9th and 10th Annual Reports, 1928, pp. 309-415.

Reports of penitentiary and training school. Penitentiary statistics include movement of population, color, sex, nativity, county, age, offense, sentence, citizenship, residence, religion, literacy, marital condition, occupation, employment, habits re liquor, tobacco, and drugs, occupation in institution, and movement of parole population.

- State Training School—13th Biennial Report, 1928.  
 Journal of the Senate, 21st Legislative Assembly, 1929, pp. 7-34.

Report of board of pardons.

## OHIO

## POLICE

## CITY REPORTS:

- Cincinnati—Municipal Activities, 1928, pp. 104-107.  
 Cleveland—Cleveland Police Department, Annual Report, 1928.  
 Excellent report, 14 offenses by complaints, clearances, arrests, and dispositions. Detailed information concerning robberies, burglaries, safe jobs, and stolen automobiles. Also other tables.  
 Columbus—Supplement to The City Bulletin, 1928, pp. 46-50.  
 Dayton—Annual Report, 1927, pp. 37-39.  
 East Cleveland—11th Annual Report, 1928, pp. 13-16.  
 Painesville—Annual Report, 1928, pp. 22-23.



Springfield—Report of the Manager, 1928, pp. 38-41.  
Toledo—The Toledo City Journal, March 2, 1929, pp. 122-123.

Report for 1928.

#### COURTS

##### STATE REPORTS:

Secretary of State—Report: Ohio Statistics, 1928, pp. 219-259, 263-268.

Disposition of cases in all common pleas courts and courts of appeals.

Department of Public Welfare—6th Annual Report, 1927.

Tables 11 and 12 show juvenile-court cases by county.

##### CITY AND COUNTY REPORTS:

Cincinnati—Municipal Activities, 1928, p. 36.

Cuyahoga County—Annual Report of Hon. Homer G. Powell, Chief Justice, Court of Common Pleas, 1928.

Includes reports of probation department, grand-jury bailiff, criminal-record department, psychiatric clinic, prosecuting attorneys, and bureau of domestic relations.

Dayton—Annual Report, 1927, pp. 26-28.

Painesville—Annual Report, 1928, pp. 20-21.

Springfield—Report of the Manager, 1928, pp. 22-23.

#### STATE PENAL INSTITUTIONS

Department of Public Welfare—6th Annual Report, 1927, pp. 54-94, 385-446.

Reports of Ohio penitentiary, London prison farm, Ohio State reformatory, Ohio reformatory for women, boys' industrial school, girls' industrial school, bureau of criminal identification and investigation, and Ohio board of clemency. Penitentiary statistics include movement of population, color, nativity, parent nativity, county, offense, sentence, recidivism, citizenship, religion, education, marital condition, dependents, occupation, military service, and movement of parole population.

Department of Public Welfare—Report for the Six Months Ended December 31, 1927.

Shorter but much of the same information as in the sixth annual report.

#### JAILS

##### STATE REPORT:

Department of Public Welfare—6th Annual Report, 1927, pp. 131-132.

Movement of population by sex for workhouses of Columbus, Dayton, Toledo, and Warrensville.

##### CITY REPORTS:

Cleveland—Annual Report, Department of Public Health and Welfare, 1928, pp. 14-16, 22-24, 81-119.

Reports of correction farm, Cleveland boys' farm, and Cleveland training school for girls.

Columbus—Supplement of the City Bulletin, 1928, p. 50.

Dayton—Annual Report, 1927, pp. 46-47.

#### OKLAHOMA

##### POLICE

##### CITY REPORTS:

Oklahoma City—Citizen's Yearbook, 1928, pp. 43-44.

#### STATE PENAL INSTITUTIONS

Commissioner of Charities and Corrections—Report, 1927, pp. 32-39, 80-88.

Reports of penitentiary, reformatory, and three institutions for juvenile delinquents. Penitentiary statistics state race, sex, sentence, literacy, religion, and marital condition.

#### OREGON

##### POLICE

##### CITY REPORTS:

Oregon City—Report of the Municipal Activities, 1928, p. 15.

Portland—Annual Report of Bureau of Police, 1927.

Cases reported and cleared for several important offenses. Also other tables. Also contained in mayor's message and annual reports, 1927, pp. 13-70.

#### COURTS

##### STATE REPORT:

Secretary of State—Biennial Report, 1928, p. 68.

Number of criminal cases filed and number tried by jury in the circuit court for each county.

##### CITY REPORT:

Portland—Mayor's Message and Annual Reports, 1927, pp. 81-86.

## STATE PENAL INSTITUTIONS

- Oregon State Penitentiary—14th Biennial Report, 1928.  
Movement of population, race, nativity, sex, age, county, offense, sentence, recidivism, religion, education, occupation, marital condition, and habits re liquor.
- Oregon State Board of Control—8th Biennial Report, 1928, pp. 105-124, 135-144, 177-184.  
Reports of Oregon State penitentiary, Oregon State training school, and Oregon State industrial school for girls.

## PANAMA CANAL ZONE

- Governor of the Panama Canal—Annual Report, 1928, pp. 56-58.  
Work of police and courts reviewed.

## PENNSYLVANIA

## POLICE

## STATE REPORT:

- Pennsylvania State Police—Biennial Report, 1928.

## CITY REPORTS:

- Bethlehem—7th Annual Message of Mayor, 1928, pp. 20-31.
- Bradford—Financial Report of Superintendent Accounts and Finance, 1928, p. 71.
- Bristol—Bristol Borough Yearbook, 1928, pp. 9-12.
- Butler—Annual Report of the Superintendent of Accounts and Finance, 1928, p. 15.
- Carlisle—Annual Report of the Borough Manager, 1928, p. 5.
- Conshohocken—Annual Report of the Borough Manager, 1927, p. 8.
- Corry—Annual Reports, 1928, pp. 22-23.
- Easton—42d Annual Report, 1928, pp. 68-83.
- Greensburg—1st Annual Financial Report, 1928, p. 19.
- Haverford—Annual Report of Board of Commissioners, 1925, pp. 11-12.
- Meadville—Annual Reports of Departments, 1928, pp. 76-77.
- New Castle—Annual Reports of Departments, 1928, pp. 92-97.
- Pottsville—City Report, 1928, p. 45.
- Reading—Departmental Reports, 1927, pp. 15-35.
- Washington—5th Annual Report, 1929, pp. 5-6.
- Waynesboro—Annual Report of Borough Manager, 1928, p. 6.

## COURTS

## CITY AND COUNTY REPORTS:

- Berks County—Controller's Annual Report, 1928, p. 32.
- Conshohocken—Annual Report of the Borough Manager, 1927, p. 9.
- Philadelphia—15th Annual Report of the Municipal Court, 1928.
- Washington County—County Controller's Report, 1928, pp. 39-41.
- Westmoreland County—Report of the District Attorney, 1926.

## PROBATION

## COUNTY REPORTS:

- Allegheny—Annual Report of the Adult Probation Department, 1927.
- Berks—Controller's Annual Report, 1928, pp. 30-35.
- Dauphin—15th Annual Report of the Controller, 1929, pp. 67-70.
- Montgomery—23d Annual Report of the Probation Officer, 1927.
- Philadelphia—Biennial Report, the Probation Department of the Quarter Sessions Court, 1929.

## STATE PENAL INSTITUTIONS

- Eastern State Penitentiary—Annual Report, 1928.  
Movement of population, color, nativity, age, county, offense, sentence, recidivism, religion, education, occupation, and movement of parole population.
- State Industrial Home for Women—Report of the Board of Trustees and the Superintendent, 1928.
- Pennsylvania Industrial Reformatory—20th Biennial Report, 1928.
- Pennsylvania Training School—Biennial Report, 1928.
- Glen Mills Schools—100th Annual Report of the Board of Managers, 1927.

## JAILS

## STATE REPORT:

- Secretary of Welfare—4th Biennial Report, 1928, p. 75.  
Population by sex of county prisons, workhouses, penitentiaries, and reformatories, not by separate institutions.

## COUNTY REPORTS:

- Allegheny—59th Annual Report of the Managers of the Allegheny County Workhouse and Inebriate Asylum, 1928.

- Berks—Controller's Annual Report, 1928, pp. 18-20.  
 Dauphin—15th Annual Report of the Controller, 1929, pp. 61, 66-67.  
 Montgomery—18th Annual Report of the Controller of Montgomery County, and 77th Annual Report of the Board of Inspectors, Montgomery County Prison, 1928, pp. 32-48.  
 Washington—County Controller's Report, 1928, pp. 41-43.

## PHILIPPINE ISLANDS

- Attorney General—Annual Report, 1927, pp. 55-56, 74, 76-89.  
 Disposition of criminal cases in all courts.  
 Governor General—Annual Report, 1927, pp. 230-235.  
 Report of bureau of prisons.  
 Principal Statistics: Movement of population.

## PORTO RICO

- Attorney General—Report, 1928.  
 Disposition of cases in all courts. Detailed statistics of juvenile-court cases. Statistics of prisoners in penitentiary, jails, and reform school.

## RHODE ISLAND

## POLICE

- STATE REPORT:  
 Department of State Police—4th Annual Report, 1928.

- CITY REPORTS:  
 Central Falls—Annual Reports of the City Officers, 1928, pp. 73-80.  
 Pawtucket—Annual Report of the Chief of Police, 1928.

## COURTS

- STATE REPORTS:  
 Judicial Council—2d Report, 1928, pp. 29-34.  
 Disposition of cases in supreme court and number of criminal cases begun in lower courts.  
 State Board of Public Roads—27th Annual Report, 1928, pp. 114-118.  
 Disposition of motor-vehicle cases in each district court by offense.

## PROBATION

- STATE REPORT:  
 State Public Welfare Commission—6th Annual Report, 1928, pp. 163-177.  
 Statistics concerning cases handled by State probation department.

## STATE PENAL INSTITUTIONS

- State Public Welfare Commission—6th Annual Report, 1928.  
 Reports of Rhode Island State prison, reformatory for men, State reformatory for women, Sockanosset school for boys, and Oaklawn school for girls.  
 Prison statistics on movement of population, color, nativity, sex, age, and offense.  
 Board of Parole—Statistics, 1927.

## JAILS

- STATE REPORT:  
 State Public Welfare Commission—6th Annual Report, 1928, pp. 90-99, 249-256.  
 Statistics concerning prisoners in each county jail.

## SOUTH CAROLINA

## POLICE

- CITY REPORT:  
 Charleston—Yearbook, 1927, pp. 135-138.

## COURTS

- STATE REPORT:  
 Attorney General—Annual Report, 1928, pp. 234-308.  
 Cases tried in each court of general sessions and county court. Tables give name and offense of each defendant and then classify by white, black, male, female, age, guilty and not guilty.

## STATE PENAL INSTITUTIONS

- South Carolina Penitentiary—Annual Report of the Board of Directors and Superintendent, 1928.  
 Movement of population, color, sex, age, county, offense, sentence, religion, and occupation.

## SOUTH DAKOTA

## POLICE

- STATE REPORT:  
 State Sheriff—11th Annual Report, 1928.

## COURTS

## STATE REPORT:

Attorney General—Biennial Report, 1928, pp. 34-43.

Disposition of cases in supreme court.

## STATE PENAL INSTITUTIONS

South Dakota State Penitentiary—19th Biennial Report of the Warden, 1928.

Movement of population, race, nativity, sex, age, county, offense, sentence, recidivism, religion, education, occupation, marital condition, habits re liquor, intelligence, and movement of parole population.

South Dakota Training School—20th Biennial Report of the Superintendent, 1928.

State Parole Officer—10th Biennial Report, 1928.

Board of Charities and Correction—20th Biennial Report, 1928.

Reports of penitentiary, training school, and parole officer.

## TENNESSEE

## STATE PENAL INSTITUTIONS

Department of Institutions—Biennial Report, 1928.

Reports of Brushy Mountain penitentiary, State penitentiary, vocational school for girls, vocational school for colored girls, and training and agricultural school for boys.

State penitentiary statistics include movement of population, color, nativity, sex, age, county, offense, sentence, religion, education, occupation, pardons, and movement of parole population.

## TEXAS

## POLICE

## CITY REPORTS:

Austin—Report of the City Manager, 1928, pp. 79-80.

Houston—Municipal Book, 1928, pp. 47-49.

## COURTS

## STATE REPORT:

Attorney General—Biennial Report, 1928, pp. 78-92.

Disposition of criminal cases in all district courts by county. Felony cases by 10 offense groups; liquor cases shown separately.

## CITY AND COUNTY REPORTS:

Dallas County—Juvenile Board Report, 1928.

Houston—Municipal Book, 1928, pp. 113-114.

## STATE PENAL INSTITUTIONS

Texas Prison Board—Annual Report, 1928.

Report deals with State prison and farms.

Movement of population, race, nativity, sex, age, county, offense, sentence, recidivism, religion, education, occupation, marital condition, and habits re liquor and tobacco.

State Board of Control—3d Report, 1926, pp. 107-129.

Reports of State juvenile training school and girls training school.

## UTAH

## POLICE

## CITY REPORT:

Salt Lake City—Police Department, Annual Report, 1928.

Jail statistics included.

## COURTS

## STATE REPORTS:

Attorney General—Biennial Report, 1928, pp. 24-28, 31-41.

Disposition by offense of criminal cases in supreme court by district attorneys in each judicial district.

Juvenile Court Commission—Biennial Report of the Secretary, 1928.

Elaborate statistics for all juvenile courts.

## STATE PENAL INSTITUTIONS

Utah State Prison—Biennial Report, 1928.

Movement of population, color, nativity, sex, age, county, offense, sentence, recidivism, occupation, and movement of parole population.

Utah State Industrial School—Biennial Report, 1928.

## VERMONT

## POLICE

## CITY REPORTS:

Barre—34th Annual Report, 1928, pp. 36-37.

Bellows Falls—Annual Report of the Officers of Village Corporation, 1929, pp. 45-46.

Brattleboro—Annual Report, 1929, p. 32.

Burlington—62d Annual Report, 1926, pp. 164-168.

Montpelier—34th Annual Report of the Officers of the City, 1929, pp. 72-73.

- Rutland—36th Annual Report, 1928, pp. 123-124.  
 St. Albans—Annual Report, 1928, p. 48.  
 St. Johnsbury—Auditor's Report and Exhibit of Finances, 1928, pp. 17-18.  
 Springfield—Annual Report of the Village Corporation, 1929, p. 16.

## COURTS

## CITY REPORT:

- Burlington—63d Annual Report, 1926, pp. 169-171.

## PROBATION

## STATE REPORT:

- Department of Public Welfare—Biennial Report, 1928, pp. 147-151.

## STATE PENAL INSTITUTIONS

- Department of Public Welfare—Biennial Report, 1928.

Reports of two State prisons and of industrial school.  
 Statistics of Vermont State prison and house of correction for men include movement of population, color, nativity, age, county, offense, sentence, previous commitments, religion, education, and marital condition.

## VIRGINIA

## POLICE

## CITY REPORTS:

- Fredericksburg—Annual Report, 1928, pp. 22-23.  
 Lynchburg—Annual Report, 1928, pp. 61-65.  
 Norfolk—Finances, Reports, and Statements, 1927, pp. 73-76.  
 Portsmouth—Municipal Reports, 1928, pp. 8-9.  
 Richmond—Annual Report of the Police Department, 1928.  
 Statistics include number of murders, assaults, and robberies reported.  
 Roanoke—Annual Reports, 1928, pp. 21-26.

## COURTS

## STATE REPORTS:

- Attorney General—Report, 1927.  
 Dispositions of cases in supreme court of appeals.

- State Department of Public Welfare—19th Annual Report, 1928, pp. 15-17.

Number of children by sex and color committed by juvenile courts to State department of public welfare.

- Department of Prohibition—11th Report, 1929.

## CITY REPORTS:

- Norfolk—Finances, Reports, and Statements, 1927, pp. 102-104.

- Portsmouth—Municipal Reports, 1928, pp. 7-8.

- Richmond—13th Annual Report, Juvenile and Domestic Relations Court, 1928.

Excellent report. Includes probation report and those of detention homes.

- Staunton—21st Annual Report, 1928, pp. 23-24.

## PROBATION

## CITY REPORTS:

- Lynchburg—Annual Report, 1928, pp. 71-72.

- Roanoke—Annual Reports, 1928, pp. 19-20.

## STATE PENAL INSTITUTIONS

- Penitentiary—Annual Report of Board of Directors, 1929.

Movement of population, color, nativity, sex, age, offense, sentence, recidivism, occupation, marital condition, literacy, habits re liquor, mental age, and intelligence quotient.

- Virginia Home and Industrial School for Girls—Report, 1927.

- Virginia Industrial School for Colored Girls—13th Annual Report, 1928.

## JAILS

## STATE REPORT:

- State Department of Public Welfare—19th Annual Report, 1928, p. 33.

Number of jail prisoners by color, city, and county.

## WASHINGTON

## POLICE

## CITY REPORT:

- Yakima—18th Annual Report, 1928, p. 28.

## COURTS

## CITY REPORT:

Seattle—The Seattle Juvenile Court Report, 1928.

## COUNTY REPORTS:

- Cowlitz—Annual Report of Prosecuting Attorney, 1928.  
 Grays Harbor—Annual Report of Prosecuting Attorney, 1928.  
 King—Annual Report of Prosecuting Attorney, 1928.  
 Klickitat—Annual Report of Prosecuting Attorney, 1928.  
 Mason—Annual Report of Prosecuting Attorney, 1928.  
 Okanogan—Annual Report of Prosecuting Attorney, 1928.  
 Pacific—Annual Report of Prosecuting Attorney, 1927 and 1928.  
 Pierce—Annual Report of Prosecuting Attorney, 1928.  
 Skagit—Annual Report of Prosecuting Attorney, 1928.  
 Snohomish—Annual Report of Prosecuting Attorney, 1928.  
 Spokane—Annual Report of Prosecuting Attorney, 1928.  
 Stevens—Annual Report of Prosecuting Attorney, 1928.  
 Thurston—Annual Report of Prosecuting Attorney, 1928.  
 Whatcom—Annual Report of Prosecuting Attorney, 1928.  
 Yakima—Annual Report of Prosecuting Attorney, 1928.

## STATE PENAL INSTITUTIONS

Department of Business Control—4th Biennial Report, 1928.

Reports of penitentiary, reformatory, and two training schools. Penitentiary statistics include movement of population, race, nativity, sex, age, county, offense, sentence, court plea, religion, education, occupation, marital condition, habits re liquor and marital condition of parents.

## WEST VIRGINIA

## POLICE

## STATE REPORT:

Department of Public Safety—5th Biennial Report, 1928.  
 Report of State police.

## CITY REPORT:

Bluefield—Annual Report, 1928, one unnumbered page.

## COURTS

## STATE REPORTS:

Attorney General—32d Biennial Report, 1928, pp. 317-331.  
 Disposition of cases in supreme court.

State Commissioner of Prohibition—7th Biennial Report, 1928.

Prohibition cases by court and disposition.

## STATE PENAL INSTITUTIONS

West Virginia State Board of Control—9th Biennial Report, 1927, Part I, pp. 361-468.

Reports of penitentiary and of the four State institutions for juvenile delinquents.

Penitentiary statistics include movement of population, nativity, age, county, offense, sentence, recidivism, education, occupation, marital condition, and movement of parole population.

Journal of the Senate, 1929, Appendix B.

List of commutations, pardons, and paroles by the governor.

## WISCONSIN

## POLICE

## CITY REPORTS:

- Beloit—Proceedings of the Common Council, 1929, pp. 123-125.  
 Kenosha—6th Annual Report, 1927, pp. 21-22.  
 Milwaukee—Municipal Government and Activities, 1928, pp. 33-35, 83.  
 Portage—Proceedings of the City Council, 1928, p. 140.  
 Two Rivers—3d Annual Report, 1928, pp. 24-26.

## COURTS

## STATE REPORT:

State Board of Control—19th Biennial Report, 1928, pp. 52-55.

Partial figures, not by individual courts.

## COUNTY REPORTS:

- Burnett—Official Proceedings of the Board of County Commissioners, 1928, pp. 109-110.  
 Clark—Board Proceedings, 1928, pp. 43-44.  
 Racine—Official Journal, Board of Supervisors, 1928, pp. 98-101.

## PROBATION

## STATE REPORT:

State Board of Control—19th Biennial Report, 1928, pp. 55-60.

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## SURVEY OF CRIMINAL STATISTICS

## STATE PENAL INSTITUTIONS

- Wisconsin State Prison—23d Biennial Report, 1928.  
 Movement of population, color, nativity, parent nativity, sex, age, county, residence, offense, sentence, recidivism, religion, education, occupation, marital condition paroles considered, and report on inmate students in university extension course.
- Wisconsin Industrial School for Girls—18th Biennial Report, 1926.
- State Board of Control—19th Biennial Report, 1928.  
 Reports of all State penal institutions.

## JAILS

## STATE REPORT:

- State Board of Control—19th Biennial Report, 1928, pp. 60-61, 571.

Movement of population by sex; not by separate jails.

## COUNTY REPORTS:

- Milwaukee—Annual Report of House of Correction, 1928.

## WYOMING

## COURTS

## STATE REPORT:

- Attorney General—Biennial Report, 1928, pp. 5-9.

Disposition of cases in supreme court.

## STATE PENAL INSTITUTIONS

- State Board of Charities and Reform—Biennial Report, 1928.

Reports of penitentiary and both industrial institutes.  
 Penitentiary statistics include movement of population, race, nativity, age, county, length of residence in State, offense, sentence, religion, marital condition, education, occupation, habits, re liquor, and pardon and parole statistics.

## APPENDIX II

STATE LAWS PROVIDING FOR COLLECTION OF CRIMINAL STATISTICS FROM POLICE, COURTS, PROSECUTING ATTORNEYS, AND JAILS<sup>1</sup>

## ALABAMA

Code of Alabama, 1923. Criminal Code, vol. 2, section 5502. All circuit and county solicitors are required to report court statistics for their respective counties to the attorney general.

## ARKANSAS

Digest of Statutes, 1921, chapter 60, section 4524. Attorney general shall biennially make a report (to be printed) containing list of cases disposed of by him, and list of all felony cases disposed of in the circuits of the State; and prosecuting attorneys shall biennially file with attorney general a report of all felony cases in their circuits, showing crime charged, number disposed of, and disposition.

## CALIFORNIA

Statutes and Amendments to the Codes of California. Acts of 1929, chapter 788. A State bureau of criminal identification and investigation is created and by section 9A of this chapter sheriffs, chiefs of police, city marshals, constables, wardens, superintendents of reformatories and correctional schools, probation and parole officers, district attorneys, court clerks, attorney general, the judicial council, and the bureau of vital statistics are required to furnish to the bureau of criminal identification and investigation statistics and information regarding the number of crimes reported and discovered, arrests made, complaints, information and indictments filed, dispositions made thereon, pleas, convictions, acquittals, sentences, grants of probation, parole and pardon, etc., upon forms furnished by the bureau. The bureau's statistician shall compile such information so received, and the bureau shall annually report to the governor.

<sup>1</sup> The compilation of this appendix is the work of Charles Hammon, Esq., of the Boston bar.

Acts of 1927, section 727, county clerks, clerks of all courts of record and of inferior courts are to cooperate with judicial council by making such reports to the council as it may require respecting business in their courts.

## CONNECTICUT

General Statutes, Revision 1918. Sections 156, 158, 195, 196, 1723, 1759, 1802, 1831, 1832, and 6674 require the publication of reports of the State police, attorney general, courts, and penal institutions. The prosecuting attorneys are to report to the governor through the comptroller.

## FLORIDA

Compiled General Laws of Florida, 1927. Sections 132, 4751 require State's attorneys to report annually to the comptroller of public accounts information regarding the volume and disposition of criminal business before them, and to the attorney general, who shall prescribe the time and manner in which the State's attorneys shall report to him.

## GEORGIA

Georgia Code, 1926. Sections 1080 and 1219 of the Penal Code require clerks of court where any person is convicted and sentenced to notify the prison commission immediately of the conviction, sentence, and disposition made, and requires the prison commission to keep the record of all convictions and sentences and of the final disposition of each case. (NOTE.—There is no requirement that a record of prosecutions as distinguished from convictions shall be kept.)

## IDAHO

Compiled Statutes. Sections 178 (5 and 12) and 411. The attorney general has supervisory powers over prosecuting attorneys and shall from time to time require of them reports as to the condition of the public business entrusted to their charge.

## ILLINOIS

Smith-Hurd, Illinois Revised Statutes, 1929, Chapter 127, sections 53 (4-9) and 54 (1-4). The department of public

welfare shall have power over various penal institutions. It shall investigate into conditions and management of penal, etc., institutions and collect and publish annually statistics on insanity and crime.

## INDIANA

Burns Annotated Statutes, 1926 (Watson's Revision), vol. 3, sections 13758, 13773, and 13785. The legislative bureau of the Indiana library and historical department shall collect, compile, systematize and tabulate statistical information relating to the condition of the civil and criminal cases disposed of in the courts of the state and such other social questions as may be of value.

## IOWA

Code of 1927, sections 3808 and 3811. The clerks of the district courts shall send annually to the board of parole various criminal statistics.

## KANSAS

Laws 1927, chapter 187. The court clerks, sheriffs, and police officers shall on request of the judicial council supply it with whatever information it desires. The council shall submit to the governor each year a written report.

## LOUISIANA

Marr's Annotated Revised Statutes, 1915, Vol. I, sections 203 and 2437, and 1928 Code of Criminal Procedure, articles 578-581. The attorney general is to collect from district attorneys statistics of prosecutions in court and of crimes known to the police. The latter are to be furnished district attorneys by justices of the peace, constables, etc., except that in cities of over 10,000 inhabitants the chief of police is to report directly to the attorney general.

## MAINE

Revised Statutes, 1916, chapter 82, section 73, and chapter 84, section 20. The county attorney shall report to the attorney general on the amount and kind of business done by the several county attorneys.



## MASSACHUSETTS

General Laws, 1921, chapter 124, sections 5, 6, 8, and 9. It is the duty of the department of correction to collect and publish police, court, and institution statistics.

## MICHIGAN

Compiled Laws, 1915. Sections 2251 and 2252 require sheriffs and jailers to keep institution statistics and report same annually to secretary of state. Section 2044 requires probation officers to report to State board of charities and corrections on forms prescribed by the board. Section 15813 requires prosecuting attorneys to furnish to justices of the peace suitable blanks on which the justices within 10 days after final disposition must report to the prosecuting attorneys the charges, pleas, and findings in all criminal proceedings before them. Section 142 requires the attorney general to furnish prosecuting attorneys with blanks to enable them to make uniform reports in conformity with Revised Statute, 1846, chapter 14, section 56.

Public Acts, 1929. Act 64 creates a judicial council and requires various officials, including clerks of courts, to make reports to it. The council is to make an annual report to the governor.

## MINNESOTA

Mason's Minnesota Statutes, 1927, sections 116, 927, 928, and 9137. Justices of the district courts are to report prosecutions to county attorneys. County attorneys are to keep registers of criminal actions and send transcripts to the attorney general.

Laws, 1927, chapter 224, sections 7, 8, 10, 14, and 15. Sheriffs and chiefs of police are required to furnish data concerning offenders; peace officers are to furnish records of all felonies reported to or discovered by them; officers of penal institutions are to furnish reports of commitments and releases; clerks of courts are to report prosecutions and dispositions in criminal cases to the bureau of criminal apprehension. The bureau shall make annual report to the governor regarding the handling of crimes and criminals within the State.

## MISSOURI

Revised Statutes, 1919, sections 1145 and 12186. Probation officers shall report quarterly to the State board of

charities and correction on the business of the courts. Board is to make biennial report to governor.

## MONTANA

Revised Code, 1921, sections 199 (6 and 12), 331, 333, and 4819 (7). County attorneys shall keep a register of every criminal action. The attorney general shall supervise district attorneys and get reports from them concerning the business entrusted to their charge.

## NEVADA

Revised Laws, 1912, sections 1608 and 4132. The district attorneys shall report to the attorney general annually the number and character of criminal prosecutions.

## NEW HAMPSHIRE

Public Laws, 1926, chapter 17, sections 22, 23, and 24, and chapter 41, sections 1 and 3. The attorney general's biennial report to the legislature shall contain such statistics concerning crimes and misdemeanors as in his opinion the public good requires. County solicitors shall include in their annual reports full statistics regarding crimes and misdemeanors. The annual reports of sheriffs and jailors to the secretary of state shall contain the number of prisoners, etc.

## NEW YORK

Laws, 1928, chapter 875, sections 947, 948, 948a, and 949. A comprehensive plan for criminal statistics is provided. The department of correction is to obtain statistical information from police, courts, probation departments, and penal institutions.

## NORTH CAROLINA

Code, 1927, sections 955 and 1588. Clerks of all courts shall furnish attorney general with criminal statistics on forms furnished by him.

## NORTH DAKOTA

Compiled Laws, 1913. Section 158: Attorney general shall make annual report of actions prosecuted or defended

by him on behalf of State. Sections 3376-3378: State's attorneys are to make written reports to attorney general monthly of all proceedings in their counties in any court, other than justice courts, wherein State is interested; reports are to include title of case, date commenced, purposes of action, proceedings had and taken, and final disposition. Section 9182: Justices of peace are to report quarterly to county commissioners concerning all actions. Section 11310: Sheriffs are to make jail reports annually to clerks of district courts and to governor.

## OHIO

Page's Annotated General Code, 1926 sections 174, 350, 2925, and 3159. Jailers must report to the secretary of state. Prosecuting attorneys must furnish criminal statistics to the attorney general, if so requested. All statistics returnable to attorney general shall be transferred to secretary of state for his use in compiling the Ohio general statistics.

## OREGON

General Laws, 1923, chapter 149, page 211; General Laws, 1925, chapter 164, page 244. The judicial council shall report annually upon the work of the courts.

Laws, 1920, sections 3382 and 3383. County clerks are required to report to secretary of state quarterly the judicial business within their counties. Secretary of state shall compile and publish this data as part of his annual report.

## PENNSYLVANIA

Pennsylvania Statutes—Cumulative Supplement, 1928, sections 50-a (2011). Department of welfare shall request periodical reports as to number and kinds of crimes, etc., from all persons (judges, district attorneys, etc.) concerned in the apprehension, trial, and punishment of criminals.

## RHODE ISLAND

Public Laws, 1927, chapter 1038. The judicial council shall report annually to the governor upon such matters as it desires to bring to his attention or to the attention of the general assembly. (Its latest report contains judicial statistics.)

Acts and Resolves, 1928, chapter 1193, section 77. Clerks of superior and district courts shall make annual returns to the secretary of state, showing number of cases pending at beginning of year, tried during year, disposed of without trial, manner of disposal, remaining at end of year, new trials ordered, days court sat, cases bound over to grand jury and those in which jury trial claimed, indictments during year, disposition by nol pros, pleas of guilty or nolo, releases, suspensions, deferred sentences, probation, etc., foregoing facts to be shown separately for cases appealed and indictments.

## SOUTH CAROLINA

Code of Laws, 1922, volume 3. (88) Section 11: Attorney general shall report annually to general assembly. (2130) Sections 10, 8: Clerks of courts of general sessions are to report annually to attorney general name, race, sex, age, alleged crime of every person brought to trial in their courts.

## TEXAS

Complete Texas Statutes, 1928; Code of Criminal Procedure, article 47; and Revised Civil Statutes, Section 333. Clerks of district and county courts shall at the request of the attorney general furnish him with such information concerning criminal matters as may be shown by their records. District attorneys shall give the attorney general statistical data on request.

## UTAH

Laws, 1917, Sections 5767, 5736, and 2500. District attorneys shall annually file reports with the attorney general stating the number of prosecutions, convictions, etc., in their districts.

## WASHINGTON

Remington's Compiled Statutes, 1922, Section 4134. Prosecuting attorneys shall report to the governor the amount and nature of business transacted during the year.

## WISCONSIN

Wisconsin Statutes, 1923, Sections 46 (15 and 16), 68 (13). Clerks of courts shall furnish criminal statistics to the governor. The State board of control shall collect jail statistics.

**A CRITIQUE OF FEDERAL CRIMINAL  
STATISTICS**

**FOR**

**NATIONAL COMMISSION  
ON LAW OBSERVANCE AND ENFORCEMENT**

**By MORRIS PLOSCOWE**

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# A CRITIQUE OF FEDERAL CRIMINAL STATISTICS

## CHAPTER I. INTRODUCTION

Recognition of the usefulness of adequate criminal statistics in the struggle against crime has inspired efforts to improve the character and quality of American criminal statistics. Attention has been centered quite properly on State criminal statistics. The protection of individual interests in life and physical integrity, in property, and in freedom; the ordering of human conduct so that it least infringes on social security; the protection of various social interests, are primarily objects of State concern. Crime therefore is predominately a State problem, and it is of paramount importance that each State know the magnitude and nature of the criminality within its borders.

But the need for adequate Federal criminal statistics is growing with the increasing importance of Federal criminal law. The Federal Government must protect the interests confided to it by the Constitution, and the interests of individuals submitted to its control by the criminal law. The demands for Federal protection have increased with the expansion of economic activities which ignore State boundaries, and with the development of more rapid means of transportation and communication. Problems of regulation and control have arisen which can not be efficiently handled locally, and the criminal as well as the civil law of the Federal Government is called upon to solve the difficulties. The Federal criminal law has further increased in scope through the attempt to enforce certain social policies such as that contained in the prohibition law. Also, ordinary forms of criminality frequently assume an interstate character; to eliminate them, the aid of the Federal Government is sought.<sup>1</sup>

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<sup>1</sup> The Dyer Act is an ample of Federal legislation illustrating this tendency.

Increasing activities under the Federal criminal law creates a greater necessity for obtaining and making available the details of its operation. The Government itself needs to measure more precisely the extent and the effectiveness of the processes connected with enforcement. These data also become more essential to the social scientist studying the American crime problem.

The existing printed sources containing the details of the application of the Federal criminal law, the Federal criminal statistics, will therefore be examined to see whether or not they fulfill the functions which may properly be demanded of adequate criminal statistics in general. Such a study, moreover, should disclose any weaknesses of the Federal system and should be the basis of recommendations for their remedy.<sup>2</sup>

At the outset what is involved in the phrase "adequate criminal statistics" ought to be clearly understood. Three functions may properly be assigned to criminal statistics. First, they must provide the basic data for estimating the volume and trends of criminality. Secondly, criminal statistics should serve as an accounting system for all the governmental processes called into being by the phenomenon of

<sup>2</sup>An examination of the system of Federal criminal statistics is particularly timely in view of the following action of the Judicial Conference of Senior Circuit Judges:

"The conference has taken under consideration the possibility of improving the making and compilation of statistics of judicial work in the Federal district courts and circuit courts of appeals. It is highly desirable that there should be uniform methods in the keeping of statistics in the various circuits so that resulting data may afford a satisfactory basis for comparison. It is also important that further consideration should be given to the categories to be adopted for the keeping of statistics so that there may be such units of specification as will furnish, so far as practicable, an adequate view of the work of each court. The science of judicial statistics is in the making, and before recommending the adoption of an improved system for the Federal courts the conference believes that it should have advice from each circuit as to the measures deemed to be best adapted to the end sought, and that through a consideration of the proposals thus submitted an appropriate plan may be formulated. Accordingly the conference adopted a resolution that each senior circuit judge should send to the Chief Justice on or before March 1 next his conception of the form to be used for making a report of the business of the circuit for the fiscal year; that the Chief Justice be empowered to appoint a committee of the conference, if he thinks it desirable, in connection with this subject, and to prepare and to submit to the next conference a form for use in all circuits." (Report of the Attorney General for 1930, p. 8.)

crime. Finally, criminal statistics should indicate broadly some of the causative factors productive of delinquency and provide a composite picture of the types of individuals who become delinquent.

Special difficulties beset the performance of each function. Let us consider that of indicating the volume of criminality. How much crime is there? What is its character? Is crime increasing or decreasing? What species of crime show increase or decrease? Replies to such questions may legitimately be asked of any system of criminal statistics.

But here lies the first difficulty. Other phenomena submitted to statistical investigation have a definite and obvious unit for count. The basic unit for estimating the volume and trends of criminality, "the crime committed," is not so easily determined. A large amount of crime committed remains undetected, an amount which probably varies with the different species of infractions. Even where crime is suspected one can not say legally that a crime has been committed until the existence of a delictual fact has been passed upon by a court and jury.

The information as to "crimes committed," therefore, relates only to detected violations of the law. The primary sources of information here are the agencies charged with crime detection or with the enforcement of the law; that is, police or prosecuting officials. These agencies discover that a crime has been committed, either in the course of their activities or through complaint made to them.

On the basis of this primary information estimates are made as to the volume of real criminality; but since the fact of crime must be legally established, data up to this point simply indicate probability of the commission of a crime.<sup>3</sup> In making estimates of the volume of criminality, therefore, data must not alone be used from police and prosecuting authorities, but additional information must be obtained

<sup>3</sup>Morrison, *The Interpretation of Criminal Statistics*, Journal of the Royal Statistical Society, vol. 60 (1897), p. 3.

from the courts showing the number of convictions for various kinds of infractions.<sup>4</sup>

Criminal statistics in its second function would perform, as stated, the rôle of an accounting system for all the governmental processes pertaining to the phenomenon of crime. When the commission of a crime has been detected, it calls forth a complex of activities on the part of various governmental agencies. These activities should be recorded because we can only judge the effectiveness of these agencies and the character of their work if we know what they have done. Moreover, the whole process of governmental reaction to an illegal act from the time of arrest to committal to an institution and eventual liberation must be conceived of in its entirety and all its operations must be recorded statistically in order to give a basis of judgment on the effectiveness of any part. The functioning of an institution involved in one phase of the process finds its reflection in the character of the work of an agency performing a different phase. Records of the entire process would allow responsibility for failure to function properly to be correctly allocated.

The third function of criminal statistics is to provide a composite picture of the manner of men who commit infractions and to indicate broadly some of the causative factors at work upon such individuals. Statistical data must be obtained relating to the individual conditions of the delinquent and the social and economic factors which may have been significant in the production of his delinquency. Experience has shown for a long time that a relationship exists between certain individual, economic,

<sup>4</sup> It would not be so difficult to make such estimates if what Quetelet writes were true—"that there exists an almost invariable relationship between the total of infractions which reach the stage of judgment and the sum total of all the unknown infractions committed." However, it would seem that so many imponderables—efficiency of police and prosecuting authorities, tendency of juries to convict or acquit for certain infractions, policy of the administrative authorities regarding certain infractions—enter into the first element as to destroy any such constant relationship. See *Physique Sociale* (Brussels, 1869), Tome II, p. 251. See also Dr. Arnold Wadler, *Die Kriminalität der Balkanländer*, p. 15.

and social factors on the one hand and the general or particular movement of crimes on the other.<sup>5</sup> Criminal statistics, then, by indicating significant tendencies, can point out the general lines of investigations of non-statistical character which must be made in order to determine the precise importance of these various influences.

It is the purpose of this study to examine the existing Federal criminal statistics, to see how far they fulfill the functions here ascribed to criminal statistics generally.

<sup>5</sup> See Maurice Yvernès: *De la recherche des causes du crime par des procédés statistiques*, *Bulletin de l'Institut International de Statistique*, tome 19 (1), p. 270.

## CHAPTER II. THE POLICE STATISTICS OF THE FEDERAL GOVERNMENT

A primary source of information regarding the extent and magnitude of crime is, as has already been pointed out, those agencies charged with the duty of detecting its commission—the police agencies. They are the first to come into contact with violations of the law. They make investigations, complaints, and arrests resulting in the prosecution of offenders. Knowledge of their activity, moreover, provides not only the basis for estimating the volume of crime, but also facts concerning the initial processes of law enforcement. Such information makes it possible to follow the cases represented therein through all the intricacies of the later procedure so as to obtain a dynamic record of the work of all the agencies involved.

The Federal Government, however, possesses at the present time very little in the way of statistics showing the activities of the various agencies which perform its police and investigative functions. Several agencies in question present in their annual report or in the annual report of their department some details as to their law enforcement activities. Thus in the report of the Commissioner of Prohibition for 1929 are to be found tables which show the amount of narcotic drugs seized in the enforcement of the narcotic laws; and the illicit liquor, vehicles used for its transportation, stills, etc., seized in the enforcement of the prohibition laws. So, too, the commissioner's report gives us the number of persons arrested by the Federal prohibition officers for violation of the national prohibition laws. The Coast Guard publishes in its annual report the number of vessels seized or reported for violation of law without differentiating the two classes of cases. The report of the Commissioner of Immigration for 1929 (p. 27) contains a table of the activities of the immigration border patrol which shows the number of persons "apprehended," the number of vehicles, and the amount of liquor seized and

their value. The Bureau of Navigation furnishes a table in the annual report of the Department of Commerce of "violations of the navigation laws."<sup>1</sup> Such information relative to the 28-hour law is contained in the report of the Bureau of Animal Industry to the Department of Agriculture.<sup>2</sup> The Post Office inspection service also provides some details of its activities in the enforcement of the postal laws,<sup>3</sup> including the number of persons arrested charged with the violation of the postal laws and their offenses. The Bureau of Investigation of the Department of Justice provides a table in the Attorney General's Report of Federal fugitives from justice whom the bureau has located.<sup>4</sup>

The value of the meager information to be found in such reports can not be very great. The primary difficulty is that it is scattered through many different publications instead of being united in a single report on the police activities of Federal law enforcement agencies. Moreover, the few agencies mentioned above do not cover the whole field of Federal law enforcement and thus their reports, even if complete for their own functions, present but a fragmentary view of the totality of police activities. Two further difficulties lessen the value of these reports. They do not present the same types of information and are not, therefore, comparable.<sup>5</sup> Secondly, as many of these agencies perform administrative as well as police duties, their reports frequently confuse both types of duties.<sup>6</sup>

The inadequacy of existing Federal police statistics being noted, the question arises of how to rectify their deficiencies. This problem is complicated in the first instance by the

<sup>1</sup> P. 274 of 1929 report.

<sup>2</sup> Annual Report for 1929, p. 44.

<sup>3</sup> P. 75 of the 1929 Report of the Postmaster General.

<sup>4</sup> The only other statistics provided by the Bureau of Investigation are a summary of the convictions obtained in cases investigated by it.

<sup>5</sup> Appendix B to this report gives a detailed example of the lack of comparability in treatment of the same item as given by three bureaus in the same department.

<sup>6</sup> The worst offender in this respect is the report of the Post Office inspection service in the Annual Report of the Postmaster General. Two examples taken from the latter report for 1929, p. 75, will suffice to illustrate this confusion—"Cases personally investigated by the inspectors during the year—loss, riding, theft, damage, and mistreatment of registered mail—11,714. Burglaries, fire, accidents, and other casualties—10,460."



nature of Federal police organization. The United States marshals are under the general superintendence of the Attorney General and—

have the same powers in each State in executing the laws of the United States as sheriffs and their deputies have in executing the State laws.<sup>1</sup>

Yet, as an executive officer of the Federal courts, the marshal, like the sheriff, is engaged in many duties having little to do with the enforcement of the criminal laws in the district assigned to him. Still, because of the fact that he is subject to the Attorney General, it will be possible to obtain from him information concerning his activities in relation to the enforcement of the criminal law.

A second complication arises from the fact that there is a whole complex of bureaus and divisions belonging to various governmental departments or acting independently charged with the enforcement of a particular law or group of laws. The complex nature of Federal police organization and the consequent difficulties in the way of obtaining adequate police statistics may be seen from a rapid enumeration of these agencies and their functions.

In the Department of Justice are to be found two agencies. The Bureau of Investigation is charged with the investigation of alleged offenses against the United States, excepting those arising under the national prohibition and the counterfeiting laws. The Bureau of Prohibition divides the field of enforcement of the laws relating to intoxicating liquor with the Bureau of Industrial Alcohol of the Treasury Department.

In the Treasury Department the Narcotics Bureau enforces laws relating to narcotic drugs. The Secret Service is engaged in the suppression of counterfeiting and is also charged with the investigation of violations of the farm loan act, War Finance Corporation act, section 704 of the World War adjusted compensation act, and such other matters relating to the Treasury Department as are directed to it by the Secretary of the Treasury. The Secret Service has also cooperated with the Prohibition Bureau by making in-

<sup>1</sup> Rev. Stat. United States, sec. 788.

vestigations and apprehensions in such cases as those in which organized rings have been counterfeiting liquor permits and physicians' prescription books.

Another agency of the Treasury Department largely concerned in the performance of a police function is the customs service. Its special activities relate to the collection of import duties. It is incidentally engaged in the prevention of smuggling, including the smuggling of alcoholic liquors, and therefore maintains a land border patrol.

At sea, the Coast Guard, another unit of the Treasury Department, is charged with the protection of the customs revenue, with the prevention of smuggling, with the enforcement of laws and regulations governing merchant vessels and motor boats, with the enforcement of immigration laws, quarantine laws, etc.

Another Treasury Department unit, the Bureau of Internal Revenue, is intrusted with the enforcement of the internal-revenue laws. The legal branch of this bureau, the general counsel's office, contains a special penal division and a corps of intelligence agents and field representatives.

The Post Office Department has a very important agency of investigation and enforcement of the postal laws in the post-office inspection service. Its force is composed of a chief inspector, 525 inspectors, and 15 division heads. The service has jurisdiction over all matters relating to depredation and losses in the mails as well as reported violations of the postal laws, such as interception and tampering with the mails, forgery of money orders, mailing indecent, scurrilous, and fraudulent matter. Complaints relating to the post-office service are also investigated by this agency.

The principal bureau of the Department of Labor concerned with police duties is the Bureau of Immigration, charged with the administration of the immigration law, of the Chinese exclusion laws, of alien contract-labor laws, and similar laws. The immigration border patrol, one of the field forces of the Department of Labor, has detachments at various points along the country's borders to prevent the entry of aliens. Incidental to their regular work the patrols make seizures of liquor and arrest smugglers. The

Bureau of Naturalization of the Department of Labor, charged with the administration of the naturalization laws, also invokes frequently the penal provisions of these laws.

The Department of Commerce contains several units which perform police functions in connection with their other duties. The Steamboat Inspection Service is charged with inspecting vessels and licensing officers, with the administration of the laws relating to such vessels, and with the investigation of violations of steamboat inspection laws. The Bureau of Navigation is responsible for the enforcement of the navigation and steamboat inspection laws and considers action to be taken on fines, penalties, and forfeitures incurred under such laws. To the aeronautics division is intrusted the duty of carrying out the air commerce act and amendments thereto. This division has also rendered material aid in the enforcement of prohibition laws, through the seizure of unlicensed planes and the arrests of unlicensed pilots involved in the smuggling and transportation of liquor. The radio division cooperates with the Federal Radio Commission in enforcing the radio act, the rules and regulations of the commission, etc. It, too, has aided in the enforcement of the prohibition laws by reporting broadcasting by bootleggers from unlicensed stations on short-wave lengths to direct the movements of ships smuggling liquor.

Two bureaus perform police duties in the Department of the Interior. Among the duties of the Bureau of Indian Affairs are the suppression of crime and the maintenance of order on the Indian reservations and among the Indians. Particular attention is given to the suppression of the liquor traffic on reservation territory. The National Park Service, through its forest rangers, protects tourists in and enforces various laws relating to Federal parks.

The Department of Agriculture contains many units enforcing particular laws. The Bureau of Animal Industry, among its other duties, administers the meat inspection act, the animal quarantine acts, the 28-hour law, the acts relating to the supervision in interstate commerce of the business of packers, public stockyards, commission men, etc. The

Bureau of Biological Survey enforces laws relating to vertebrate wild animals, to the protection of animals and property on wild-life reservations, to the prevention of illegal interstate shipments of the bodies of wild animals, etc., and to the conservation of migratory birds. The Bureau of Agricultural Economics perform regulatory work which has incidental police features in connection with the cotton futures act, grain standards act, warehouse act, etc. The Plant Quarantine Control Administration is charged with the enforcement of the plant quarantine acts. The Grain Futures Administration carries out the provisions of the grain futures act. The Food, Drug, and Insecticide Administration enforces the food and drug act, naval stores act, insecticide act, import milk act, caustic poison act, etc. This agency protects the consuming public against misbranded or adulterated food, drugs, naval stores, etc. The Food Administration maintains a close cooperation with the Prohibition Bureau, because many preparations which must be inspected contain alcohol.

In the Navy Department the Intelligence Division cooperates with other executive departments of the Government to discover and bring to justice persons engaged in activities against the United States.

In addition to these departmental agencies, some independent governmental units exercise police and investigative functions. The Civil Service Commission, in connection with its general duty of regulating and improving the civil service of the United States, has certain powers of investigation relating to frauds and irregularities in its examinations or in the enforcement of its rules. The Radio Commission contains a division whose duty it is to investigate reported violations of the radio act and of the commission's regulations before a prosecution is begun under the penal provisions of the radio act. The Interstate Commerce Commission enforces various laws relating to interstate commerce, many of which contain penal provisions.<sup>8</sup>

<sup>8</sup> These examples do not constitute a complete enumeration of the Federal agencies which, among other duties, investigate particular violations of law or perform other work of police character. They suffice to give some idea of the complicated nature of Federal police organization.

Two outstanding characteristics in the exercise of the Federal police function are evident from the above enumeration of Federal agencies. The first is a diffusion of police function through the bureaus of many different departments and independent administrative agencies. The second is a specialization of function. With one exception all the agencies are concerned primarily with the enforcement of some one law or group of laws. Only the Bureau of Investigation of the Department of Justice has a general jurisdiction—except for prohibition and counterfeiting laws—in the enforcement of Federal law. Furthermore, the jurisdictions of various agencies sometimes overlap.

This organization of the Federal police power undoubtedly places obstacles in the way of collecting Federal police statistics. The cooperation of many different agencies must be obtained; this is difficult to secure. There is this further difficulty. Enforcement of the penal provisions of any particular law is but one of the many activities of the bureau concerned. Hence it does not feel the same need to record its proceedings in this connection as it would if its whole time were given to enforcement of the criminal law.

Still it is possible to get the fundamental police records from these agencies. Most of them are responsible in the final analysis to the President. They can, therefore, be required to furnish the desired data. Moreover, as the volume, *Uniform Crime Reporting*,<sup>9</sup> points out, the individual representatives of these agencies are already making to their own headquarters in Washington field reports which frequently contain the sort of information needed for the compilation of police statistics. If a statistical bureau were established in the Department of Justice, as this study recommends, then it would be necessary only to require copies of the field reports to be sent to the new central bureau.<sup>10</sup>

In order that such statistics may be effectively collected and compiled, agreement must be reached on the kind of

information to be furnished. As *Uniform Crime Reporting* points out:

Few of the offenses under the surveillance of these agencies are such that the number reported or known to the police would serve as a reliable index to the amount of crime. \* \* \* The returns for many of these agencies would therefore be limited to the persons detected and charged by them.<sup>11</sup>

Some information should also be given as to the number and nature of the infractions with which such persons are charged. Other valuable information that may be provided by these agencies is the number, character, and results of the investigations of violations of law made by them.

These records, if obtained, would supply the first link in the chain of facts regarding the Federal crime problem. The agencies here enumerated are the first to come into contact with violations of the law. Knowledge of their activities provides fundamental data enabling us better to estimate the magnitude of violation of Federal laws and giving us a more accurate conception of the problem of enforcement.

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<sup>11</sup> P. 11.

<sup>9</sup> P. 144.

<sup>10</sup> See p. 181 *supra*.

### CHAPTER III. STATISTICS OF THE PRELIMINARY PROCEDURE BEFORE TRIAL

Within recent years the importance of the preliminary procedure before a criminal case comes to trial has been better appreciated. Not only have the processes of prosecution come in for criticism, but also the other incidents of the preliminary procedure, such as the issuance of warrants of arrest and seizure, the preliminary hearing, bail, imprisonment in default of bail, etc., have also received their share of attention. However, though these processes are exceedingly important in the machinery of criminal justice, no published material exists in which their operations in Federal criminal procedure may be studied.

With respect to the preliminary procedure, apart from presecution, it would seem that there should be little difficulty in the way of collecting the statistical material necessary to study its operation. Although Federal judges and even State judges and officials<sup>1</sup> play some rôle in this preliminary procedure, undoubtedly the most important official concerned is the United States commissioner. The commissioners are now—

required to keep a complete record of all proceedings before them in criminal cases in a well-bound book.<sup>2</sup>

They are, moreover, required to make a preliminary and final report of the proceedings before them to the United States attorneys.<sup>3</sup>

Both the commissioners' dockets and the reports to the United States attorneys contain much of the information needed for studying these preliminary processes. If duplicates of the reports which are now required to be sent to

the district attorney were sent directly to a central statistical bureau of the Department of Justice to be there compiled, a beginning could be made in the statistical study of these preliminary processes.

As to the processes of prosecution, the criminal statistics to be found in the Attorney General's Report present the number of criminal prosecutions pending at the beginning of the year and the number begun, terminated, and pending at the end of the year. What is there referred to are prosecutions reaching the stage of court action. However, as not every violation of the law which comes to the attention of the district attorney's office is brought before the courts, these statistics of "criminal prosecutions" are simply cases in which the district attorney saw fit to prosecute. A real body of statistics of prosecution would not alone set forth the number and character of such cases, but also the number and character of the cases in which no action was taken and the reason why no such action was taken.

It is necessary to have such statistics. Though the effort be made, the inherent difficulties involved may prevent the collection of the police statistics previously discussed. It would then be all the more necessary to obtain from the district attorney's office statistics of the kinds of cases coming to his attention. Every Federal agency apprehending a violation of the law must bring it to the attention of the district attorney for prosecution. Thus the Federal district attorney holds a commanding position in the entire scheme of law enforcement. He is the focal point at which the activities of all the widely scattered police agencies converge. Such a position gives his office dominating importance as a source of statistical information.

From one standpoint statistics of prosecution may be even more accurate data than police statistics as bases for estimates of the character and extent of crime. In view of the fact that the police agency concerned with a particular violation of the law makes some investigation of the complaint regarding the violation before recommending it for prosecution, there is a greater possibility that a crime has in fact been committed.

<sup>1</sup> Sec. 581, United States Code, title 18.

<sup>2</sup> Instructions to United States Attorneys, Marshals, etc., 1929 edition, sec. 1510, p. 208.

<sup>3</sup> *Ibid.*, sec. 1057, p. 180.

Not alone are such statistics important for estimates as to the volume of crime. They are also extremely important as measures of the efficiency of the office of Federal district attorney. The latter has a very large power in deciding whether a prosecution should take place. As the court says in *United States v. Woody*:<sup>4</sup>

The power to determine whether a case should be prosecuted must be lodged somewhere, and by common law the district attorney is made its repository. By no statute has Congress deprived him of it in ordinary criminal cases. \* \* \* he has absolute control over criminal prosecutions and can dismiss or refuse to prosecute any of them at his discretion. The responsibility is wholly his.<sup>5</sup>

In recent years this large power of district attorneys generally over prosecution has come in for much criticism. We have become aware of the abuses to which it is subject in the disposition of cases. As Mr. Alfred Bettman says in his report, summarizing the use of the power by State district attorneys,

Practically every one of the surveys discloses the haphazardness and carelessness of the prosecutors' dispositions.<sup>6</sup>

It is not maintained that the abuses to be found in the use of the State district attorney's power over prosecutions are necessarily present in the exercise of a similar power by the Federal district attorney.<sup>7</sup> There is no means of know-

<sup>4</sup> 2 Fed. (2d) 262 (1924).

<sup>5</sup> See also Mr. Justice Field's opinion in *United States v. Schumann*, 27 Fed. Cas. 16235, p. 984; *Confiscation Cases*, 74 U. S. 454; and *Nullification and Processes of Government*, *Political Science Quarterly*, September, 1930, p. 347.

<sup>6</sup> *Surveys Analysis*, p. 41; see also Dean Roscoe Pound's *Criminal Justice in America*, p. 187.

<sup>7</sup> There is a rule in the Department of Justice that no dismissal of any case should be made until the United States attorney receives authority to do so from the department. (Instructions to United States Attorneys, etc., sec. 1137, p. 194.) This probably refers to cases that have reached the stage of court action. But how does the district attorney reach the decision in other cases that he will not prosecute on the complaint made to him? What Dean Pound says in his book, *Criminal Justice in America* (p. 151), about the relationship between the local Federal district attorney and the Department of Justice is significant on this point: "From the beginning the United States district attorney was subject to a certain control through the Federal Department of Justice. This was not always exercised in the interests of efficiency. Even to-day removal by the President is the only means of compelling a local district attorney's office to do what the Central Government requires for a due administration of justice. \* \* \* *Usually local prosecutor and Attorney General might cooperate or ignore each other or clash as politics or their ambitions dictate.*" (Italics mine.)

ing what the situation is with regard to him without statistics showing the number of complaints of the violation of the law that have come to his attention, his action thereon, and the reasons for such action.

It should not be difficult to obtain the desired information. At the present time a rule of the Department of Justice requires the district attorney to keep among other dockets a register of complaints. Here must be entered—

all formal complaints other than those which are manifestly trifling or frivolous, or which clearly do not involve violations of the United States laws, whether oral or written, and whether prosecution is or is not instituted.<sup>8</sup>

Among the items of information which must be recorded in this register are the name of the defendant, name of the person or affiant submitting the complaint, the offense, when committed, the county, and the action taken on the complaint. This is the sort of information that is needed for the creation of a body of statistics of prosecutions.

An exception to the keeping of such a register of complaints seems to be made in districts where a commissioner's transcript docket is kept. There the district attorney must enter in the register of complaints—

only those complaints submitted for his approval and such reports as are submitted to him for his decision as to what action may be necessary.<sup>9</sup>

Nevertheless, the district attorney is instructed to make daily reference to the commissioner's transcript docket so that proper action can be taken against the defendant. Thus the district attorney's register of complaints in such districts could be supplemented by the information contained in the commissioner's transcript docket and the information required for the statistics of prosecutions could be obtained.

<sup>8</sup> Instructions to United States Attorneys, sec. 1055, p. 170.

<sup>9</sup> *Ibid*, sec. 1056, p. 180.

## CHAPTER IV. COURT STATISTICS

The act of June 22, 1870, to establish a Department of Justice required the attorney general—

to make an annual report of the business of said Department of Justice and any other matters pertaining thereto that he may deem proper, including the statistics of crime under the laws of the United States and, as far as practicable, under the laws of the several States.<sup>1</sup>

In obedience to this mandate the attorney general, in his report for the year 1870, attempted to provide, among other things, court statistics showing the number of criminal prosecutions handled by the district courts of the United States during the year. The prosecutions for all the different kinds of Federal crimes were divided into six classes:

1. Customs prosecutions.
2. Internal revenue prosecutions.
3. Post-office prosecutions.
4. Prosecutions under the enforcement act.
5. Prosecutions under the naturalization act.
6. Miscellaneous prosecutions.

The following manner of termination was also indicated for each kind of prosecution:

Convictions.  
Acquittals.  
Nolle prosequi.  
Discontinued.  
Quashed.

This information was distributed by judicial districts, though many judicial districts failed to furnish any information.

The fundamental lines for the preparation of court statistics for the Federal Government laid down by this report

<sup>1</sup>Annual Report of the Attorney General, 1870, p. 1.

have been adhered to in every report down to that of 1930. They differed in some respects from year to year and have also grown in the amount of information presented. Particular kinds of prosecutions which became important from time to time were separately indicated in the classification of prosecutions. As time went on, some of these types of prosecutions lost their importance and disappeared as separate heads of classification in the catch-all of miscellaneous cases.<sup>2</sup>

The 1908 report added many new divisions, there being 12 in the report for that year as compared with 7 for the previous year. Changes continued to occur as new types of prosecution became important until the 1921 report, in which the present 10 types of prosecutions were adopted.<sup>3</sup>

<sup>2</sup> Thus embezzlement prosecutions were added by the 1878 report and prosecutions under the intercourse laws and the pension laws by the 1878 report. So, too, prosecutions under the banking laws, election laws, land laws, and civil-rights laws were later also specifically indicated. However, the 1905 report contains but 7 types of prosecutions:

- |                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| 1. Customs prosecutions.                | 5. Prosecutions under the land laws.    |
| 2. Internal-revenue prosecutions.       | 6. Prosecutions under the pension laws. |
| 3. Post-office prosecutions.            | 7. Miscellaneous prosecutions.          |
| 4. Prosecutions under the banking laws. |                                         |

- <sup>3</sup> 1. Customs.
2. Internal revenue.
3. Postal.
4. Regulation of commerce.
  - a. Antitrust laws.
  - b. Regulation of public utilities.
    - (1) Proceedings under orders of Interstate Commerce Commission.
    - (2) Under hours of service act.
    - (3) Under 28-hour law.
    - (4) Under safety appliance acts.
    - (5) Thefts in interstate commerce and under motor vehicle act.
    - (6) Others.
  - c. Food and fuel regulation.
    - (1) Under food and drugs act.
    - (2) Under meat inspection act.
    - (3) Others.
  - d. Miscellaneous forms of regulation.
    - (1) Under quarantine acts.
    - (2) Under game birds acts.
    - (3) Under insecticide and fungicide acts.
    - (4) Under virus acts.
    - (5) Under shipping acts.
    - (6) Others.

So, too, the information as to the disposition of the prosecutions remained about the same until 1908, when pleas of guilty and trial by jury were separately indicated as well as the amount of fines imposed and the amount realized on such fines. In addition to this information, the reports have listed for a number of years cases inactive one year or more, inactive cases in which the defendants are fugitives, amounts realized on fines, forfeitures, etc., and amounts collected without prosecution.

The information has continued to be separately indicated for each judicial district. The statistics by district, however, present only the prosecutions under the main classification and not under the subheadings. There is also a

Footnote <sup>2</sup>—(continued).

5. Public health and safety.
  - a. Under national prohibition act.
  - b. Other liquor traffic cases.
  - c. Under antinarcotic laws.
  - d. Under white slave act.
  - e. Under peonage act.
  - f. Others.
6. Banking and finance.
  - a. Under national banking laws.
  - b. Under Federal reserve act.
  - c. Under Federal farm loan act.
  - d. Under bankruptcy act.
  - e. Others.
7. Liability and insurance.
  - a. Under war risk insurance acts.
  - b. Under Federal employees compensation acts.
  - c. Under pension acts.
  - d. Under Federal retirement acts.
  - e. Others.
8. Foreign relations.
  - a. Immigration.
  - b. Naturalization.
  - c. Trading with the enemy.
  - d. Alien property acts.
  - e. Relative to war-industries and war-trade matters.
  - f. Admiralty (including violations of navigation laws and harbor regulations tried as in admiralty).
9. Public lands.
  - a. Public lands and reservations.
  - b. Indian lands.
  - c. Condemnation proceedings.
  - d. Reclamation and water rights.
  - e. Others.
10. All cases not included in the foregoing classes.
  - a. Selective-service cases (excluding those arising under secs. 12 and 13 of act).
  - b. Indian affairs other than Indian land matters.
  - c. Others.

summary for the whole United States which shows the number of prosecutions under both the main divisions and the subheadings.

Before passing judgment on the present Federal court statistics of criminal cases, the classification of infractions upon which these statistics are based must be considered. Classification of violations of the law into determined categories is necessary for any statistical system. If the violations of each paragraph of the Penal Code and each law containing penal provisions had to be enumerated under separate headings, their preparation would entail too much work and too much printed matter.

Criminal statistics, to have any value as an indication of the kinds of criminality that come before the courts must have a well-drawn classification. As Bosco, a well-known Italian statistician, has said:

A point that has been neglected in the publications on criminal justice is the classification of infractions. Yet this is the trunk on which is grafted all the information relating to penal statistics. \* \* \* It is useless to hope that the branches will give an abundance of fruit when the division of infractions is arbitrary or insufficient.<sup>4</sup>

The first striking thing about the existing classification of Federal court statistics is that it is used for both civil and criminal cases. This would immediately lead to the suspicion that the classification is inadequate for the purposes of criminal statistics, as the needs of the latter type and those of civil cases presumably differ.

As to the content of the categories of prosecutions, let us examine the heading "Postal offenses." Chapter 8 of the Federal Penal Code entitled "Offenses against the Postal Service" is designed to prohibit those types of conduct which interfere with the functioning of the postal system. The prohibitions, however, extend to many different kinds of conduct. Moreover, some relate to post-office officials, having to do with the performance of official duties, and others relate to the public generally.

<sup>4</sup>Lo studio della delinquenza e la classificazione dei reati, nella statistica penale, Bulletin de l'Institut International de Statistique, tome 6 (2), pp. 167, 169.

The infractions provided for by this chapter of the Penal Code may be roughly divided into five classes.

The first class includes a series of offenses, the purpose of whose prohibitions is to insure the governmental monopoly over the mails. Under this heading are such infractions as conducting a post office without authority (sec. 302); conveying mail or sending letters by private express, etc. (secs. 304, 306.)<sup>5</sup>

A second and very important class of postal offenses are those relating to non-mailable matter, such as using the mails to promote frauds (sec. 338); the mailing of obscene matter (sec. 334); using the mails for lottery purposes (sec. 336), etc.<sup>6</sup>

A third class includes offenses relating to the obstruction of the mails or interfering with its expedition. Among such offenses are section 324, which penalizes a willful obstruction of the mail, and section 323, prescribing the delivery of letters by the masters of vessels, etc.<sup>7</sup>

Another very important class of offense is that relating to attacks on and depredations of the mail and other post-office property. Among such infractions are:

A. The violent property crimes such as—

- (1) Breaking into or entering a post-office or a post-office car. (Secs. 315, 316.)
- (2) Robbery of a custodian of the mail. (Sec. 320.)

<sup>5</sup>Also included in this class are sec. 305, relating to the transportation of persons unlawfully conveying the mail; sec. 307, carrying letters out of the mail over post roads; sec. 308, carrying letters out of the mail on vessels; sec. 311, prohibiting the wearing of letter carrier's uniform without authority; sec. 312, making it unlawful for unauthorized vehicles to claim to be mail carriers.

<sup>6</sup>In this class of offenses may also be included sec. 335, mailing libelous and indecent matter on wrappers and envelopes; sec. 340, prohibiting shipment of poison or explosives or intoxicating liquor through the mail; sec. 343, making certain letters or writings nonmailable; sec. 344, making letters advocating treason nonmailable; sec. 361, prohibiting the mailing of pistols, revolvers, and firearms.

<sup>7</sup>Other offenses in this category are sec. 322, penalizing one who is in charge of the mail, deserting it; sec. 325, penalizing a ferryman who delays the mail; sec. 327, commanding vessels to deliver letters at the post office before entry.

B. The non-violent property crimes such as—

- (1) Larceny or embezzling of mail matter or post-office property.<sup>8</sup>
- (2) Counterfeiting postage stamps and money orders.<sup>9</sup>
- (3) Peculations of post-office officials and breaches of official duty by post-office officials.<sup>10</sup>
- (4) Destruction of post-office property.<sup>11</sup>

A fifth class covers miscellaneous offenses.<sup>12</sup>

It is evident from the foregoing analysis that the heading "Postal crimes" in the court statistics of the Attorney General's Report contains many different species of criminal conduct. A judicial district that reports 50 postal crimes of which 10 are robberies of post-office officials, punishable by the maximum of 25 years' imprisonment, and 40 petty misdemeanors, punishable by fines, presents a much more serious situation than one which reports 100 postal offenses all of which are of the latter class. Yet this is not evident from statistics which simply list all the infractions as "postal offenses." A heading that lumps them together, therefore, overlooks one of the principal functions of criminal statistics—to provide information relating to the quantity, quality, and character of the criminality handled by the agency reporting.

What has been done with the designation "Postal offenses" may be repeated with each one of the main headings in the present classification. Nor is the division of a number of these main headings into sub-categories free from the criticism of lumping heterogeneous infractions together.<sup>13</sup>

The classification used at the present time may also be criticized as incomplete. In the 1929 Report of the Attorney General 85,322 cases are listed as terminated. If we

<sup>8</sup> Secs. 313, 314, 317, 318, and 319.

<sup>9</sup> Secs. 347, 348, and 349.

<sup>10</sup> Secs. 330, 331, 332, and 333.

<sup>11</sup> Secs. 312 and 321.

<sup>12</sup> Secs. 328, 351, 352, 353, 357, and 358.

<sup>13</sup> If we take as an example the three sub-headings under "Banking and finance," "National banking laws," "Federal reserve act," "Federal farm loan act," we find that among the infractions intended to be included under these headings are embezzlement, forgery, fraud, influencing bank examiners through gifts or loans, etc.



subtract from these 62,839 cases under the heading "Public health and safety" (mostly prohibition cases), we have 22,489 to account for. Of these the statistics list 12,616 cases as not "specially classified," and for only 72 of these cases is any further information provided. Thus 12,544 cases, more than half of the total number not under the heading "Public health and safety," are not accounted for.

Enough has been said of the inadequacy of the present classification of infractions as a basis for the criminal statistics of the Federal Government. A definite and comprehensive study must be made to provide a good classification. This task is not without its difficulties. The tendency of the Federal Penal Code and of penal codes generally is to group infractions around the particular legal interests to be protected in this fashion: "Offenses against the Postal Service," "Offenses against operations of Government." Though this may be good juridical practice, it is insufficient for statistical purposes, because it does not give enough information as to the character of the attacks on such legal interests.<sup>14</sup> Attacks on different legal interests may proceed from the same impulses and be of the same nature. A good sociological and psychological classification of offenses would unite them under the same heading.

There are also some difficulties of classification peculiar to the Federal Penal Code.<sup>15</sup> Frequently the same paragraph includes a number of quite different offenses.<sup>16</sup> The Federal Penal Code suffers from a lack of general concepts. Too

<sup>14</sup> On this point see Wadler, *opp. cit.* p. 37; Bosco, *opp. cit.*

<sup>15</sup> This might be expected from a code that calls forth the following statement from a recent commentary: "One can not review the contents of this book without wondering whether so far as the Federal law of crimes is concerned there is a science of jurisprudence." (Hopkins, *The Federal Penal Code*, p. 4.)

<sup>16</sup> Sec. 340 is illustrative. The first part of this disposition prohibits the mailing of poisons, inflammable materials, explosives, intoxicating liquors, etc., with a penalty of \$1,000 or imprisonment for not more than 2 years. This is then an offense against the Postal Service, the mailing of prohibited matter. The second part continues that whoever shall deposit such matter "with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both." Thus the latter part of this disposition provides for an offense against the person and an offense against property.

frequently there is casuistic enumeration of specific forms of prohibited conduct which could well be included in the same general concept.<sup>17</sup>

Yet, whatever the difficulty, an adequate classification must be devised. No matter how carefully statistics are collected or how complete they may be, their value will be lost if the figures are set forth under headings which include ill-assorted offenses. This is what is done by court statistics at the present time. The first requisite for good criminal statistics, therefore, is a new and proper classification of offenses.

The importance of another element of court statistics, the dispositions of the cases by the court, has been indicated by Prof. Sam B. Warner:

It may be possible to use court statistics to form a basis for estimates of the efficiency of the courts and to indicate desirable topics for further study to the end that the weaknesses in the judicial machine may be discovered and remedied. If court statistics are to serve this purpose, the dispositions listed must be many more than the five or six now commonly used. The main headings of court action must be subdivided so as to show more specifically what is going on.<sup>18</sup>

With respect to dispositions, Federal court statistics are better than the State statistics commented upon by Prof. Warner, because more dispositions are listed. There are, however, many serious omissions in the Federal list of dispositions. Convictions, acquittals, and the number of trials by jury are indicated, but there is no separate indication to show how many jury trials ended in acquittal or conviction. Moreover, the statistics do not indicate whether conviction was obtained for the offense as charged in the indictment, or for a lesser offense. Nor can it be seen from the published figures whether pleas of guilty were to the charge contained in the indictment or to a lesser charge.

<sup>17</sup> The following sections of the Penal Code relate to interfering or resisting a Federal officer in the performance of his duty: Sec. 118, interfering with an official of the Bureau of Animal Industry; sec. 121, resisting revenue officers; sec. 122, obstructing revenue officers by masters of vessels; sec. 245, obstructing or resisting an officer when serving process; sec. 628, obstructing or resisting an officer executing a search warrant.

<sup>18</sup> Sam B. Warner, *Survey of Criminal Statistics in the United States*, p. 67.

Other lacunæ could be pointed out in the statistics on Federal court dispositions. Probably the most serious omission is that sentences imposed, with the exception of fines imposed and collected, are not indicated. There is, therefore, practically no information as to what happens when a conviction is secured or a plea of guilty is entered.<sup>19</sup> Opinion has it that capricious difference in sentence for the same offense due to varying views of different judges is a familiar evil in American criminal justice.<sup>20</sup> Yet it is impossible to determine on the basis of our present statistics whether such an evil does in fact exist in the Federal courts. Data are needed, therefore, on how the different courts are disposing of offenders coming before them for sentence. This information, if based upon a well-drawn classification, would give us invaluable material on the functioning of our courts, on the legal reaction to illicit action.

This study, also, will refrain from recommending a concrete table which will remedy these defects and permit a case to be followed through the successive steps in the court processes.<sup>21</sup> The table of dispositions used by the committee which is making the survey of the work of the Federal courts for this commission is probably better adapted to such courts than the one in Instructions for Compiling Criminal Statistics.<sup>22</sup> It is, however, more elaborate and more complicated. Whether it is a practical table for ordinary statistical purposes should be revealed by the survey.

Attention must be called to another defect of Federal court statistics. The unit taken for compilation is the individual case. This is a good basis for measuring the activity of the courts. However, it gives us no exact idea of the number of violations of the law which were disposed of by the court, since a single case may be concerned with more than one offense.

<sup>19</sup> The report of the Bureau of Investigation in the Attorney General's Report gives information as to sentences imposed in cases investigated by the bureau. Information as to sentence imposed in prohibition cases is also contained in the Annual Reports of the Commissioner of Prohibition.

<sup>20</sup> Frankfurter and Landis: *Business of the Supreme Court*, p. 249.

<sup>21</sup> See Warner, *op. cit.*, p. 68.

<sup>22</sup> Publication of the U. S. Census Bureau, Washington, 1927, Table 21, p. 47. See also tabulation card, p. 53.

Nor does the use of this unit provide exact information as to the number of delinquents before the court, or of the number convicted or acquitted. A defendant may be convicted twice or three times during the year. Each conviction is entered into the statistics. Any case may have 1 or 100 defendants. At the present time, where a number of persons are indicted and 1 or more convicted, the case is entered just once as 1 conviction.<sup>23</sup> If 100 defendants are indicted in 1 case and only 1 conviction is obtained, 1 conviction is entered and nothing is shown about the 99 failures to convict. It may be seen then that proper account is not taken of the result of action against individual defendants. The statistics present, therefore, an insufficient and misleading picture of what happens in criminal cases.

Another illustration of how misleading our present statistics are, because they do not adopt as one of their units the individual delinquent, is contained in a memorandum to the chairman of the commission from Mr. Malcolm S. Langford. He puts the simple case of two defendants, one of whom pleads guilty, while the other is tried by jury and convicted. The case is tabulated as one conviction and can only be shown in the statistics under either "trial by jury" or "pleas of guilty" for the tables to balance. But under which item is it presented? Mr. Kennard, of the Department of Justice, who is in charge of the court statistics, could not answer the question but thought that the practice would not be uniform throughout the country. He suspected that the supposed case would be listed according to the individual slant of the clerk in the office of the United States attorney who was making the entry.

A well-planned system of criminal statistics would use all three units named—the individual case, the offense, and the delinquent, as is demonstrated by foreign experience.<sup>24</sup>

<sup>23</sup> Instructions to United States Attorneys, sec. 1100, p. 186.

<sup>24</sup> See Influence du choix de l'unité sur les résultats de la statistique criminelle, Bulletin de l'Institut International de Statistique, tome 18, p. 325; L. M. Robinson, The Unit in Criminal Statistics, Vol. III, Journal of Criminal Law and Criminology, p. 245; Georg von Mayr, *Moralstatistik und Gesellschaftlehre*, p. 241.

The unit, the individual case, provides, as has been pointed out, the basic information relating to the activity of the courts. But if court statistics are to be an aid in an estimation of the extent and character of Federal criminality, the number and kind of infractions for which each conviction was obtained must be indicated, instead of selecting the most serious offense and listing the conviction under it, which is the general practice. If, furthermore, we wish to know the number of delinquents appearing before the Federal courts, they must be specifically indicated in the statistics.

Some attention must also be given to the manner of compiling the court statistics. Basic information is contained in the register of cases kept in the district attorney's office. At present as each case is begun it is entered upon the register. When it is terminated, it is entered upon a separate register and upon a form which shows the results in the criminal cases terminated. This work of listing cases and recording their results must be kept as nearly as practicable up to date. At the end of the fiscal year an annual report must be prepared by the district attorney from these records on forms similar to those used in the preparation of the report of the Attorney General. The only work that seems to be performed by the Department of Justice is a simple addition of the items contained in the annual reports of the district attorneys and an elimination of obvious inaccuracies.

In the early stages of their experience European countries which to-day have well-developed statistical systems used similar methods. Formerly they, too, relied chiefly for basic information on registers kept in the offices of local officials.

Now the more progressive systems abroad no longer place their reliance upon local registers. Instead, each case is reported individually by the local authorities on prescribed forms calling for all the desired information relating to the case and the delinquent.<sup>25</sup> These records are sent

<sup>25</sup> Germany, however, from the beginning (1881) has used the individual bulletin in the preparation of its statistics.

directly to a central bureau which compiles from them the criminal statistics.<sup>26</sup>

The chief advantage of the individual case record over the register system is the more detailed representation of facts which may be secured. In the register we are limited to the number of columns that may be conveniently used. In the individual record, however, it is possible to set forth every stage in the procedure from the beginning until definite judgment, and even after judgment to appeal and new trial.

The form prepared by the committee which is making the survey of the criminal courts for this commission shows the possibilities of this method of compilation. Some similar method should be used as part of the ordinary routine of court reporting. Adequate criminal statistics which are to mirror court activities and disclose weaknesses in criminal procedure can only be obtained by this method.

In discussing police statistics and the statistics of the preliminary procedure before trial, it has been stated that reports should be made to a central statistical bureau, to be established in the Department of Justice. The individual case records just discussed should also be sent to this bureau, which should be charged with the duty of compiling the Federal criminal statistics.

The use of these individual reports and the creation of this bureau are two prerequisites for obtaining good results. Criminal statistics have been prepared for years as a routine matter by clerks from annual reports furnished by the district attorney. The outcome has been criminal statistics that are not complete in that they fail to cover all the agencies involved in the processes of law enforcement and inadequate in the sense that whatever statistics there are do not fill the functions properly demanded of them. To change this situation a permanent bureau of statistics, guided by expert personnel, is necessary. It can provide the criticism, the studies, and the organized effort needed

<sup>26</sup> See Wurzbarger, *La statistique criminelle de l'empire allemande*, Bulletin de l'Institut International de Statistique, Rome, 1888, p. 43; M. L. Bodio, *Sur l'organisation de la statistique pénale en Italie*, *ibid.*, tome 4, p. 165; M. Tissier, *Les récentes réformes de la statistique criminelle en France*, *ibid.*, tome 18, p. 478.

to improve our present statistics. It can make the statistical information more complete by obtaining data from agencies from which we have no records at present.

Several considerations make it preferable that the new central statistical office be located in the Department of Justice. In the first place, the department contains the only bureau with a general police jurisdiction and the very important Bureau of Prohibition. Of even greater weight is the fact that the department, because of its control over marshals, commissioners, court clerks, district attorneys, and other officials, is in touch with all the processes arising from the prosecution of a crime. Furthermore, the Prison Bureau, which administers Federal penitentiaries and reformatories and which is at present furnishing and attempting to improve statistics relating to United States prisoners, as will be seen from the next chapter, is also contained in the Department of Justice. In short, the department has the advantage of being already in direct contact with the greater part of the material and processes to be statistically recorded, and of having already introduced some machinery of collection.

To create a national system of criminal statistics, including Federal and State statistics, this proposed bureau should make its information available to the Bureau of the Census in accordance with the plan recommended by Prof. Warner.<sup>27</sup> Lacking all the advantages a bureau in the Department of Justice would have, the Bureau of the Census would be a less efficient instrument of collection, and should not therefore try to obtain the information directly from the agencies involved.

The court statistics published by the Attorney General contain nothing relating to the individual facts and social conditions of the convicted offenders. The only source for this information at present is limited to statistics concerning prisoners which will be examined presently. Because the courts are not now equipped to gather such facts and because of the uncertainty as to what facts are significant,

<sup>27</sup> Survey of Criminal Statistics, p. 47 et seq.

Prof. Warner recommended that such statistics should not be collected by the courts.<sup>28</sup>

Yet this means that the manner of man who violates the Federal laws can be determined only from those who are sent to prison. This furnishes an incomplete picture, for, as Sutherland says:

Prisoners are a *selected*<sup>29</sup> group of criminals, and an enumeration of the traits and conditions of prisoners would presumably yield different results from an enumeration of the same traits and conditions in all criminals.<sup>30</sup>

Instead of accepting the present situation, some attempt ought to be made to remedy it. If the courts are not now equipped to secure this sort of information, they ought to be given the means to obtain it by the addition of social investigators to their personnel. The fundamental need is for more knowledge concerning the elements entering into the crime problem, and the most important of these elements is the individual delinquent. Statistics relating to the individual delinquent will not in and of themselves enable us to understand the causes of criminality, but by revealing the most frequently recurrent phenomena they can indicate broad trends which should be bases for further investigation. Moreover, if we do not know just what facts are significant, we must begin by examining statistically the facts believed to be important and be guided by our statistical experience.

Penologists advocate equipping the courts with investigators for the immediate purpose of carrying out the present-day motto of their science, "individualization of the penalty." The investigator could, therefore, be a potent instrument in the struggle against Federal criminality both as to treatment and cause. By providing knowledge of the individual delinquent, the investigator would enable the judge to take more intelligent action in sentencing the offender, thus tending to prevent recidivism. On the other hand, the accumulated knowledge of thousands of cases

<sup>28</sup> See Survey of Criminal Statistics, p. 69 et seq.

<sup>29</sup> Italics mine.

<sup>30</sup> Criminology, p. 79.

handled by the investigators, recorded statistically, would provide the bases for intensive examinations of recurring phenomena, and could bring us face to face with the fundamental factors productive of delinquency. If there is to be amelioration in the crime situation, these causative factors must be eliminated.

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## CHAPTER V. INSTITUTION STATISTICS

There are two published sources of statistical information concerning Federal prisoners.<sup>1</sup> The first is the exhibit of "Statistics relating to United States prisoners," which has been part of the Attorney General's Report since 1887.<sup>2</sup> It purports to give statistics relating to United States prisoners in the Federal penal and correctional institutions, as well as those confined in State institutions. It has been prepared every year in practically the same form with the exception of changes in the classification of offenses. However, the statistics prepared by the Prison Bureau for the 1930 Attorney General's Report<sup>3</sup> make many changes which will be referred to in the description and criticism of Federal prison statistics.

The second source of information concerning Federal prisoners is contained in the pamphlets, Federal Penal and Correctional Institutions. Issued yearly since 1927, these publications collect into annual volumes the reports of the Federal penal and correctional institutions which used to be published separately. The practice of publishing the statistics relating to the prisoners separately by institution was continued until the 1929 report. There the statistics of the various institutions are not published separately but are combined. They relate only to the prisoners in the Federal institutions and do not include Federal prisoners confined in State institutions.

Before indicating the kind of information on Federal prisoners in these two sources, several omissions must first

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<sup>1</sup> The reports of the Bureau of the Census, such as Prisoners in State and Federal Prisons and Reformatories, 1923, and Prisoners in State and Federal Prisons and Reformatories, 1926, will not be considered, as they do not deal exclusively with Federal prisoners.

<sup>2</sup> There have been some statistics relating to United States prisoners in this report, however, as far back as 1872.

<sup>3</sup> Exhibit No. 8, pp. 311-320.

be pointed out. The Federal statistics of prisoners do not provide data on all the offenders who have been sentenced to imprisonment by the Federal Government. The published statistics relate only to long-term prisoners for the most part and the 1930 tables relate exclusively to this class of offenders, that is, those sentenced to prison for at least one year. Thus in the past we have been completely without information concerning offenders whose sentences were less than one year. This sad state of our present statistics is not surprising in view of the fact that the United States Prison Bureau has not even known until recently the bare number of Federal prisoners detained in local jails.<sup>4</sup> This year for the first time statistics are available on Federal prisoners in jails and workhouses serving sentences of less than one year. They are as yet unpublished, but the proposed tables<sup>5</sup> provide considerable information relating to such prisoners.

Moreover, the information given in the statistics does not even relate to all the prisoners who are in the institution serving a term of more than one year. As is clearly indicated in the tables for the 1930 report, the data concern only prisoners received from the courts during the year.

<sup>4</sup> 1929 Report of the Attorney General, p. 75.

<sup>5</sup> Although the form of presentation is not definitely fixed, the following types of information will be provided in the Federal jail statistics:

Prisoners held for trial:

- By judicial districts—
  - offense and sex.
  - offense and age.
  - type of commitment and sex.
  - methods of discharge and sex.
  - and sex.
- By offense and method of discharge.
- By offense and time served.
- Released or sentenced, by judicial district, and time served.
- By offense and sex.
- By State from which committed.
- By race, nativity, and sex.
- By age and sex.
- By age and offense.

Prisoners under sentence:

- By judicial districts—
  - offense and sex.
  - offense and age.
  - type of commitment and sex.
  - method of discharge and sex.
  - and sex.
- Offense and method of discharge.
- Released, by offense, sentence, and time served.
- Released, by judicial district, sentence, and time served.
- By offense and sex.
- By State from which committed.
- By race, nativity, and sex.
- By age and sex.
- By age and offense.
- By length of sentence and offense.

Population, by offense.

Population in jails and workhouses, by judicial districts.

This is done because it is considered that the trends of crime may be better ascertained if the statistics take admissions as their basis rather than existing population. So many prisoners must serve long terms of imprisonment that taking existing prison population as a basis involves considerable duplication.

The statistics on United States prisoners in the Attorney General's Report of 1929 show the following items: The State in which the institution is located; name of the institution; location of the institution; the warden or superintendent; the number from each district or institution from which prisoners were received during the year; movement of the prison population; offenses; nativity; sex; habits of life; color; education; social relations; criminal history; age; when admitted; whether idle, disabled, or sick, or working on piece-price plan, State account, or on prison duties.

The new tables in the 1930 Attorney General's Report have made many improvements in the content of the information contained under several items. Let us take, for instance, the heading, "Movement of the prison population."<sup>6</sup> This table in the 1930 report shows much more clearly the sources from which the prisoners were received by the various institutions. Moreover, the new table corrects the mistake made in the earlier tables of including prisoners listed under the items "Returned for violation of Parole," and "Returned from escape," under the general heading of "Crimes and offenses." In the 1930 table they are properly listed under the heading of "Admissions during the year."

So, too, the obvious crudity of presentation in the 1929 and previous reports showing the districts from which the prisoners were sent to the various institutions only in relation to each institution has been remedied in the new tables. The total ordered committed from each judicial district is now indicated as well as the total number committed from each judicial district to each institution.<sup>7</sup>

<sup>6</sup> 1930 Report of the Attorney General, Table 1, p. 311.

<sup>7</sup> Opp. cit. Table 2, p. 312.

The classification of offenses has also been much improved in the new tables.<sup>8</sup> Breaking up the classification "Postal-law violations" into its component elements is particularly to be commended. Further improvement might be made if the same thing were done for the "immigration law" and the "interstate commerce act violations."

In indicating the nativity of the prisoners the old 1929 table simply showed "Born in the United States," or "Foreign born." The new tables, however, give much more complete information as to the countries of birth of the foreign-born prisoners.<sup>9</sup> There is also a table indicating the race to which the prisoner belongs, whether white, negro, Mexican, Indian, etc.<sup>10</sup> The statistics devoted solely to the Federal institutions also give the States of birth of the native-born prisoners.<sup>11</sup>

The new tables continue to give the ages of prisoners in the same unsatisfactory way as in the old reports, that is, at 10-year intervals: Under 20 years of age, 20 to 29, 30 to 39, etc.<sup>12</sup>

The new statistics, however, change the dubious heading of "Social relations" to "Marital condition," which is properly what the information calls for.<sup>13</sup> Furthermore, it corrects the mistake of dividing all the prisoners into married and single by adding the two additional items of widowed and divorced. However, those separated from their spouses though not divorced are still included in the married group. This is a substantial defect, as this group lacks the presumptive stability that goes with the marital relation. Evidently, this information was not available as to long-term Federal prisoners in State institutions, since it is indicated solely in the statistics devoted to the Federal institutions.<sup>14</sup>

<sup>8</sup> Opp. cit. Table 3, p. 315.

<sup>9</sup> Opp. cit. Table 6, p. 318.

<sup>10</sup> Opp. cit. Table 5, p. 317.

<sup>11</sup> Federal Penal and Correctional Institutions, 1929. Table 9, p. 65.

<sup>12</sup> Attorney General's Report, 1930, Table 7, p. 319.

<sup>13</sup> Opp. cit. Table 8, p. 320.

<sup>14</sup> Compare Federal Penal and Correctional Institutions, 1929, Table 18, p. 76, with Table 8, p. 320, 1930 Attorney General's Report.

The new tables improve slightly the information as to education.<sup>15</sup> Instead of the simple notations of the previous reports:

Could read and write,  
Could read only,  
Could neither read nor write,

it provides the following items:

Last school attended,  
Elementary school,  
High school,  
College,  
Illiterate.

The chief inadequacy of this table would seem to be that the last grade attended in the elementary school is not indicated. There is a great difference between the one who at 14 is still in the second or third grade and the one who at 14 has completed the eighth grade. It would be useful also to have similar information concerning the few prisoners who have attended the higher institutions.

A more fundamental defect is, however, the emphasis on formal education and not on intellectual capacity. But to obtain information as to the latter requires the mechanism of intelligence testing. If this is not available, it is doubtful whether more can be done than to attempt to indicate the formal education of the inmate, as is done here.

The 1929 tables under the heading of "Criminal history" indicated whether the delinquent was a first offender or had "heretofore served imprisonment." What "imprisonment" means in this connection is uncertain. Moreover, there is no indication of the number of times that the inmate had previously been in prison,<sup>16</sup> or, what is perhaps more important, the kinds of offenses which had previously caused his incarceration. Imperfect as these tables are, however, the information had probably better be presented in this fashion than be completely omitted, as is done in the new tables. Statistics of recidivism are extremely important as

<sup>15</sup> Attorney General's Report, 1930. Table 9, p. 320.

<sup>16</sup> For some peculiar reason the statistics relating to Federal prisoners confined in Federal institutions provide this information only as to drug addicts. See Report of Federal Penal and Correctional Institutions, 1929, Table 16, p. 77.



a measure of the effectiveness of prior penal treatment. They are also important for the light they throw on the composition of the criminal population. Omitting tables as to recidivism deprives us of information on these points.

The new tables also do not provide the information called for by the heading "Habits of life," which appeared in the 1929 Attorney General's Report and prior reports and which contained the following items:

Claim to be temperate.

Admit themselves intemperate.

Just what is "temperate" or "intemperate" in this connection does not appear, and whether those who compiled the facts gave the same meaning to these terms is also very doubtful.<sup>17</sup> Thus they give a very dubious picture as to the use of alcohol by the inmates of the institutions and are quite worthless as to throwing some light on the rôle of alcohol as a causative factor in criminality.

It was probably better to drop the tables altogether than to furnish information of so little value. Still, the notion of obtaining some information as to the habits of a prisoner which might throw some light on his criminality is certainly sound, and not alone is alcohol important in this connection but also the use of drugs.<sup>18</sup>

The new tables also do not furnish any information as to the nature of the prisoners' employment in prison, as is done by the 1929 and prior reports. No such information is to be found, either, in the statistics relating exclusively to Federal institutions. Here again it is much better to omit this table altogether than to furnish the kind of information given in the past. Out of 10,719 inmates for whom the 1929 report gave this information only 660 are listed as idle; 9,123 are, however, listed as being engaged on prison duties. Yet here, too, it would seem that satisfactory data

<sup>17</sup> It is hard to believe what the Attorney General's Report for 1929 shows, that the prisoners in the Leavenworth Penitentiary were so much more intemperate than those confined in the United States detention headquarters in New York that out of 2,498 prisoners in the former 2,331 are shown to be intemperate, whereas but 75 out of 665 confined in the latter institution are so designated.

<sup>18</sup> Table 16 of the 1929 Report of Federal Penal and Correctional Institutions, p. 27, shows the number of drug addicts on hand and also the drugs used.

on the number employed in the institutions and the character of their employment would be very valuable in showing the vocational needs of the various institutions and their vocational accomplishments.

Apart from the items already indicated, the statistics relating exclusively to the Federal institutions in the "Federal Penal and Correctional Institutions" contain a table showing the average institution population each month by institution. They also contain a very detailed table of the length of terms of the prisoners as Table 4 of the new tables in the 1930 Attorney General's Report does for the first time.<sup>19</sup> Detailed tables are also given as to the occupations of prisoners prior to conviction and their religious preferences.

Apart from what has already been said by way of criticism, the outstanding defect of the Federal institution statistics is lack of significant combinations of data. Without this, much of the information is not important. A table showing the length of sentence of prisoners is of little value without some information concerning the offenses for which these prisoners were sentenced. So, too, the value of the table relating to age could be considerably enhanced if it were combined with a table on recidivism. It is these kinds of combinations of data that add so much value to the census publications on prisoners. They have been lacking hitherto because the Prison Bureau has not required the wardens to place in the annual reports from which the statistics are compiled any correlated material. Only simple basic data have been requested. However, the Prison Bureau plans combined tables in the future. Moreover, it is evident that the information has been obtained for the most part simply by asking the prisoner, without any attempt to check up on his statements. Yet if the basic information is to be accurate, the prisoner's statements must be verified.<sup>20</sup>

<sup>19</sup> P. 316.

<sup>20</sup> See Report of the Committee of Statistics of the American Prison Association, Vol. II of the Journal of Criminal Law and Criminology, p. 77, and Sam B. Warner, New Federal Criminal Census, Journal of Criminal Law, etc., vol. 14, p. 79.

Here, too, significant improvements in institution statistics can only be obtained through changing the method of collection. This change is but one of the incidents, one might say one of the by-products, of the acceptance of the program of scientific penology. The latter demands individualization in the treatment of the prisoner. This must be based on knowledge of the individual prisoner—on facts relating to his physical and mental condition, the environmental conditions which may have influenced his conduct, his economic conditions, family and domestic relationships, etc. This knowledge can be obtained only through the cooperation of the physician, psychiatrist and social worker. Moreover, *these are the facts that will form the basis of a significant system of prison statistics.*<sup>21</sup> They should be recorded on cards for each prisoner and sent to the central statistical bureau, herein recommended, charged with the compilation of the data.

With these changes a proper system of Federal statistics relating to prisoners could be compiled. The lack of significance in the information provided and the inaccuracies that have characterized Federal penal statistics in the past could be avoided.

A similar recommendation has already been made in this report in connection with court statistics. The data collected by investigators attached to the court, however, can not be as detailed or as complex as that which can be obtained from prison sources. The number of individuals concerned in institution statistics is smaller and can be observed for a longer time.

Whatever we may think of the desirability of collecting such information in connection with court statistics, the data will probably not be available for a long time. It is all the more important, then, to improve the one source of information we have at present relating to the kind of individuals who violate Federal laws.

<sup>21</sup> See A Statistical System for the Use of Institutions for Criminals and Delinquents. Report of Committee of the American Institute of Criminal Law and Criminology, Vol. II of the Journal of Criminal Law and Criminology, p. 441.

## CHAPTER VI. STATISTICS OF PROBATION AND PAROLE

A few words must be said regarding statistics of probation and parole. The Federal Government publishes no statistics on probation, and thus from no published source can one determine the functioning of this very important device of penal treatment in the Federal criminal law.

The importance of probation statistics is indicated by Prof. Warner.<sup>1</sup>

Probation statistics will undoubtedly play a very important part in the scheme of national criminal statistics. Not only will probation statistics be the source of information concerning a growing and very important method of handling offenders but they, together with prison statistics, will be the chief source of information concerning the social conditions of offenders.

Prof. Warner suggests as an aid in the improvement of State probation statistics that the Federal Government draw up a model statute for their collection and assist in securing its passage in various States. Yet it would seem that Federal efforts along these lines would largely be vitiated by the fact that the National Government has no system of probation statistics at all. The best model it could present to the States would be a working and effective system of probation statistics as applied to its own offenders. Once it has a sound system of probation statistics which effectively record the operations of Federal probation machinery and furnish data on the kinds of individuals who are put on probation, then the Central Government can properly recommend that a similar system be adopted by the States.

The creation of a Federal system of probation statistics is envisaged by the act approved June 6, 1930,<sup>2</sup> which amended the paragraphs relating to probation officers in

<sup>1</sup> Survey of Criminal Statistics, p. 74.

<sup>2</sup> Public, No. 310, 71st Cong.

the Penal Code (secs. 721-727). It provides that each probation officer shall keep records of his work "and shall make such reports as the Attorney General requires." It also directs the Attorney General "to collect for publication statistical and other information concerning the work of probation officers," and to "prescribe record forms and statistics to be kept by probation officers."

The situation as to parole statistics is better than that relating to probation. There have been some statistics since the beginning of the operation of the Federal parole law, and they have been published in the Attorney General's Report since 1911. The parole statistics in the 1929 Attorney General's Report and in prior reports consist of three tables. The first shows the institutions from which the prisoners were released on parole and the judicial district from which they were committed. The second table shows, by judicial district, the offenses of the released parole prisoners.

The third table, the basic table, showing the work of the parole boards, has been adopted in an improved form as the only parole statistics for the 1930 Attorney General's Report.<sup>3</sup> This table is in two parts, the first showing the number of prisoners considered for parole, and the action taken on parole applications; and the second showing the movements of persons on parole. The numbers for each institution and the totals are indicated in the table.

There are two aspects to parole statistics. First, they must present the number of individuals to whom parole was granted, as is done by the present Federal parole statistics. They must also present some information showing the kinds of individuals to whom such parole is granted. This is recognized by the second table relating to parole statistics in the 1929 Attorney General's Report, which shows the offenses of the individuals released on parole. But something more is needed than simply data as to offenses. Other basic information that could well be presented is the proportion of the sentence served before parole was granted, the sex and ages of the parolees, whether first offenders or

recidivists, etc. Yet the parole statistics for the 1930 report not only do not present any such data, but even drop the table relating to offenses.

Parole statistics must also provide the data which will enable us to test the functioning of this method of penal treatment. Freedom on parole provides an adjustment period for the prisoner after his liberation. The purpose of such adjustment period is to facilitate his return to free life. Parole is granted on the supposition that the prisoner can properly be submitted to this régime of supervised freedom without reverting again to crime. Parole statistics should then inform us how far this supposition is realized.

Thus the basic information here is the relationship between the total number on parole during a given period and the number who violated parole during that period. The value of the data will depend here as elsewhere on the nature of the parole organization which provides it. Supervision is the *sine qua non* of parole, and where there is insufficient supervision the parole system is apt to be, as one report termed it, "an underfinanced moral gesture."<sup>4</sup> But not only will an inadequately supervised parole system fail to perform its functions of guarding the prisoner against a reversion into crime, the records of its work are very apt to give a false sense of security. For, among other things, a well-supervised parole system is very prompt and efficient in detecting parole violation, whereas the contrary would be true of an undersupervised system. And yet the reports of the latter would show a much greater percentage of parole "successes." Adequate parole statistics must, therefore, be based in the first instance on adequate parole supervision.

In view of the fact that the Federal Government parolees have been inadequately supervised in the past, one can well doubt that the small number of parole violations reported (99 out of 3,767 paroled who were on parole at the beginning of the year or who were granted parole during the

<sup>4</sup> Report of Special Committee on the Parole Problem, appointed by Governor Franklin D. Roosevelt, p. 11.

<sup>3</sup> Exhibit No. 7, p. 308.

year)<sup>5</sup> indicates the real situation. If, however, adequate supervision is eventually provided, so that the number of parole violators will more nearly correspond to the real situation, then there will be some point in showing statistically the kind of individuals who break parole, indicating particularly the offenses for which parole was revoked.

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<sup>5</sup> 1930 Attorney General's Report, Exhibit No. 7, p. 808.

## CHAPTER VII. CONCLUSIONS

The introduction to this study indicated the three functions of criminal statistics. The conclusion of this examination of Federal criminal statistics must be that at present they fulfill none of these functions satisfactorily. The only data as to the volume and character of criminality are contained in statistics of criminal cases coming before the courts. This information, unsupported by data from police and prosecuting agencies, is an insufficient foundation for estimates of the volume and character of criminality. Moreover, a defective classification of offenses impairs whatever value even these data may have.

Nor do Federal criminal statistics adequately mirror the governmental processes in relation to crime. The absence of police statistics and statistics of the preliminary procedure, including statistics of prosecution, leaves us completely in the dark as to what steps were taken by the police agencies and by the authorities concerned in the preliminary procedure in the cases that come to their attention. Our first view of what the governmental machinery is doing with such cases comes at a late stage in the procedure when some of them reach the courts. And even here we are denied a satisfactory picture by the incompleteness of the court dispositions listed by the statistics, particularly the omission of data relating to sentence.

The only data relating to offenders are those provided by the prison statistics. We have indicated their incompleteness and the inaccuracies that have characterized them in the past.

A concrete example will show what is lost by the failure to have an adequate system of criminal statistics. One wishes to investigate the problem of juvenile criminality in its relation to the Federal criminal law. The primary ques-

tion is, What is the extent of this problem? Only from prison statistics can any data be obtained bearing upon this question, and the data are very inadequate, as the age tables in the prison statistics relate only to prisoners sentenced to more than one year. However, the situation is even worse for other fundamental questions such as, What are the offenses that juveniles commit? How are the courts treating juvenile offenders? How far is probation used for juveniles? The answer to these and other legitimate questions must be sought from sources other than the existing statistics, as they present wholly inadequate data.

It must be said of Federal criminal statistics that in their present status they can not supply data for many significant inquiries relating to the problems of Federal criminality. And unless the statistics can do so there seems to be little point in collecting them.

What is needed most to bring about improvement is organized, intelligent, and continued effort. For 60 years the Federal Government has been publishing criminal statistics which are inadequate. Improvement will not be the work of a day. The central statistical bureau in the Department of Justice, recommended by this study, could provide the effort necessary. It could consider the problems involved in the extension of the criminal statistics to police agencies and to the preliminary procedural processes. It could also work toward the perfection of existing court statistics. The bureau would have to consider here the improvement in the manner of collection through the use of the individual case record. It would have to make the study necessary to improve the classification of offenses. It could develop these statistics to the stage where they really record what is taking place. It could also consider the desirability of introducing into court statistics certain facts relating to the offender. It could consider the many problems raised by the necessity of improving prison statistics and parole statistics, many of whose defects have been pointed out here. It could also help to provide probation statistics which are non-existent at the present time.

## APPENDIX A

### A CRITICISM OF THE FEDERAL PENAL CODE

A statement on page 176 criticizes the Federal Penal Code for its lack of general concepts. A glance at the history of the code<sup>1</sup> and a rapid analysis of some of its features will show the nature and origin of this and other deficiencies.

A commission was created by the act of June 4, 1897, "whose duty was to revise and codify the criminal and penal laws of the United States." On March 3, 1901, Congress clarified the objects of the commission by providing—

that in performing this duty the said commission shall bring together all of the statutes and parts of statutes relating to the same subjects, shall omit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text and may propose and embody in such revisions changes in the substance of existing law.

It had been evident for some time that the labors of the commission were necessary. The last revision of the law had been made in 1878, and in the interval—

more laws of a permanent nature had been passed than had been passed from the time of the adoption of the Constitution down to the time of that (1878) revision.

These laws were scattered through 20 bulky volumes of the Statutes at Large. They were commingled with a large mass of temporary enactments. They were frequently to be found in appropriation bills whose title gave no indication of their purport. The commission, summarizing the existing state of the legislation, said that it evinced—

an irregularity and confusion which \* \* \* will hardly be found in the permanent laws of any other legislative body of modern times. \* \* \*

<sup>1</sup> The history of the present code is to be found in the Report of the Special Joint Committee on the Revision and Codification of Laws, 60th Cong., 1st sess., Senate Rept. 10, pt. 1.

The commission decided against suggesting any sweeping reforms to Congress and therefore recommended only a few provisions—

against acts and omissions which, in its judgment, so manifestly should be made criminal that consideration thereof will not prevent the adoption at the present session, of the revised Penal Code.

It summarized its work in almost the exact terms of the instructions offered by Congress in 1901.

Undoubtedly the achievement of the commission, the present Federal Penal Code, represented a real advance over the previous situation. But it may be seen from the above extract of the commission's report why its labors did not result in a work which could meet the rigid tests of scientific codification. The commission's principal object was one of compilation. It wished to eliminate the existing confusion in the Federal penal law and at least bring together all the laws containing penal provisions into one volume, thus making them readily accessible. In order not to prejudice its work before Congress, the commission made no radical changes, merely making some recommendations for obvious legislation.

The commission's work, therefore, left in the Federal Penal Code some very grave defects which stand at the present time. They can probably be removed only by opening up again the whole question of codification of the Federal penal law.

Let us consider, for example, the division of offenses into felonies and misdemeanors.<sup>2</sup> It inspired a recent commentator<sup>3</sup> to write:

The distinction between felony and misdemeanor is a curious specimen of lawmaking to be in force in this day and country with its fixing of the dividing line between crimes, infamous and otherwise, by the possibility of punishment by imprisonment for one year or less and its effect of making felonies of crimes denominated as misdemeanors in the statutes which denounce them. This is truly, as characterized by the judge from whom we have last quoted (Bourquin, J., in *United States v. Gaag*, 237 Fed. 728), a reversion to barbaric law.

Even more fundamental criticisms of the Federal Penal Code may be made. Modern criminal codes are in two parts, the first containing dispositions of general significance, and the second defining specific offenses. These codes begin usually with a statement of the fundamental principle of the present penal law, "*nulla poena sine lege*,"

<sup>2</sup> Sec. 541. "All offenses which may be punished by death or imprisonment for a term exceeding one year shall be deemed felonies. All other offenses shall be deemed misdemeanors."

<sup>3</sup> James Love Hopkins: *New Federal Penal Code*, p. 3.

and the ramifications thereof. They then proceed to provisions relating to jurisdiction; that is, they define the territory upon which and the persons to whom the code is applicable. Following paragraphs define the concept of an offense and make the division into offenses of greater and of lesser gravity ("crimes," "délits," and "contraventions" in French law; "Verbrechen" and "Vergehen" in German law). The concept of attempt is then defined. Later provisions define culpability and the situations in which culpability is excluded, though the objective criminal act is committed; that is, insanity, error, self-defense, etc. Dispositions then follow on the use of the sentencing power by the judge, on complicity, participation, etc. These dispositions of general significance are all dealt with in the first part of modern codes.

The outstanding deficiency of the Federal Penal Code is that it does not contain a general part in which all the matters of general applicability are to be found. It is quite true that dispositions relating to some of the matters above are to be found in the code. For example, the various offenses are full of such words as "willfully," "voluntarily," "knowingly," "maliciously," seeking to express the mental state in which an act must be committed in order to make the act criminal (or, to put it differently, the doer culpable). A carefully drawn general provision would eliminate the necessity of mentioning the mental factor in every offense.

There are dispositions relating to jurisdiction<sup>4</sup> and attempt<sup>5</sup> in the code, but their application is limited to a few offenses and is not of general significance. There is also a general provision on attempt (sec. 565) in that part of the code relating to criminal procedure. Other matters such as those relating to insanity, self-defense, error, etc., are left out completely.

Whenever a judge is under the necessity of filling the lacunæ in the Federal Penal Code, as he frequently is, he takes his material from the common law, in spite of the fact that *United States v. Hudson*<sup>6</sup> decided that the common law of crimes did not apply in the Federal courts.

The principal objection to continued use of the common law for these purposes is that many of its concepts are anti-

<sup>4</sup> Provisions relating to jurisdiction are to be found in chs. 10-13 of the code, dealing with slave trade, piracy, offenses within the admiralty, maritime, and territorial jurisdiction, and certain offenses in the Territories.

<sup>5</sup> Sec. 456 relates to attempt to commit murder and manslaughter. See also sec. 464 for attempted arson.

<sup>6</sup> 7 Cranch 32.

quoted. The progress of science and of legal thought have made increasingly necessary departures from the principles of the common law. These changes must also find their way into Federal criminal jurisprudence, if the Federal criminal law is properly to perform its function in accordance with the demands of modern thought.

Another gap in the Federal Penal Code can not be filled by recourse to the common law. The individual offenses prescribe a maximum sentence only; that is, the judge has power to sentence an offender up to this maximum. There are no directives in the code suggesting to the judge how to use this power. Each judge may, therefore, use his own discretion. Whether he distinguishes between first offenders and professional criminals is entirely up to him. What allowance he makes for the various elements entering into the commission of a criminal act is left wholly to his judgment. Whether a wise or unwise use of the sentencing power has resulted from this situation can not be decided, because adequate statistics are lacking, an observation already made in this report.<sup>7</sup>

Congress intended no doubt to allow the judges the greatest possible discretion. Without unduly limiting those discretionary powers, Congress could have indicated by some non-compulsory directives, how such powers should be exercised in order better to secure the interests the Penal Code was devised to protect. Such directives would also have aided in procuring, in all Federal courts, uniformity of sentence for similar offenses committed under similar circumstances.

The special part of modern codes contains the specific offenses, carefully drawn, prohibiting attacks on the individual legal interests and fixing the penalty. In the Federal Penal Code, as has been indicated in the main report (p. 176), the same paragraph frequently contains a number of quite different offenses and often there is an enumeration of similar offenses which could have been included in one provision. These defects are explained by the origin of the code as outlined above. What the commission sought was a compilation of existing statutes, and though any statute may have contained many different forms of prohibited conduct, they were not differentiated in the various paragraphs of the code. So, too, statutes must have been passed at various times protecting certain specific interests, and these were embodied in the code, without reference to the fact that they were but part of a larger general interest.

<sup>7</sup> P. 178.

To have avoided such defects, the commission charged with the revision of the penal laws would have had to determine first what legal interests the Federal penal law was seeking to protect. It would then have had to decide how far the law could go in protecting them. Lastly, it would have had to draft the individual offenses so as to provide the requisite measure of protection to the various legal interests.

This was not the commission's procedure. It simply used the material at hand. The result is a piece of work which from the point of view of scientific codification leaves much to be desired.

This discussion has been limited to observations on defects in the Federal code's treatment of the substantive criminal law. A glance at the procedural provisions of the Federal Penal Code will show that they are often confused with provisions relating to the substantive law. Such confusion recalls European codifications of the seventeenth and eighteenth centuries.

This memorandum makes no pretence of giving anything but an indication of the exhaustive and intensive study which must be made if an adequate analysis and criticism of the Federal Penal Code, on which sound recommendations for its revision might be based, is to be presented.

## APPENDIX B

COMPARABILITY OF DEPARTMENT OF JUSTICE  
STATISTICS

Contrasting the statistics of three bureaus of the Department of Justice with respect to one item only, *sentences imposed*, shows how little comparable are these statistics emanating from different divisions in the same department.

The three agencies are the Division of Taxation and Prohibition, the Bureau of Investigation, and the Bureau of Prisons. Their statistics appear in the 1930 Attorney General's Report. The statistics on prohibition enforcement (on p. 55 et seq.) provided by the first-named division, are little more than a reproduction of the prohibition cases contained under the heading "Public health and safety" of the court statistics in the Attorney General's report (Exhibit No. 2, p. 106, et seq.). They give no information as to sentences imposed, apart from the simple notation that sentences were imposed in 27,709 cases in 1930 and that this number was 5,107 more than in 1929.<sup>1</sup>

The Bureau of Investigations, on the other hand, provides a table (p. 84) which indicates the number and kind of cases in which the Bureau secured convictions. It also indicates the sentences imposed in these cases. It distinguishes death sentences, sentences of imprisonment, and probationary sentences. It gives the amount of fines and recoveries in each class of case. It lists the number of convictions and the total aggregate sentences in years, months, and days, imposed in each class of conviction.

The Bureau of Prisons provides a table (p. 316) entitled "Length of sentence" which gives by institution the number of prisoners serving the various sentences differing in length from one year and one day to life.

In every case, then, the treatment of this very important item is different. The Prohibition Bureau virtually does not provide any information relating to sentence, the Bureau of Investigation totals up the sentences imposed in the cases under each class of offense, and the Bureau

of Prisons, although it gives the number of prisoners serving terms of varying length, does not give any information at all on the crimes committed. The Prohibition Bureau tells us almost nothing. The Bureau of Prisons tells us very little, for knowing that 3,236 prisoners are serving sentences of one year and one day without knowing the crimes committed by such individuals is interesting but hardly useful. The statistics of the Bureau of Investigation, though the best of the three here considered, are still far from being a model of statistical information, due to such defects as a bad classification of cases, and no indication of the number of individuals sentenced to serve the imposing aggregate amount of time indicated.

For instance, the Bureau of Investigations lists 93 convictions for crimes on Government and Indian reservations, and the penalties, one death sentence, two life sentences, and other sentences totaling 199 years 11 months and 7 days, and also indicates the total probationary sentences, the fines, and recoveries. There is no conceivable way of finding out from this information the kind of sentence imposed for specific offenses. In fact, the designation "Crimes on Government and Indian reservations" leaves us completely in the dark as to the specific violations of the law for which sentence was imposed.

Let us take another specific example in which at least the type of offense is known. Under the heading of "National motor vehicle theft act," the statistics tell us that 2,452 convictions were obtained with sentences totaling 3,467 years 6 months 6 days, besides probationary sentences, fines, and recoveries. If we knew at least the number of delinquents, we might obtain an average sentence in this class of cases. But even information as to average sentence is not sufficient. We are interested in how the courts react to this type of offense, and we must know therefore how the sentences vary. We should also like to know if and to what extent judges in different parts of the country are differing in their reaction to this specific kind of infraction.

Here, then, is one indication of how three bureaus in the same governmental department have treated one item differently, and in no case fully. The central bureau of statistics recommended in this report would be in a position to provide the control necessary to call forth from each division comparable information, and could, if its personnel were competent, suggest improvements in the manner of presentation.

<sup>1</sup> Much more complete information on sentences imposed, however, is to be found in the Annual Report of the Commissioner of Prohibition.



**END**