

Michigan Law Review

Volume 64 | Issue 6

1966

Uniform Crime Reports

Peter P. Lejins
University of Maryland

Follow this and additional works at: <https://repository.law.umich.edu/mlr>



Part of the [Criminal Law Commons](#), [Law Enforcement and Corrections Commons](#), and the [Legal Writing and Research Commons](#)

Recommended Citation

Peter P. Lejins, *Uniform Crime Reports*, 64 MICH. L. REV. 1011 (1966).
Available at: <https://repository.law.umich.edu/mlr/vol64/iss6/4>

This Article is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

UNIFORM CRIME REPORTS

Peter P. Lejins*

THE *Uniform Crime Reports* are—both nationally and internationally—an extremely important statistical series, and an invitation by the *Michigan Law Review* to comment on this annual compilation is very much appreciated. This writer has felt for some time that the recent frequent statements on the *Uniform Crime Reports* in the daily press and some professional journals have created a considerable amount of unnecessary confusion. This opportunity to analyze the issues involved is therefore most gratifying.

The *Reports*, which are the only source of cumulative data concerning the national crime situation, deal with the total volume of crime, the figures on major offense categories, and the changes in this picture from year to year. The meaning of this type of statistics—*i.e.*, police statistics—for assaying the total crime situation can be discussed and carefully identified; the methods used in collecting and tabulating the data and computing the rates can be analyzed, evaluated, criticized, and modified, but the fact remains that there is at present no other even remotely comparable source of information on the crime situation in this country. In 1958, upon receiving an invitation from the Federal Bureau of Investigation to serve as the chairman of a three-man Consultant Committee on Uniform Crime Reporting, this writer visited Professor Thorsten Sellin to discuss the study. After an exhaustive session, Professor Sellin's last words were: "Don't be too harsh on them, they are the only thing we have." The *Uniform Crime Reports* are indeed unique and should be viewed in the proper perspective.

I. BACKGROUND OF THE REPORTS

Before discussing the above-mentioned meaning of the information provided by police statistics, let us for a moment consider the very fact of the existence of the *Uniform Crime Reports* in their present form. The *Reports* are the only compilation of crime statistics on a national scale that provide as high a degree of completeness and uniformity. In the United States there are neither comprehensive judicial criminal statistics nor comprehensive statistics at any other step of the criminal procedure on a national scale: no national probation statistics, no national parole statistics, and no national sta-

* Professor of Sociology, University of Maryland.—Ed.

tistics of cases and their dispositions by grand juries or through the information procedure. It should be noted, however, that the need for these various types of criminal statistics has been recognized for some time. An effort by the Bureau of the Census to produce national judicial criminal statistics actually was undertaken for about fifteen years, only to be discontinued in 1946 as a total failure. For a decade or so, negotiations have been conducted and some preliminary work has been done to develop national probation statistics, but no meaningful results have yet been achieved.

It has generally been recognized that the difficulty in producing criminal statistics on a national scale is in large measure due to the basic organizational structure of law enforcement in the United States, that is, the fact that it is organized and operated as a responsibility of local government—the state, the county, and the municipality—rather than of the federal government. Therefore, the statutes governing law enforcement, the operational procedures, and hence the concepts, definitions, and categories are not uniform and frequently are not even comparable. At the same time, there is no authority capable of requiring cooperation in reporting the data. As the Committee on Uniform Crime Records of the International Association of Chiefs of Police, which was responsible for devising the original plan for the present system, observed in 1929: "Under our federal system, the national government cannot compel local governments to report on their operations."¹ In 1957 Professor Thorsten Sellin brought this fact to general public attention in his well-known statement concerning criminal statistics in this country.²

The difficulties encountered in compiling criminal statistics under the circumstances could perhaps be considered as falling within three distinct categories. First, the absence of a central authority to require cooperation in any kind of national program results in complete dependence upon voluntary participation for all contributions. The will to participate is only intermittently present, and even if there is willingness to participate, there is always the question in this completely permissive situation whether the necessary time, manpower, and funds will be available. Second, since a potential contributor of data to the national program does not have complete control over the entire law enforcement system in his own locality, but only of a segment, he very often cannot

1. COMMITTEE ON UNIFORM CRIME RECORDS, INT'L ASS'N OF CHIEFS OF POLICE, UNIFORM CRIME REPORTING—A COMPLETE MANUAL FOR POLICE 12 (rev. ed. 1929).

2. Wallace, *Crime in the United States*, Life, Sept. 9, 1957; see text accompanying note 4 *infra*.

secure uniform data because the rest of the local units cannot be modified, either by him or by the national program, so as to provide comparable information. For instance, a police chief, though understanding of the importance of uniform offense categories and willing to supply the data from his department in terms of such categories, may not be able to influence the legislature or the courts to make it possible for him to operate in terms of such uniform categories. Moreover, the local legislature or the courts may not be easily moved to see the advantages of uniform categories for police statistics, and may not assign sufficient importance to the need for general cooperation to obtain meaningful results. Third, the divergence of views on the value of various kinds of data and their usefulness for law enforcement which exists among the personnel of law enforcement systems is apt to cripple the needed voluntary cooperation. If the local personnel and the central agency responsible for the series are unable to agree on the kind of information that should be collected, then this needed cooperation is in great danger. This divergence of views stems to a great extent from the disparity in educational levels and professional sophistication of the personnel. Thus it becomes obvious that a completely voluntary national reporting system in the area of law enforcement is predicated on educating local law enforcement personnel regarding the need for cooperation and the nature of the data to be compiled. Whether an educated consensus, which seems to be the necessary foundation for the development of national crime statistics, is something that can be achieved is uncertain. With the exception of the *Reports*, experience with crime statistics in the United States indicates that this goal may be unrealistic.

In the light of the above analysis, it is obvious that a national statistical program in the area of law enforcement in this country has as its absolute prerequisite the items hereafter indicated. Indeed, the following conditions must remain satisfied even at the sacrifice of all other characteristics of the program: (1) the agency which manages the national program must enjoy a very high level of prestige among the law enforcement personnel expected to supply the data; (2) the agency carrying out the program must have a very strong motivation in performing the task, which requires patience, perseverance, resourcefulness, and energy; (3) excellent public relations must exist between the central agency and the local law enforcement authorities; (4) the local authorities must share the belief that the collection of the information is useful for law enforcement in general and is in line with their own purposes and interests; (5) the tasks to be performed for the program by the local authori-

ties must not tax their time, personnel, and budget beyond a level they consider tolerable; and (6) the meaning of the data requested must be understandable to the local personnel in light of their criminological sophistication.

It should be emphasized that the opinion of local agencies with regard to the need for gathering various types of data depends on the educational or professional background of the personnel. A reporting system of this type cannot be better than its grass-root level; it reflects the quality of the broad base of the law enforcement personnel and improves in quality as the quality of personnel improves. However, a push in the direction of sophistication must be judicious, because, again, loss of rapport will destroy the program. This is not an area in which the theoretically developed desiderata of a professional statistician or social scientist can be put into operation without some preparation. The desired aims and objectives must first be sold to the personnel, or the personnel must gradually be educated to the level where they accept them. This writer feels that the unique achievement of the FBI in developing the *Reports* to the current level of success rests primarily on the ability never to lose sight of the above six prerequisites and to exercise a steady and firm pressure in the direction of gradual improvement without endangering the program by pushing too hard. At the same time, the role of the above prerequisites as conditions limiting the development of the program in accordance with theoretically derived standards is also perfectly obvious.

The *National Prisoners Statistics*, published by the Federal Bureau of Prisons and dealing with prisoners in state and federal institutions, are a relatively complete and accurate series which might appear to be a second exception to the rather gloomy picture of criminal statistics on a national scale. However, these statistics are quite different in the sense that they are not only a report of law enforcement actions, but also an accounting procedure, since the presence of an inmate in an institution must be carefully recorded in order to receive and justify the funds for his maintenance. Thus the compilers of the prison statistics address themselves to the task of obtaining this record and reporting on the numbers of inmates and days spent in prison in terms of an extremely broad concept of incarceration, with not too much refinement in the uniformity of the data. Moreover, the prison statistics inform us only about the number of offenders in prisons. Since many prisons are currently filled to capacity and since probation and parole are playing an ever-increasing role, and are being

used to a differing degree and on the basis of different sets of criteria in each state, prison statistics give only a very limited and, indeed, a decreasingly comprehensible picture of the state of crime in this country.

Under such circumstances, the *Reports* must be considered an exceptional development, and the personnel involved in their collection over a period of thirty-five years deserve a tremendous amount of credit. The Federal Bureau of Investigation, which in 1930 was given by Congress the responsibility for developing and operating the Uniform Crime Reporting system as planned by the Committee on Uniform Crime Records of the International Association of Chiefs of Police, and which is still operating it with the advice and cooperation of that Committee and Association, has managed to develop extremely high morale among the police of this country with regard to the need for their assistance in gathering comprehensive statistics on offenses known to the police and arrests. Thus there has been brought about a climate of attitudes on the part of most police agencies of this country that assures not only continued cooperation and sufficient priority to the compilation of data so that the work load and personnel shortages do not seem to interfere with this annual task, but also willingness to accept criticism and to comply with the requested standards. As the result of these positive attitudes, the system has experienced steady growth and improvement. The Uniform Crime Reporting system has managed—on a completely voluntary basis—to imbue the police in the United States with the recognition of the fact that crimes known to the police and arrests must be *uniformly* reported. The availability of the FBI field staff for maintaining personal contact with the local police agencies with regard to the local reports has continually been an important factor. The magnitude of the FBI's accomplishment is also placed into proper perspective by the already mentioned failure of a similar attempt by the Bureau of the Census to secure the cooperation of the judiciary throughout the United States to develop judicial crime statistics.³

II. MISINTERPRETATIONS OF THE REPORTS

In evaluating the *Reports* as a statistical series, it should be kept in mind that from the point of view of both the agency producing these statistics and the budget allotment to that agency, the *Reports*

3. See Beattie, *Problems of Criminal Statistics in the United States*, 46 J. CRIM. L., C. & P.S. 184 (1955).

are intended to be a compilation of police statistics on crime and certain other data of importance to the police. Indeed, the *Reports* are intended to be a statistical house organ of the police in the United States. This fact is so obvious to anyone familiar with this statistical series that it may appear superfluous to single it out for comment here. However, there is good reason for calling attention to it, since most critics disregard this aspect of the *Reports* and confuse the perspective by criticizing them for not being something which they were never intended to be.

One of the most frequent criticisms, a reproach that the *Reports* do not give a full picture of criminality in this country, is easily countered by the simple recognition of the fact that police statistics alone are never intended as a complete description of criminality. In fact, criminologists, rather than the police, are the ones who have extolled the significance of police statistics as an index of criminality. At the base of this claim lies the famous dictum of Professor Sellin that the value of crime statistics for index purposes decreases as the distance between the statistics and the criminal act increases in terms of steps in the criminal procedure; hence, the police statistics of criminality—as the earliest measure—are considered to be the best statistics for measuring the crime situation.⁴ This principle for the evaluation of crime statistics as an index of criminality has been reproduced in practically every textbook on criminology published in this country and in every article on criminal statistics since its original pronouncement some thirty-five years ago, and all students of criminology in the United States for the past third of a century have been indoctrinated with this idea. Thus it should not be surprising to find that even the police occasionally assume that the statistics on offenses known to the police are the natural measure of criminality.

The fact that the *Reports* are essentially a house organ of the police accounts for many characteristics of the series. A police department is interested in statistical information about the crimes it handles. It is interested in the relationship between the offenses reported to it and the arrest of alleged offenders, which generally ends the main police activity. A police department is also interested in the fate of its action, that is, in whether the arrest is substantiated or is negatively evaluated in terms of the subsequent disposal of the case by a court. Similarly, law enforcement agencies are interested

4. See Sellin, *The Basis of a Crime Index*, 22 J. CRIM. L. & CRIMINOLOGY 335 (1931).

in information indicating concentrations of criminal activity during certain months of the year and hours of the day, and they are attentive to comparative data evaluating the performance of other police departments.

The use of the *Reports* has not been confined to the cooperating police departments. In fact, the data contained in the *Reports* have been widely publicized by the mass media, and the FBI recognizes that these annual compilations have become a major source of information for the general public on the subject of criminality. The Consultant Committee on Uniform Crime Reporting has also emphasized this role of the *Reports*.⁵ Thus, the FBI takes great care to publish in each annual report a detailed explanation of the purpose of this statistical series, and in a very direct and popularly understandable fashion the Bureau cautions against the most frequent misinterpretations. There is ample evidence of the efforts to present the data in the least misleading form.⁶ These precautionary steps should suffice to ensure against misinterpretation of the information presented; it is primarily the sensation-seeking interpretations of some of the mass media that are responsible for unwarranted emphases and conclusions. At the same time, it should also be kept in mind at this point that the basic objectives of this statistical series preclude the possibility of changing it in such a way that it would answer all of the questions about crime which the public erroneously imputes to it.

III. LIMITATIONS OF THE REPORTS

Let us now turn to the analysis of the function of the police statistics as a source of information about crime. Two major issues should be singled out for clarification: the extent to which information about criminal activity reaches the police, and the extent to which information that reaches the police is suitable for forming the public's knowledge about criminality. The first issue concerning information being reported to the police may be divided into two categories. One of these categories is the extent to which the victims of criminal acts notify the police; the other is the fact that not all types of criminal violations are supposed to be brought to the attention of the police, since there are other law-enforcement channels.

5. See FEDERAL BUREAU OF INVESTIGATION, U.S. DEP'T OF JUSTICE, UNIFORM CRIME REPORTS 12-13 (special issue, 1958).

6. For example, see the cautioning opening statement entitled "Crime Factors" with which every recent annual report begins.

A. *Distortion Caused by Unreported Crimes*

For a variety of reasons not all criminal acts are reported to the police. Some criminal offenses are not reported because they involve such minor losses that the victims do not feel it worth their effort to bother reporting them; to a certain extent, of course, the law-enforcement systems themselves discourage complaints based upon such minor violations. The old Roman principle *de minima non curat praetor* generally applies. Another reason for failure to report such acts may be the low expectancy of securing any help, any kind of satisfaction, or any result in general. For instance, a gasoline station operator may stop reporting bad checks because he feels that on past occasions nothing has ever been done about them. Similarly, a citizen who has had a tire stolen from his car parked in front of his house may not report the theft because a couple of tires recently stolen in the neighborhood in a similar fashion were reported, "and nothing came of it." Still another reason for remaining silent in certain situations is the victim's own involvement in the offense or his reluctance to publicize the fact that he was victimized, as in the case of confidence games and certain sex offenses. Finally, the reason may be the existence of a possibility of being compensated for the loss in a manner other than through the public law enforcement authorities. Thus, instead of reporting cases of shoplifting and theft by customers, a retail store manager or hotel operator may rely on a markup in his prices specifically calculated to cover such losses, or he may depend on insurance to recover damages rather than report the offense to the police. In all of these cases the extent of non-reporting can be estimated only through intensive research of sample situations. It is difficult to evaluate this factor properly, but it can distort the meaning of the reported figures as reflected in the statistics.

B. *Other Law Enforcement Facilities*

The second category of reasons why certain offenses do not appear in police statistics is that these offenses are such that they are not channeled through the police. Offenses reported to the federal and state regulatory commissions, offenses reported directly to the prosecuting attorney's office, such as embezzlement, federal violations reported to United States Commissioners, Marshals, and Prosecutors, and crimes by military personnel that are handled by the law enforcement system of the Department of Defense are not reflected in the police statistics. The so-called "white-collar crime" is

often claimed to be flagrantly under-reported to any appropriate agency. To the extent the total picture of crime depends on consideration of the criminal activities of the kinds just mentioned, our present police statistics are decidedly not the sole measure of criminality.

Some of the above kinds of offenses could easily be added to the present compilation if the reports were available, but with regard to others it would be erroneous to assume that the police statistics are the proper series for these types of criminality. As things now stand, no measure, on a national scale, of these types of crime is available, and the police agencies are not necessarily the ones to be held responsible or to be considered the most suitable for developing statistical compilations with reference to these types of violations. This analysis suggests the need for a specialized collecting and processing agency, either in the Department of Justice or, perhaps, the Bureau of the Census, which would deal with the total crime picture on a national scale. However, the existence of serious offenses not reported in the police statistics should not be accorded exaggerated meaning in the sense of detracting from the significance of the criminal activity that *is* reflected in the *Reports*, since the latter do encompass the bulk of the conventional, serious criminal behavior to which society chooses to react through its public law enforcement agencies.

C. *The Reports as a Measure of Actual Criminality*

With respect to the extent to which police statistics, and therefore also the *Reports*, with all the qualifications mentioned above, may serve as a meaningful index of criminality, the generally accepted position of American criminologists, as expressed in Sellin's formula, is quite clear.⁷ However, it would seem that the nature of the law enforcement process should lead one to the acceptance of judicial statistics as the most appropriate measure of criminality, because until a court has rendered its decision on whether a crime has been committed and who the criminal is, strictly speaking there is no basis for a final listing of crimes or offenders. Apparently because of some idiosyncrasy of the law enforcement process in this country, the criminologists do not agree with this logical position. They seem to feel that too many offenses which are actually committed disappear without being reflected in a final court disposition establishing them as crimes.

7. See text accompanying note 4 *supra*.

It appears that criminologists are willing to take the assertions of complaining victims as being closer to reality than the dispositions of the courts. The numerous ways in which offenses "disappear" in the course of the criminal procedure are usually given as the reason for their position. Subsidence of a victim's willingness to prosecute and testify, the well-known practice of accepting a plea of guilty to a lesser offense, prosecution on only one or a few counts as long as conviction of the criminal can be obtained, and withdrawal of a large number of additional counts may serve as a few examples of the kind of practices alluded to in this connection. The space here available is much too limited to go into a more detailed discussion of the meaning of the police statistics. In summary it is fair to state that the prevailing view in this country is that good police statistics are a very significant measure of the total crime picture, with the limitations spelled out above.

IV. STATISTICAL METHODOLOGY

A. *Comprehensive Coverage of Offenses*

The question is often asked why the compilers of the *Reports* should not resort to a sampling procedure instead of striving for the universe of offenses known to the police and of arrests in the United States. The Consultant Committee on Uniform Crime Reporting addressed itself to this issue in considerable detail in 1958 and decided in favor of a recommendation to continue the present practice of collecting all of the information rather than resorting to a sampling technique. The primary argument in favor of the present procedure is probably the interest of the cooperating police departments in having their data appear alongside the similar data of other jurisdictions, so that comparisons can be made. Such comparisons with other communities and departments can presumably be more detailed and therefore more meaningful than comparisons with national statistics arrived at as the result of samples.

The second reason for maintaining the current method of gathering data is that the *Reports* have by now achieved practically complete coverage. Typically, one of the main arguments in favor of sampling procedures is the impossibility of achieving the universe of data. However, this problem has been largely overcome by the compilers of the *Reports* through continued expansion of the area covered and continued improvement in the uniformity of the reporting procedures.

Finally, as a third justification for the present methodology, it

should be noted that the principal device for developing uniformity of categories and procedures and for improving the quality of reporting has been to involve all police departments of the nation in the reporting system. Refusal by the FBI to accept and publish reports which fail to satisfy the minimum standards of quality has served as a major influence in improving the work of the police departments over a third of a century. If in 1930, instead of starting its long drive for a complete reporting system, the program had limited itself to a sampling technique, most of the educational influence would have been lost. Moreover, a stratified sample which adequately represented the extreme variety of definitions, categories of offenses, and practices would be extremely cumbersome to construe, and if such a sample were held within the limits of practicability it would not be meaningful.

B. *Compression of Multiple Offenses*

Another issue that has often been raised with regard to the *Reports* is the reporting of multiple offenses. It has been asserted for instance by Marvin E. Wolfgang⁸ that the current practice of reporting only the most serious offense of a group of offenses committed in the course of a single criminal exploit is inadequate. This writer is not particularly inclined either to defend or to criticize the current practice of the *Reports*. It should be kept in mind that the problem of reporting multiple offenses has not been solved in the general theory of criminal statistics; there is simply no generally accepted point of view or practice.

There may be some merit to Professor Wolfgang's questioning the selection of just one—the most serious—offense from the complex of offenses actually committed,⁹ such as recording a particular act as murder and completely omitting the accompanying robbery and auto theft. On the other hand, the alternative of listing all the offenses also presents considerable difficulties. The following hypothetical case should illustrate the problems. On suspicion that a certain car has been stolen, the police give chase to the driver and catch him. However, in the process of the apprehension, the driver goes through fifteen red lights, exceeds the speed limit in five different speed zones, makes five unauthorized left turns, and fails to signal turns at ten intersections. Although such itemized accounts are occasionally presented by the police in court, it is highly ques-

8. See generally Wolfgang, *Uniform Crime Reports: A Critical Appraisal*, 111 U. PA. L. REV. 708, 721 (1963).

9. *Id.* at 723.

tionable whether thirty-five moving traffic violations should be reported. It would appear that neither the extreme of reporting only one offense nor the extreme of reporting every offense committed in the course of a single criminal undertaking is altogether desirable. It may well be that further exploration of the problem may bring about a more equitable practical solution than is currently available.

C. *The Crime Index*

Another topic of current interest is the development and publication in the *Reports* of a Crime Index. The Index was instituted in 1958 as a result of recommendations offered by the Consultant Committee on Uniform Crime Reporting. The following questions are representative of the issues that are being raised: Should there be such a thing as a crime index? Is the current Index suitable for the intended purpose? Are the offenses used in it the proper ones? Should the various offenses constituting the Index be weighted?

The issue of indexes of crime is another area of criminal statistics in which agreement has not yet crystallized; in view of the different schools of thought, adherence to one practice or another does not have to be construed as a professional sin. The purpose of an index of crime, as in the case of any index, is to select a few categories of events, rather than utilizing the entire universe, in order to provide information that is being sought with regard to temporal changes in a given type of events. Many criminologists have thought that the use of the fluctuations in a limited number of offenses may more adequately characterize the fluctuations in the total area of crime than would be possible by the presentation of the total volume of criminality itself.

It is obvious, of course, that the crucial criterion in selecting the offenses for a crime index is the purpose of the index. In the case of the *Reports*, this purpose is to give the police a concise picture of criminal activities and, in the same context, some data for evaluating police activities in the area of these offenses. In consideration of these objectives, the Consultant Committee on Uniform Crime Reporting stated that the index of crime should be organized in terms of six criteria:

- (1) That the statistics on crimes known to the police mirror the true occurrence of crimes better than any other kind of criminal statistics, at least in the United States; (2) that not all crimes become known to the police with equal consistency and therefore, for the purposes of an index, those offenses should

be selected which are relatively most frequently and most consistently reported to the police; (3) that serious offenses have to be selected, because on the one hand we are interested mostly in the more serious crimes, and on the other hand, the more serious offenses have the general tendency of being reported to the authorities more frequently and more consistently than the less serious ones; (4) that an important qualification for inclusion of an offense is the uniformity of its definition for the entire territory for which the index is constructed; (5) that the offenses to be included should be sufficiently frequent to be statistically significant; and (6) that a certain optimum number of offenses answering the above 5 qualifications be used; an index based on 8 offenses is more meaningful than one based on 2. At the same time, of course, an index is supposed to be a manageable instrument and a shortcut, compared to the country's total picture of criminality.¹⁰

An investigation of the various categories of crimes committed in the United States will show that if the above six criteria are valid, the seven offenses used by the FBI in the Index are well chosen. This writer cannot quite see the point of the critics who consider the Index to be some kind of major fault, since it serves the purposes it was designed to serve. However, it should, of course, always be used with full awareness of the types of crimes that it encompasses, and it certainly does not preclude giving attention to the trends in some other criminal activity that has not been selected as a part of the Index. The Index should be, and this author believes it is, something extra that the FBI provides in addition to the routine tabulation of various offenses by category.

With respect to the question of whether to weight the offenses within the Index, it should be observed that an ingeniously composed weighted index may be quite useful for some specific purposes. There is nothing, however, to prevent anyone who is skeptical of the unweighted totals of the Index from using separately the offenses contained therein or from actually weighting them. The fact remains, however, that the more elaborate an index becomes, the more narrow must be its purpose and applicability. Moreover, if the FBI were to adopt such a specialized index, it would be satisfying some interests while not serving others. The present situation can probably be best characterized by stating that the *Reports* incorporate an index of criminality of a rather simple and general nature. There have been innumerable attempts at constructing a

10. UNIFORM CRIME REPORTS, *op. cit. supra* note 5, at 16.

weighted crime index, such as the recent undertaking by Professors Sellin and Wolfgang in the field of delinquency.¹¹ Perhaps further explorations will yield more practical results in the future.

D. *Treatment of Automobile Thefts*

Among other issues brought up in connection with the methods employed by the FBI in the *Reports*, one might mention a question raised with reference to the category of automobile theft, which is an important offense in the United States and which is included in the Crime Index. It has been suggested for some time that the offenses listed in that category actually fall into two distinct types: thefts which have as their purpose the permanent appropriation of the car, or its sale or stripping for profit, and thefts committed exclusively for the purpose of what is called joyriding, usually by juvenile or youthful offenders.

Disregarding any reference to the severity of these offenses in terms of the moral reprehensibility of the act or the importance of the loss to the owner, it should be noted that functionally these two offenses constitute quite different acts. It would be reasonable to assume that persons engaged in them are also rather different kinds of individuals and that not only the preventive and correctional measures but also the police action would be different in the two cases. Thus the type of protective measures taken by the police might differ considerably, depending on whether the police anticipate a regular automobile theft or a case of joyriding. The differentiation might also be helpful in planning the police efforts for recovery of the vehicle. Once more, without necessarily implying that one of these acts is less serious than the other, it would seem generally advantageous and justified to differentiate the two offenses and list them separately. This writer has strongly advocated such a differentiation, but the Committee on Uniform Crime Records of the IACP has consistently rejected this recommendation, primarily, it appears, on the ground that separating the offense of joyriding from auto theft would diminish the deterrent effect on potential violators. Even if the absence of this differentiation is not so crucial as to detract seriously from the value of the *Reports*, it can serve as a good example of the types of discussions being carried on, existing motivations, and potential improvements that could be made in the system.

11. See SELLIN & WOLFGANG, *THE MEASUREMENT OF DELINQUENCY* 292 (1964).

V. PROBLEMS OF INTERPRETATION

There is another type of criticism that is often directed at the *Reports*—the reproach that they point out increases in criminality without at the same time explaining the reasons for the increases. This criticism is usually patterned after a certain model, which consists of a reference to the reported increase, followed by an implied or overtly stated assertion that the FBI is interested in establishing the fact that crime in the United States is on the increase. This is followed by an explanation to the effect that the increase is actually not an outright increase in criminal activity, but rather a manifestation of recent economic and social phenomena. For example, the *Reports* indicate an increase in the categories of offenses frequently committed by adults in the younger age brackets. The point is made by the critics that in the current population pyramid, this particular age group is increasing in size, and therefore the reported increase in criminal activity simply reflects this growth. Another example is the reference to the inflationary trend in this country, which, given the relatively static dollar line between petty and felonious larceny, must have the effect of an apparent increase in the number of felonies. Similarly, it is frequently suggested that the higher rates of criminality are due to the ever-improving reporting techniques rather than to an actually increasing volume of crime.

In light of the foregoing criticisms, the following two observations appear to be relevant. First, the increase in criminal activity is a fact; from the point of view of the volume of work thereby created for the police, the explanation for the increase is irrelevant. The police function must be performed regardless of the cause underlying recent trends, and thus the information is of importance to the police. Second, it cannot be denied that this information in general represents a valid criminal statistic, and there is no reason why it should not be reported.

The real issue involves the question of interpreting the statistics, and thus we arrive at a major problem. Is it the proper function of the agency gathering the police statistics also to supply an interpretation of the increases or decreases in criminal activity? It is quite apparent that while some interpretations might be so obvious that they would not give rise to any dispute, most interpretations would necessarily be linked with some specific theory of criminality embraced by the particular interpreter. If we assume that it is the responsibility of a statistical bureau to provide such interpretations,

then it is obvious that such a bureau would have to engage in etiological analysis; to maintain its impartiality, the bureau would have to provide interpretation in terms of several theories.

This analysis makes it clear that the interpretations, for the absence of which the *Reports* are being criticized, should be provided not by the Uniform Crime Reporting program—which is intended to be a program of police statistics—but rather by some national crime research institute or academy of criminology. Thus, given the present rationale of the *Reports*, most of the criticisms of this type must be considered misdirected. Rather than being urged to satisfy the above-indicated criticisms, the compilers of the *Reports* should be cautioned against getting involved in interpretations, which should be undertaken only on the basis of an explicit assignment of this special function, supported by proper budgetary appropriations, availability of specialized professional staff, and a clear understanding that the agency is commissioned to engage in interpretational hypothesizing rather than in straight collection of data. If under present circumstances the critics should contend that the compilers do engage in interpretation and, having undertaken this function to some extent, owe the public a full criminological analysis, this allegation can be answered by asking in turn whether the *Reports* actually do more than the following two things: (1) let the figures speak for themselves, thereby indicating that the absolute volume and rate of criminal activity are increasing, regardless of the reasons, and (2) point out these increases to the police departments, which are the agencies that must contend with them, regardless of the interpretation of the underlying causes. It should be emphasized that the police are neither intended nor equipped to be a criminological research agency or a correctional system. They must deal with the offenses regardless of the reason for the appearance of those offenses.

Thus the validity of the criticism alluded to depends on whether the *Reports*, in their interpretation of trends, go beyond the above two ways of calling attention to the upward trends. If they do—and they should not—then they invite criticism for not giving even more interpretation as well as alternate interpretations. If they do not, the criticism is misdirected. This writer would go one step further by pointing out that even if the *Reports* are indulging in excessive emphasis on the magnitude of the task to be performed by the profession of the police—and what profession does not indulge in a somewhat exaggerated portrayal of its functions and the task con-

fronting it—the critics should have enough perspective to see that it is not within the capacity of the police statistical system to provide interpretations of this order. Rather, the critics should, as already indicated, clamor for a criminological research institute or a national institute of criminology to provide this type of service.

VI. CRIMINAL CAREER RECORDS

Beginning with the 1963 *Reports*, the FBI undertook a new venture in reporting crime statistics, which departs, at least to a certain extent, from strict police-data reporting and enters into the area of general crime statistics. This recent development is the "Careers in Crime" series. In order to understand the full significance of this development, the following considerations should be kept in mind. The information we currently designate as crime statistics in this country might be characterized as agency statistics. For example, the crimes known to the police, arrest data, statistics of the juvenile courts, probation statistics, judicial statistics, parole statistics, and prison statistics actually represent reports of the activities of various agencies in terms of the clients or cases which they process. It is the volume of the activities of agencies in the area of law enforcement or corrections that is being used as a basis for the measurement of the volume of criminal activity. The effectiveness of law enforcement and correctional measures can be studied only in terms of the interrelationships and fluctuations in the volumes of business of these agencies. However, the interplay of the ingressions of these various agencies into the life of one single offender cannot be studied through the agency statistics directly. Thus for the past decade or more, criminologists have been clamoring for criminal and delinquent career records, which would disclose the sequence of legally and correctionally relevant facts in the life of an individual criminal.

The development of such criminal career statistics or criminal career records is extremely difficult in the United States, primarily because of the lack of centralization of the law enforcement and correctional systems. Securing information on the arrests, convictions, placements on probation, violations of probation, imprisonment in both local and state institutions, releases on parole, revocations of parole, and escapes of an offender who operates in a major metropolitan area located at the juncture of several states, each of which has completely independent law enforcement and correctional systems, is a problem that has not been solved. Given the ever-

increasing mobility of the United States population, which is a characteristic of the criminal population as well, the criminal career record of an offender is likely to be a composite of involvements with the public agencies of a dozen states as widely separated from one another as the two coasts. Only a central national file of all known criminals of importance, to which all law enforcement and correctional agencies across the nation would send the pertinent facts, would produce the kind of criminal career records that would greatly enhance our opportunities for research, for understanding the interplay of factors in lives laden with criminal activities, including the effect of punitive and correctional measures, and for evaluating various programs in this area. Until such a national criminal career record system is developed, only relatively small sample studies of criminal careers are possible, and all criminologists are aware of how extremely cumbersome, time-consuming, and costly the true follow-up studies are and how few of these studies we actually have.

The best approximation to the criminal career records that this country has can be found in the police records—in the identification files of offenders who from the point of view of law enforcement warrant such attention. The information concerning these offenders is secured by the police departments through *ad hoc* investigations, which frequently extend beyond the boundaries of the jurisdiction of their own law enforcement system. Nevertheless, although some of these identification files are excellent, they do not, of course, provide a true statistical criminal career report of all criminals.

The above-mentioned criminal careers project is a very important initial development in this area of criminal career records. Since a national criminal career record system would mean a tremendous monetary outlay, and would of course encounter the problem of lack of authority to require reporting by state and local agencies, the FBI initiated this program in a modest fashion by confining itself to cases with regard to which it had the authority to require the desired information. Thus the criminal careers series was started with the records of persons arrested on a federal charge, federal parolees, federal probationers, probation violators, and cases under the Fugitive Felon Act, which authorizes federal action in the case of felons who escape from state institutions. Violators of immigration laws and military offenders were excluded from the series. The 1964 annual report indicates that record files for 92,869 persons were thus established in 1963 and 1964 and that all additional relevant information received by the FBI with regard to these individ-

uals is automatically added to their records. It is anticipated that with the increase in the facilities offered by electronic data processing equipment, this criminal career record series will continue to expand. This expansion is certainly one of the most awaited developments in criminal statistics in this country, although at present it represents only a modest beginning. The criticism that the present collection of cases represents a poor sample must be a misunderstanding, because the record files actually represent a universe of cases for which the establishment of such individual crime career records is practically feasible at this time.

VII. SUMMARY

Since the purpose of this dialogue,¹² as understood by this writer, is an evaluation of the *Uniform Crime Reports* as a source of information on the crime situation in the United States, the following general summary statement should be appropriate. In spite of several decades of talk and writing about the kind of national criminal statistics this country needs in order to assay its crime and delinquency situation, and even though many of these recommendations and proposals are quite sound and desirable, virtually no law enforcement or correctional agency operating on a national scale has managed to rally enough support, finances, personnel, and know-how to develop such statistics. The FBI *Uniform Crime Reports* are the only major-scale exception. This scheme has been developed in spite of the tremendous handicaps for such programs which are inherent in the American local law enforcement system. Since the *Reports* are the only source of this kind, they are widely utilized, and frequently deductions are made with reference to the total crime picture that go beyond the intended purpose of these police statistics. This understandable, though of course faulty, tendency is further buttressed by the position of American criminological theory referred to in the body of this presentation to the effect that the police statistics are the best index of criminality.¹³ Thus the compilers of the *Reports* find themselves in a very peculiar situation. After having successfully accomplished the difficult goal of national coverage in police statistics, they are faced with criticism for the omission of something that is not at all a part of their assignment and for things they never pretended to imply.

As might be expected, the *Reports* are also subjected to "politi-

12. See Robison, *A Critical View of the Uniform Crime Reports*, *infra* at 1031.

13. See text accompanying note 4 *supra*.

cally" inspired evaluations both in terms of policies in the area of crime control and corrections and general social and welfare policies. When people identified with these policies and programs feel that the data reported in the police statistics may have an adverse effect on the evaluation of what they are doing, they are inclined to turn against the reporting system, trying to find fault with it, rather than against the improper deductions drawn from the often perfectly factual police statistics. One probably has to recognize that since the *Reports* are currently the most important source of information on criminality in the United States, the compilers must reconcile themselves to the fact that they will always be exposed to a great amount of sniping from all directions. This observation is not an invitation for complacency, but rather an invitation for the maintenance of a balanced perspective on the criticisms, functions, and merits of the statistical system. The specific technical methodology involved in compiling the police statistics is of course subject to differences of opinion and improvement in technique, and the compilers should be free from dogmatic adherence to methods once adopted.

It seems that the Federal Bureau of Investigation and the International Association of Chiefs of Police have generally attempted to maintain an alert and flexible attitude. The best evidence of this attitude is the major changes in the reporting system which have taken place every few years throughout the operation of the series. In this respect, the late Paul Tappan, in his last major work, stated:

While there is some difference of opinion about the degree of accuracy of the data currently obtained by the FBI, it is clear that reporting has improved a great deal in its coverage and completeness. The Bureau has been successful in developing more uniform reporting in recent years. So far as major felonies are concerned, useful comparisons can be made from year to year and from state to state. Significant changes in rates and trends can be traced in part, at least, to their sources.¹⁴

As the knowledge in the area of general data collection and processing increases and knowledge in the area of crime statistics and specifically police statistics accumulates, the Uniform Crime Reporting system must—and, judging by past experience, will—rise to higher levels of professional operation.

14. TAPPAN, *CRIME, JUSTICE AND CORRECTION* 64 (1960).