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A CRITICAL VIEW OF THE UNIFORM CRIME REPORTS

*Sophia M. Robison**

No one would deny that the FBI performs a vital function in investigating, identifying, and tracking down suspects who may endanger the life, liberty, and property of Americans.¹ However, this writer feels that the *Uniform Crime Reports* published by the FBI should be subjected to a very critical analysis. Of primary concern are the indiscriminate acceptance of the official data by legislators and social science investigators and the doubtful inferences which a frightened public draws from news releases proclaiming that "the U. S. is sitting on a seething volcano of crime."²

To be sure, each official *Uniform Crime Report* includes a statement that the FBI is only a channel for the reports from police jurisdictions which agree to cooperate, and that it therefore cannot vouch for the validity of the data. Additional qualifying statements to the effect that the numerous causes of crime and variations in attendant community conditions make it unwise to compare one jurisdiction to another or one time period to another do not prevent the uninitiated reader from accepting the figures at face value. The aura of authenticity which accompanies a report issued under the seal of the United States Government obscures for the observer unsophisticated in interpreting statistics the FBI's disclaimer of responsibility for the accuracy of the data. Such disclaimers of responsibility for the accuracy of the original data and the tendency of the FBI to treat the *Reports* as though they were infallible violate the basic requirements for sound inference and for scientific detachment which one has the right to expect from a government agency.

The inciting incident which triggered this article was the writer's unacademically phrased statement that "the F.B.I.'s figures are not worth the paper they are printed on," which was made during a telephone conversation with a *New York Times* reporter. In an unexpected press release the next day,³ the reporter quoted the writer exactly and added comments expressed by other persons. Roy A. Wilkins, executive director of the National Association for the Advancement of Colored People, criticized the FBI breakdown of

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1. For an account of the origin and major responsibilities of the FBI, see DEPARTMENT OF JUSTICE, *THE STORY OF THE FEDERAL BUREAU OF INVESTIGATION* (undated).

2. *Newsday*, Garden City, New York, Sept. 23, 1965, Center Section, p. 1c.

3. *N.Y. Times*, July 27, 1965, p. 14.

arrests into Negro and white; he was quoted as saying that "Negro arrests, in the public mind, become Negro crimes."⁴ New York City's Deputy Police Commissioner, Joseph G. Martin, who was in charge of community relations, had no comment except the laconic statement that "the figures speak for themselves."⁵ However, just as such abstract concepts as democracy, freedom, and liberty do not convey the same ideas to all persons, every sophisticated statistician knows that figures do *not* speak for themselves.

Who can blame the "man in the street" if he is impressed by the title in large letters, *Crime in the United States*, with the seal of the United States Department of Justice? It is no wonder that he is frightened by the Crime Capsules in the initial summary, which convey the impression that serious crime is increasing at a greater rate than the population and that juvenile crime is rising spectacularly. According to the Crime Capsules in the 1960 report:

[C]rime continued its upward surge, 14 percent over 1959. First year of the sixties recorded a new all-time high, with 98 percent more crime than in 1950. . . . Crime continued to outstrip population growth over 4 to 1. . . . Arrests of persons under 18 more than doubled since 1950, while population of youths, ages 10-17, increased by less than one-half.⁶

According to the Crime Capsules in the 1964 report:

Arrests for all criminal acts, excluding traffic, increased 5 percent over 1963. For persons under 18 arrests up 17 percent. . . . National crime rate: 14 serious offenses per 1,000 inhabitants in 1964. . . . Since 1958 crime has increased 6 times faster than our population growth.⁷

Little wonder that the average citizen, even if he refers to the entire report and not just to the press release, pays little attention to the body of the report, which in addition to the seven "Index Crimes" (in order of their seriousness: criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, and auto theft) lists a much larger series—the "Arrest Series"—based on *arrests* for a wide range of behavior (including assaults other than aggravated assault, vandalism, carrying and possessing weapons, and vagrancy), assumed to be less serious than the Index Crimes.

The public influence of the *Reports* is of course not limited to their direct effect on the "man in the street"; the *Reports'* influence

4. *Ibid.*

5. *Ibid.*

6. FEDERAL BUREAU OF INVESTIGATION, U.S. DEP'T OF JUSTICE, UNIFORM CRIME REPORTS 1 (1960) [hereinafter cited as REPORTS].

7. 1964 REPORTS 1.

on the attitudes of the public press is also substantial. One can hardly blame the newspaper reporter for turning to official reports when news is scarce and he is assigned to that hardy perennial, crime and delinquency. After all, unlike subjects such as solid state physics, Einstein's theories, or the wonders of the electro-magnetic tape, crime is something about which nearly everyone has an opinion and with which everyone thinks he has had some experience.

I. ORIGIN AND DEVELOPMENT OF THE UNIFORM CRIME REPORTS

It is important to keep in mind that the *Reports* were originated with a view toward providing data which would help the police judge their effectiveness in carrying out their responsibilities. In 1927 the International Association of Chiefs of Police (IACP) assigned responsibility for establishing uniform crime records to an official committee. Under the direction of Bruce Smith, a well-known police consultant and staff member of the Institute of Public Administration in New York City, and Lent D. Upson, of the Detroit Bureau of Governmental Research, a complete manual for police entitled *Uniform Crime Reporting* was published by the IACP. In 1930 Congress, after conferring with the Bureau of Prisons, assigned to the FBI the responsibility for collecting the data according to the manual and for issuing reports. In recent years these reports have been issued annually. Preliminary three-page quarterly reports containing current information are also published.

Shortly after Congress delegated this responsibility to the FBI, Professor Warner commented that in light of the somewhat questionable source of the data, the Department of Justice might do more harm than good by issuing the *Reports*, since this material would serve as a basis for influencing public opinion and legislation.⁸ Professor Warner also made the incisive observation that "if the Federal Government is to maintain its present reputation for the accuracy of its statistics, it must stand by the slogan: 'Better no statistics, than false statistics!'"⁹ In 1958, the FBI appointed an advisory committee, under the direction of Professor Peter P. Lejins, chairman of the Department of Sociology at the University of Maryland, to report on the validity of Thorsten Sellin's widely quoted comment about national crime statistics: "The United States has the worst criminal

8. Warner, *Crimes Known to the Police—An Index of Crime?*, 45 HARV. L. REV. 307 (1931).

9. *Id.* at 330.

statistics of any major country in the Western World."¹⁰ The recommendations of that committee and the actions taken on them by the FBI will be discussed later.

There will undoubtedly be more recommendations by President Johnson's recently appointed United States Commission on Law Enforcement and Administration of Justice. If, however, these recommendations are based on inadequate statistics, they can hardly be expected to result in more effective methods of control and prevention of crime than the admittedly ineffective methods in current use.

In the following discussion, the writer has resisted the temptation to rework the FBI's statistics,¹¹ because the published form of the *Reports* makes it practically impossible to follow the data from one series to the next (that is, offenses known to the police, clearances, arrests, and final disposition) and to assess the use of estimates and absolute numbers. Instead, an attempt will be made to review the *Reports* of the past five years for answers to three questions which appear to be crucial in appraising the statistics:

1. What is the source of the data?
2. What do the statistics mean?
3. How sound are the inferences drawn from the statistics?

Finally, specific suggestions for the improvement of the *Uniform Crime Reports* will be made.

II. SOURCE OF THE DATA

The two federal agencies which distribute national statistics on crime and delinquency are the FBI and the Children's Bureau. Neither agency assumes responsibility for the accuracy of the figures, since both act only as intermediaries which compile data voluntarily submitted by the local contributing agencies. It is essential also in considering the validity of our crime and delinquency statistics to bear in mind that, like our public school systems, our health services, and our juvenile court procedures, the setup of our police services is by no means uniform from state to state or even from community to community within a single state. The doctrine of states' rights and its sequel—the resistance to so-called federal control—is a peculiarly American phenomenon which impedes most attempts to secure

10. As quoted in Wallace, *Crime in the United States*, *Life*, Sept. 9, 1957, p. 49.

11. For an admirable exposition of this approach, see Wolfgang, *Uniform Crime Reports: A Critical Appraisal*, 111 U. PA. L. REV. 708 (1963).

nation-wide, or sometimes even state-wide, cooperation. Thus, because the individual states are autonomous in broad areas of political and administrative responsibility, national data on the operations of the police, which the central governments in some European countries collect automatically, are not available for the United States.

Recognizing the problems noted here, both the FBI and the Children's Bureau have made continuous efforts to improve the geographic coverage, accuracy, and completeness of the individual reports.¹² An indication of the continuing efforts of the FBI to improve the geographic coverage of its statistics is the increase in the number of letters and visits. In 1959 the Bureau sent out 4,500 letters to local reporting officials, asking questions about details of their reports and offering assistance in making the reports conform to the required procedures outlined in the official manual. In 1964 more than 19,000 letters were written, and hundreds of personal visits were made by specially trained FBI officers.

The following discussion is an account of what happens in New York City, where the reporting procedure is fairly typical of large metropolitan areas. Citizens' reports of criminal activity may be made either to a central police headquarters or to the local police precinct. If such a report is made to headquarters, it is transferred immediately to the appropriate precinct. Each complaint receives a serial number. If the situation warrants an investigation, the complaint is assigned to a detective who is required to report his findings within seventy-two hours. Monthly summary reports are prepared in the precinct offices and forwarded to the city headquarters, which in turn transmits them to Washington and to the New York State Department of Correction. The New York City office, like other large metropolitan centers, has the advantage of computers and other data processing equipment in its Statistics and Records Bureau.

In Philadelphia during the interval between 1951 and 1953 the local reports showed a seventy per cent increase in serious offenses. This apparent increase in the numbers of crimes was not the result of an invasion of the city by criminals; it was the consequence of a failure in 1951 of one police district in the center of the city to include five thousand complaints in its report. On the basis of the revised reports, the actual increase was found to be thirty per cent for

12. For a description of the improvements in the reporting procedures of the United States Children's Bureau, see ROBISON, *JUVENILE DELINQUENCY—ITS NATURE AND CONTROL* 17-18 (1960).

the three-year period. The city's installation of a central reporting system in 1953 has presumably improved the reliability of its crime reports.¹³

As may have been the case in the Philadelphia incident, under-reporting may reflect a feeling of obligation on the part of the police to protect the reputation of their department and their city. Cressey notes that when this goal cannot be accomplished under the existing legal and administrative machinery, it may be done with statistics.¹⁴

In a series of articles on crime in a Long Island daily,¹⁵ this writer's remark that the FBI statistics "are not worth the paper they are written on" was quoted. A recently retired New York City police officer, incensed at the comment, sent this writer a letter. The letter began with a paean of praise for Mr. Hoover. The officer assumed that the criticism of the FBI statistics implied that crime was actually less prevalent than the published statistics indicated. He referred to the refusal by the FBI to accept New York City's crime statistics for the years 1948 to 1952—because, in his terms, "they were so badly juggled." Despite the setting up of a new system, however, the retired officer claimed that the New York City statistics have again hit the depths in "covering up." In other words, he validated the premise of this article that the data are really nonrepresentative of the crime picture, either currently or comparatively. He stated:

There's a very famous detective who works in every station house in N.Y.C. His name is detective "Can" and that's where all the reported crimes go whenever possible. . . . I've consigned hundreds of cases to detective "Can." You don't do this to get out of doing your job, but rather to keep the "squeal rate" down and make the boss look good and this goes on right up to the P.C. [police captain].

The . . . [precinct] . . . is a masterpiece of statistics juggling. The Capt. wouldn't last two days . . . if every crime was entered on the UF 61 sheet that was reported in person or on the phone.

I was present one night when the Captain of the . . . [precinct] . . . said, "Don't put in any more burglaries for the rest of the month." . . . [I]t was then about the 25th or 26th of the month. If a crime (burglary) is not covered by insurance, it seldom gets entered as a burglary, but rather as petit larceny or malicious mischief (damage to door). If it's covered by insurance then it has to go in as is.¹⁶

13. See BELL, *THE END OF IDEOLOGY* 138 (1959).

14. See Cressey, *The State of Criminal Statistics*, 3 J. NAT'L PROBATION & PAROLE ASS'N 231 (July 1957).

15. Newsday, Garden City, New York, Sept. 23, 1965, Center Section, p. 1c.

16. Widespread practices of the type discussed in this letter have recently come to

In a personal conversation granted at the writer's request, the officer reiterated that he believed his comments represented a consensus of the officers in other precincts. He stated that if the complainant was not covered by insurance, the possibility of the complaint's going into the "can" file was great. There was a tendency also to scale down the complainant's estimate of the amount of loss, even if it was covered by insurance.

He further commented on the difficulty that a detective might experience in carrying out the assignment for immediate investigation. Detectives work in three shifts, and, as Mr. Mills has pointed out,¹⁷ the police officer may postpone some tasks which require his appearance in court at inconvenient times or encroach on his leisure time.

No doubt other police officers could add their testimony as to the practices which affect the recording of crime. At this point it would seem that there is sufficient testimony to suggest the exercise of caution in taking the FBI's published statistics at "face value." Further criticism of the statistics will be postponed until after an evaluation of the data to answer the second question—what do the figures stand for?

III. MEANING OF THE FBI STATISTICS

There is a generally accepted assumption that acts reported to the police provide an appropriate basis for judging not only the total amount of crime but also the relative incidence and importance of specific types of criminal activity. In this regard, the primary distinction made by the FBI is based on the degree of seriousness of particular types of criminal acts. Since 1959 the crimes formerly designated "Part I Offenses," which are assumed to be the most serious, have been labeled "Index Crimes." They are subclassified in descending order of seriousness as follows:

the attention of high police officials in New York City, and measures are being taken in an attempt to ensure more accurate reporting of police statistics in the future. See N.Y. Times, April 5, 1966, p. 1, cols. 2-3; p. 28, cols. 5-8:

Chief Inspector Sanford D. Garelik, who put out the order calling for better statistics, declared at the time that "self-serving" officials had tended to report crime in their jurisdictions as being less serious than it really was.

High police officers said yesterday that burglaries had sometimes been "canned" (not recorded in police statistics) or had been recorded as petty larceny or lost property. Similarly, they said, robbery complaints had sometimes been downgraded to petty larceny or disorderly conduct.

17. Mills, *The Detective*, Life, Nov. 26, 1965, pp. 90D-123.

Crimes Against The Person

1. Criminal Homicide
 - a. Murder and nonnegligent manslaughter
 - b. Negligent manslaughter
2. Forcible rape
3. Robbery
4. Aggravated Assault

Crimes Against Property

5. Burglary
6. Larceny
 - a. Larceny of property valued at \$50 or more
 - b. Larceny of property valued at less than \$50
7. Automobile theft

The Arrest Series, formerly known as "Part II Offenses," is comprised of less serious offenses. This category includes approximately twenty offenses beginning alphabetically with arson and ending with "weapons; carrying, possessing, etc."

It is essential to understand that the basis of the count in the two series differs. For the Index Crimes, *offenses known to the police* are the recorded units, and thus at the time of reporting there is no indication as to how many persons may have been involved in the criminal transaction. Furthermore, some of these persons may have been involved in other offenses during the course of the year which is covered by the *Report*. In contrast, the Arrest Series is based on *arrests* of persons who have been charged with any of the offenses relegated to that series.

The Arrest Series offers the only available base for estimating the relative number of individuals involved in crimes listed under either series, but unfortunately the number of cities or agencies reporting differs not only from year to year but also from tabulation to tabulation. Disregarding these limitations, one can infer that among the four offenses designated by the Index series as crimes against the person, criminal homicide is credited with the highest percentage of clearance by arrest—approximately ninety per cent.¹⁸ Aggravated assault is second with about a seventy-five per cent clearance rate. In marked contrast, the highest percentage of clearance among the three Index Crimes against property is assigned to robbery (approximately forty per cent),¹⁹ and the lowest clearance rate is

18. 1963 REPORTS 21 (chart 8).

19. *Ibid.*

ascribed to larceny (twenty per cent).²⁰ In each of the years studied, the less serious crimes accounted for approximately eighty-five per cent of the total arrests.

It should be obvious by now that to attempt to follow the raw data of the FBI reports from one stage to another presents a severe challenge to one's frustration tolerance.

A. *Specific Definitions and Incidence of Selected Index Crimes*

A general discussion of each of the seven Index Crimes would carry this article beyond its intended scope. In addition, more benefit may be derived by concentrating on the definitions and incidence of homicide, burglary, larceny, and automobile theft.

1. *Criminal homicide*.—(a) Murder and nonnegligent manslaughter: all willful felonious homicides as distinguished from deaths caused by negligence. Excludes attempts to kill, assaults to kill, suicides, accidental deaths, or justifiable homicides. . . . (b) Manslaughter by negligence: any death which the police investigation establishes was primarily attributable to gross negligence of some individual other than the victim.²¹

Criminal homicide is designated as the most serious of the Index Crimes. The totals for this crime (murder and nonnegligent manslaughter only) rose from 8,583 offenses in 1959 to 9,249 in 1964;²² the lowest figure was 8,404 in 1962.²³ However, criminal homicide has never accounted for more than one half of one per cent of the total Index Crimes, and in 1964 this offense comprised only 0.35 per cent of the total.²⁴

2. *Burglary—breaking or entering*.—Burglary, housebreaking, safecracking, or any unlawful entry to commit a felony or a theft, even though no force was used to gain entrance and attempts. Burglary followed by larceny is not counted again as larceny.²⁵

In marked contrast to criminal homicide, the FBI totals for burglary increase from 685,862 in 1959 to 1,110,458 in 1964.²⁶ However, stated as a percentage of total Index Crimes, the incidence

20. *Ibid.*

21. *Id.* at 43.

22. 1959 REPORTS 34 (table 2); 1964 REPORTS 51 (table 2).

23. 1962 REPORTS 35 (table 2).

24. 1964 REPORTS 50 (table 2).

25. 1963 REPORTS 44.

26. 1959 REPORTS 35 (table 2); 1964 REPORTS 51 (table 2).

of this offense remained practically the same—43.1 per cent in 1959 and 42.6 per cent in 1964.²⁷

3. *Larceny—theft* (except auto theft).—(a) Fifty dollars and over in value; (b) under \$50 in value. Thefts of bicycles, automobile accessories, shoplifting, pocket-picking, or any stealing of property or article of value which is not taken by force and violence or by fraud. Excludes embezzlement, "con" games, forgery, worthless checks, etc.²⁸

The totals for larceny (fifty dollars and over in value) increased from 403,426 in 1959 to 704,536 in 1964.²⁹ However, as in the case of burglary, the relative increase in larcenies was very slight—from 25 per cent of the total Index Crimes in 1959 to 27 per cent in 1964.³⁰

4. *Auto theft*.—Stealing or driving away and abandoning a motor vehicle. Excludes taking for temporary use when actually returned by the taker or unauthorized use by those having lawful access to the vehicle.³¹

The number of automobile thefts increased from 288,337 in 1959 to 462,971 in 1964,³² representing 12 per cent of the total Index Crimes in 1959 and 17 per cent in 1964.³³

Using the latest figures, those for 1964, it appears that the three crimes against property (burglary, larceny, and auto theft) account for approximately seven eighths of all the Index Crimes.

B. *Inconsistencies in the Labeling Procedure*

Although the above captions—criminal homicide, robbery, larceny, and auto theft—may appear to the unwary reader to be mutually exclusive, there is no assurance that either these or the other offense categories are always uniformly applied. Some of the inconsistencies are the result of occasional changes in procedure, and others are related to the factor of discretion in applying the labels. An example of the difficulty caused by changes in procedure may be found in the current trend toward discarding customary legal terms, such as felony and misdemeanor, and substituting more specific and descriptive categories, such as the ones described above. Some

27. 1959 REPORTS 34-35 (table 2); 1964 REPORTS 50-51 (table 2).

28. 1963 REPORTS 44.

29. 1959 REPORTS 35 (table 2); 1964 REPORTS 51 (table 2).

30. 1959 REPORTS 34-35 (table 2); 1964 REPORTS 50-51 (table 2).

31. 1963 REPORTS 44.

32. 1959 REPORTS 35 (table 2); 1964 REPORTS 51 (table 2).

33. 1959 REPORTS 34-35 (table 2); 1964 REPORTS 50-51 (table 2).

jurisdictions, such as New York City, still use the terms interchangeably.

With respect to the second source of inconsistency, discretionary labeling, there is, unfortunately, no assurance that all jurisdictions affix the same labels to similar offenses. For example, drunkenness is sometimes regarded as disorderly conduct or vagrancy. Moreover, the directions in the FBI police manual specify that only the most serious offense committed during the course of a single criminal transaction can be listed for tabulation. Thus, a situation involving aggravated assault combined with burglary must be recorded as simply a case of aggravated assault. It should be evident that this procedure may easily obscure the severity of the criminal behavior, as does the process in some jurisdictions of persuading defendants to plead guilty to a lesser offense in situations where several criminal acts were committed.

An additional element of imprecision in the labeling procedure is created by the use of a catch-all category for miscellaneous offenses. This vague classification is particularly distressing to sophisticated statisticians. A final, and perhaps even more indefensible, practice is the inclusion of "attempted" criminal acts in each of the categories without indicating the number of occurrences.

C. *Incompleteness of the Reports*

In addition to the foregoing variations in the application of labels, another weakness of the *Reports* is a result of the numerous categories of wrongdoing which are either wholly or partially omitted from the FBI statistics. In this regard, it should be noted that the FBI statistics do not include violations of federal laws. A more important omission, however, is the large category of picturesquely named "white collar" crimes. Professor Sutherland has published a documented study in which he discusses the widely adopted practices for handling such obviously antisocial acts as misrepresentation in advertising, restraint of trade, and manipulation of prices and markets, so that persons in the upper socioeconomic strata will not acquire police records.³⁴ Moreover, if the complainant in such cases decides to go to court, the proceedings are ordinarily conducted in civil rather than criminal courts. Clinard

34. SUTHERLAND, *WHITE COLLAR CRIME* (1949). Similarly, although the defendants in the recent electrical equipment conspiracies were charged with criminal offenses, the unlawful activities involved in those cases will not be included in the *Reports*.

discusses another form of antisocial behavior which is not reflected in the *Reports*—the defiance of wartime administrative regulations.³⁵

Like the "business crimes" of well-to-do corporate executives, the antisocial behavior of youths from privileged communities is rarely labeled as criminal activity. On the occasions when such conduct does receive the attention of public officials, any resulting judicial proceedings are frequently dismissed, as the news reports of last year's incidents in Darien, Connecticut, and Newport, Rhode Island, illustrate. Similar behavior by youths who live on the wrong side of the tracks, especially if they belong to minority groups, is much more likely to result in a police report and some form of punishment. To the statement, rarely does the rich man go to jail or hang, can be added—rarely does his son or daughter appear in FBI or Children's Bureau statistics.

Hidden delinquency, which has received very little attention from public officials, is another type of omission from official crime statistics. If the community's concern is not confined merely to punishing criminals who are ultimately caught, attention should also be directed to the incidence of unlabeled, hidden delinquency and crime whose perpetrators have succeeded in overcoming their youthful transgressions and are currently leading useful lives in the community.

A preliminary report of the exploratory phase of the Career Patterns Project, which retraces the youthful careers of a cross-section of currently respectable males between the ages of thirty and sixty, reveals that three fourths of them acknowledged behavior which could have earned them an official label of delinquent or criminal.³⁶ Personal interviews with these subjects have yielded data on family, school, occupation, and leisure time relationships. The objective is to identify the crucial combination of factors associated with the occurrence and disappearance of antisocial behavior. The preliminary findings of these studies were sufficiently challenging to suggest further and more intensive studies on larger samples. Even more important, no information of this type is currently contained in the FBI's statistical reports.

In brief, the answer to the question as to the meaning of the statistics is that the FBI's definitions of specific crimes are neither uniformly applied nor sufficiently inclusive.

35. See CLINARD, *THE BLACK MARKET—A STUDY OF WHITE COLLAR CRIME* (1952).

36. See Robison & Levine, *The Adolescent Behavior of the Currently Respectable Male—A Study of the Youthful Delinquent Behavior of Men Who Today Are Respectable Members of Society*, Nat'l Institute of Mental Health, Grants 0M781-MH00781-03, Oct. 1961-Dec. 1964 (March 1965).

IV. VALIDITY OF THE INFERENCES DRAWN BY THE FBI FROM ITS STATISTICS

To continue the critical review, answers are needed not only to the first two questions concerning the source and meaning of the statistics, but also to the third question, regarding the validity of the inferences which are drawn from these figures.

In a letter of transmittal dated September 29, 1958, Dr. Lejins, speaking for the Advisory Committee on Uniform Crime Reporting, which was composed of himself, Dr. Charlton F. Chute, Director of the Institute of Public Administration in New York City, and Stanley R. Schrotel, Chief of Police at Cincinnati, Ohio, stated that the Uniform Crime Reporting Program is "the most important segment of the nationwide criminal statistics published in the United States."³⁷ Dr. Lejins also noted that time limits restricted the scope of the Advisory Committee's inquiry to "considering certain specific issues which were of primary concern to the staff engaged in the production of the Reports."³⁸ Preceding and following the official report of the Advisory Committee, critics of the *Reports* raised questions and made comments. Primarily sociologists and criminologists and an occasional magazine writer or executive of a state welfare commission, these critics expressed concern with respect to the following subjects: classification and designation of crimes on the basis of their seriousness, official statements about juvenile crime, the basis for calculation of crime rates, and the use of "crime clocks." The following discussion will relate these comments, where appropriate, to the recommendations of the Advisory Committee and to the subsequent action taken by the FBI.

A. *Classification on the Basis of Seriousness*

A great deal of criticism has been directed at the Bureau's classification of crimes according to an estimate of the seriousness of the conduct involved. We have already touched upon three aspects of such a designation: lack of clarity in definition, lack of uniformity in applying labels, and the Bureau's rule that only *one* crime (in order of the established hierarchy) committed during the course of a transaction may be used as the basis for tabulation.³⁹ Furthermore, such offenses as arson, kidnapping, and assault and battery, which are excluded from the Index Crimes, may in fact involve more per-

37. ADVISORY COMM. ON UNIFORM CRIME RECORDS, INT'L ASS'N OF CHIEFS OF POLICE, UNIFORM CRIME REPORTS FOR THE UNITED STATES 8 (Special Issue 1958).

38. *Ibid.*

39. See discussion in section III(B) *supra*.

sonal injury than rape, aggravated assault, or some of the crimes against property which are included in the Index. The validity of this assertion is borne out by the results of a special study conducted by Sellin and Wolfgang to investigate a large sample of offenses known to the Philadelphia police in 1960.⁴⁰ The objective of the study was to provide a sounder basis for classifying crimes than the one currently being used by the Uniform Crime Reporting Program.

With respect to several of the categories of crime, erroneous impressions have been created about the significance of the Index Crimes, either as a result of faulty classification or as a result of unrealistic calculation of the rate of incidence of the crimes. In this regard, the categories of automobile theft and murder are particularly misleading.

The Advisory Committee, in discussing the category of automobile thefts, suggested that a distinction be made between borrowing a car for a joyride, the usual juvenile offense, and stealing a car for a getaway from the scene of a crime or for stripping and resale, which are likely to be adult offenses. It is reported that the FBI did not accept this suggestion because it was felt that there is no reason to distinguish between these acts, since any unpermitted taking deprives a person of the use of his property, even if only for a short period of time. In addition, the Bureau felt that a system of separate classification might encourage the juvenile crime of joyriding.

Fear of death by murder is undoubtedly increased by the FBI reports and news releases. In this respect, certain misconceptions about the situation in New York City are of special interest. Police reports for the year 1964 contradict the popular theory that most murders in New York are committed by strangers running rampant in the streets. Almost two thirds of the 637 murders reported in that year took place indoors.⁴¹ In about one fourth of these cases, the slayer was in some way "related" to the victim—most often a common-law wife or husband.⁴² The second largest group of intra-family slayings involved parents who murdered their sons or daughters.⁴³

An internationally recognized authority recently made the comforting disclosure that criminal homicide is not increasing but is actually on the decrease. James V. Bennett, former director of the Federal Bureau of Prisons and chairman of the United Nations Con-

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

41. See N.Y. Times, April 12, 1965, p. 28, col. 5.

42. *Ibid.*

43. *Ibid.*

ference on Prevention of Crime and Treatment of Offenders held in London in 1960, stated:

In the past thirty-odd years, the homicide rate has been cut nearly in half, dropping from 8.9 per 100,000 of our civilian population in 1930 to 5.1 in 1962. . . . The actual number of homicides declined for a time from the 10,500 that were recorded in 1930, and later rose again. In 1962 the total reached only 9,500 although the population had increased 50 percent since 1930. We may conclude that the life of the ordinary citizen is a good deal safer than it used to be—despite the contrary impression created by headlines.⁴⁴

To counteract the current justifiable objections to the designation of the present Index crimes as the most serious forms of criminal activity, the Advisory Committee suggested a new three-part classification: (1) a general tabulation of offenses which are recorded as they become known to the police, (2) offenses used for the purposes of the Crime Index, and (3) offenses that are singled out as being at the given time of special importance to the police departments in their work.

B. *Statements About Juvenile Crimes*

In spite of the FBI's acknowledgment that its coverage of juvenile crimes is incomplete, that there is overlapping with other jurisdictions, and that the police handling of juvenile offenders differs widely in different communities, practically all the FBI reports emphasize the increasing incidence of crime in the juvenile population. An example of the emphasis upon juvenile crime can be seen in the following *New York Times* headline, which was a direct quotation from an FBI news release: "Youths Charged with Nearly Half Major Crimes in '57, the FBI Reports."⁴⁵ This headline conveyed the erroneous impression that half the murders, thefts, burglaries, and aggravated assaults were attributable to juveniles. It is interesting to note that a commentator for *The New Yorker* questioned the method of averaging percentage figures, on which the inference of the startling headline was based.⁴⁶ Subsequently, the Advisory Committee took special notice of this article in *The New Yorker* and explained that the misinterpretation of the headline was due to failure to refer to the FBI's complete annual report. How-

44. Bennett, *A Cool Look at "The Crime Crisis,"* in *A Special Supplement of Harper's on Crime and Punishment*, Harper's, April 1964, pp. 123-24.

45. N.Y. Times, April 24, 1958, p. 1.

46. The New Yorker, May 3, 1958, p. 1.

ever, no mention of the qualifying statements which appear in the annual bulletin had been included in the news release.

A recently retired executive of Iowa's Commission on Children and Youth wrote the following comments criticizing the emphasis which the *Reports* place upon juvenile delinquency:

Wide publicity was given to the statement that . . . 50% of all major crimes were committed by juveniles, and we knew flatly and emphatically that it was not so. . . . Even the State Attorney General was making speeches in which he used the F.B.I. figures, and so were youth directors of religious education of the major religious denominations.⁴⁷

This critic also called attention to the hazards of attempting to make sweeping statements about juvenile delinquency in view of the differing jurisdictions of the police and the juvenile courts and the concomitant variations in designating conduct as criminal or delinquent. In Iowa, only the general term "delinquency" is used; specific offenses cannot be charged in the juvenile court.

C. *Basis for Calculation of Rates*

The two most frequently mentioned criticisms of the *Reports* relate to the geographic areas involved and the population at risk. After considering the criticism of the FBI's selection of certain geographic units as reporting districts, the Advisory Committee recommended the use of tabulations by state and size of city. In addition, the Committee suggested that the FBI should follow the United States Census Bureau's scheme, which takes account of the increasing movements of population from farms to cities and from core cities to surrounding urban areas. The FBI accepted this recommendation, and currently tabulates figures in three categories: standard metropolitan statistical areas, urban communities (with more than 2,500 inhabitants), and rural areas.

The second persistent criticism involves the population base used in calculating the rates. Demographers emphasize the necessity of considering the actual population at risk. For example, in calculating birth rates, the base figure for the crude rate is the number of women between the ages of fifteen and forty-four. Further breakdowns consider current sociological concepts and such characteristics as age at marriage, marital status, religious affiliation, ethnic group, education, and the availability and use of contraceptives, all of which appear to be associated with family size. Similarly, to

47. Personal communication to the author.

describe the taxonomy of the various forms of crime in more meaningful ways would require implementation of the changes suggested below.

There should be a revision in the method for calculating rates for the "under eighteen" and "over eighteen" age groups included in the current FBI statistics. Criminal jurisdiction starts where juvenile court jurisdiction ends, and the line of demarcation varies from state to state. In some states age sixteen is the dividing line, and in others it may be seventeen, eighteen, or occasionally as high as twenty. Moreover, the upper age limit varies for males and females in some courts. Since the sex distribution in both crime and delinquency statistics reveals a markedly lower incidence of females engaged in criminal activity, except in the categories of sex offenses such as prostitution, and some forms of larceny, such as shoplifting, the rates should be standardized not only for age but for sex as well.

Another improvement in the utility of the *Reports* could be achieved if the criteria for the appropriate age to begin assigning criminal responsibility to a juvenile's acts corresponded more fully than it does at present to periods in the youth's life span when changes in his socio-legal status may affect his behavior responses. "Adulthood" in reference to military status and voting is relatively uniform throughout the country. However, the minimum age for obtaining a marriage license or driving license or the age at which liquor may be purchased is not uniform in the various states.

In spite of the FBI's adoption of some of the recommendations of the Advisory Committee with respect to geographic areas and the use of census data,⁴⁸ there is general agreement among critics, both official and unofficial, that the basis for calculating crime rates used in the *Reports* still needs major revision.

D. Use of Crime Clocks

The crime clock is a special graphic device which each of the FBI reports includes to indicate the comparative incidence of Index Crimes. In 1964, in the category of crimes against the person, the crime clock registered one murder every hour, one robbery every five minutes, and one aggravated assault every three minutes. In the category of crimes against property, the clock registered one burglary every twenty-eight seconds, one larceny (fifty dollars and over) every forty-five seconds, and one automobile theft every minute.

48. The Advisory Committee criticized the use of the decennial census figures in intercensal years. Their recommendation to substitute the available annual estimates by the Bureau of the Census was followed.

The crime clock device is intended to dramatize the prevalence of serious crime. However, the calculations ignore the population at risk. Since the base figures cover an entire year, the numbers of offenses should be divided by 365 days to represent the chances that any one person would be at risk of murder, assault, robbery, or any other crime in any one community on any day. Utilizing this method, rough calculations for murder in 1964 suggest that in the country as a whole, the chance of being murdered on any given day is approximately one in two million. All reports indicate that there is much more chance of death by automobile accident than by murder.

In brief, the inferences drawn by the FBI from its statistics are open to serious doubt. The most authoritative criticisms were made by the Advisory Committee with respect to the FBI's distinction between major and minor crime. The apparent overemphasis on juvenile crime in the FBI's news releases is deplored by persons familiar with local situations. As mentioned above, it was explained by the Advisory Committee as failure to take into consideration qualifying statements which, unfortunately, do not appear in the press releases.

V. RECOMMENDATIONS FOR IMPROVING THE REPORTS

If its statistics are to be "worth the paper they are written on," the FBI must resolve a three-horned dilemma by satisfying in one document the needs of the police, the demands of the general public, and the concern of scholars seeking to understand social deviance. The FBI's first allegiance is logically to the International Association of Chiefs of Police, under whose auspices the present Uniform Crime Reporting program was devised. Its second audience is the general public, which through payment of taxes provides the funds for the FBI's operation. The public is concerned with the effectiveness of the police in protecting life, limb, and property. The third audience is composed of representatives of the disciplines of law, social science, and social welfare, and this group is interested in the relevance of the published data to the understanding, control, and prevention of various forms of deviant behavior. To meet the realistic needs of each of these three quite different interests, the following suggestions are offered regarding the form and tenor of future *Uniform Crime Reports*.

A. *Suggestions for Improving the Form of the Reports*

The first suggestion for improving the form of the *Reports* relates to geographic coverage. According to the explanatory comments in the 1964 *Reports*, ninety-seven per cent of the larger cities, slightly

less than ninety per cent of the other cities, and approximately seventy-five per cent of the rural areas are represented. The future push, therefore, should be to persuade more of the rural police jurisdictions to contribute data.

The discussion above concerning the current units of count reveals lack of uniformity in applying labels⁴⁹ as well as omissions, such as the so-called "white collar" crimes.⁵⁰ Similarly, the present basis for distinguishing between serious and non-serious crime is somewhat unsound. To correct these deficiencies, it is suggested that Sellin and Wolfgang's design for a crime index merits consideration. The hypothesis underlying their scheme is that the present crime categories in the *Reports* conceal the important data about the incidence and severity of criminal acts. In their opinion, the important variable is the "event," that is, the "content" of a criminal act and the actors committing it rather than its legal label. Their carefully designed manual provides instructions and examples of procedures in designating single or combined "events." The manual also contains a sample score sheet which explains how to weight the seriousness of the "events."

Sellin and Wolfgang also advocate other changes in the present procedure. First, they recommend excluding from the *Reports* all consensual offenses, all criminal activity in which both parties do their best to conceal the behavior (blackmail, narcotic violations, gambling, most sex offenses, and criminal abortion), and offenses against the public which are discovered only by the activities of the police, such as vagrancy and prostitution. The second major recommendation is to base the Crime Index on *arrests* rather than the current standard of offenses known to the police. The rationale for this substitution is that until an arrest is made for at least one violation of a criminal law, we have no definitive information about the facts of the occurrence and the characteristics of the person or persons involved.⁵¹

The foregoing suggestions are not offered as a means for developing an index of crime *in general*, but rather as a better basis for judging the changes over time in the content and volume of serious crime.

B. Recommendations for the Tenor of Future Reports

As the Advisory Committee noted, the needs of the FBI and police departments should not alone determine the content of the

49. See discussion in section III(B) *supra*.

50. See note 16 *supra* and accompanying text.

51. See SELLIN & WOLFGANG, *op. cit. supra* note 40.

Reports.⁵² In fact, the Committee found that there is a regrettable amount of misinterpretation each time the *Reports* are released, causing unnecessary concern to private and public agencies and to individuals about "imaginary problems."⁵³

In this writer's opinion the misinterpretations occur because the publications, instead of being an objective presentation of the data, serve as a springboard for frightening the public and blaming legal restrictions for failure to prevent further criminal activity once the police have apprehended the culprits. Specifically, the first message of the *Reports* to the general public is that people are in greater danger than ever before of death from physical attack. However, as noted in earlier sections of this discussion,⁵⁴ the statistics themselves do not validate such statements. Traffic accidents, especially when the driver is under the influence of liquor, offer more hazards to life and limb. The current legislative efforts to promote safer cars and safer drivers reflect recognition of this fact. The second message to the public is that the police cannot perform their protective function effectively because "due process" excludes pre-trial evidence obtained by the police. From the point of view of the police, this means that culprits are frequently released to continue their evil ways.

The following statement is an example of the language often found in the *Reports*:

For the law enforcement officer the time-proven deterrents to crime are sure detection, swift apprehension and proper punishment. Each is a necessary ingredient. . . . The professional law enforcement officer is convinced from experience that the hardened criminal has been and is deterred from killing based on the prospect of the death penalty.⁵⁵

However, at least one piece of evidence to the contrary was the necessity in England of ceasing the practice of hanging convicted pickpockets in public, because other pickpockets deftly plied their trade among the onlookers gaping at the bodies swinging from the gallows.

In the attempts of the police to deal with crime, pronouncements such as those quoted above, irrespective of good intentions, suggest that the police are usurping the functions of the judicial and sociological disciplines by dealing with criminal activity in its social

52. ADVISORY COMM. ON UNIFORM CRIME RECORDS, *op. cit. supra* note 37, at 13.

53. *Ibid.*

54. See note 24 *supra* and accompanying text.

55. 1959 REPORTS 14.

rather than its individual aspects. However, a concerted attack on overt forms of social deviance in our fast-changing, multi-ethnic society requires the understanding and the appropriate functioning not only of the police as the front line of defense, but also of the judges, lawyers, sociologists, and social work practitioners both in and out of court.

VI. CONCLUDING REMARKS

In addition to the foregoing suggestions concerning the form and tenor of the *Reports*, we must consider the factors which condition the nature of communication between the three audiences of the *Reports* and any reasonable steps to improve this communication.

The police are the first link in the chain of events on which the *Reports* are based. Whether the police are notified that an offense has occurred, or whether they are witnesses to its occurrence or are called upon to deal with an offender who is caught in the act, the action which a police officer takes is the initial force which may lead to an arrest and a finding of guilt. To use the terminology of the classic Greek drama, the four characters in the drama are the accuser, the accused, the victim and the "chorus," in the form of the public. Three factors determine how effectively a policeman will play this initial role: the police officer's image of himself, the public's image of the police, and the suspect's image of the police.

A police officer's image of himself and his role is based upon a complex set of factors involving his basic character structure, his personality needs, his class orientation, and his evaluation of the demands and attitudes of those who make the laws and man the courts. The challenge to a police officer is to reconcile these often conflicting needs with his behavior vis-à-vis a suspect. Frequently the behavior of a police officer toward a suspect depends on whether the suspect is a member of the "ruling class" or a member of a minority group living in a ghetto. In the former case the officer will be very careful how he proceeds to label a suspect who can afford to protect himself with legal counsel. On the other hand, in the latter case the suspect is usually unaware that he should make no statements which might incriminate him, and he is much more likely to resist the police, whom he thinks of only as "the enemy."

The image of the police as "the unscrupulous enemy" is almost universal among suspects who are predominantly, as Judge David Bazelon has said, "from the bottom of the socio-economic-cultural barrel—from among the ignorant, the ill-educated, the unemployed

and often unemployable.”⁵⁶ All too often the resistive behavior of such suspects activates the hostility of the police, and a vicious cycle is likely to end with the suspects being labeled as criminals.

The hostility of the public, and specifically minority group suspects, toward the police probably derives in part from experiences with behavior of some police officers which does not accord with common standards of honesty and fairness. Cincinnati's Police Chief Stanley Schrotel, who is also a member of the Advisory Committee, has stated that “the image of the policeman as a totalitarian influence in society must be dispelled. . . . This dispelling is entirely up to us policemen.”⁵⁷ In Cincinnati, a policeman who uses any force at all in making an arrest must appear with the arrested person before a supervisor to explain what happened and why force was necessary.

There are three ways in which the tarnished image of the police may be changed, with a resulting improvement in their status and performance. The first recommendation involves instituting a better selection process which will weed out candidates for a police force whose personality needs include “throwing their weight around.” Currently, police officers are told to “check their tempers,” but it might be better to eliminate from the force those officers who have uncontrollable tempers. The second recommendation is to raise the formal educational requirements for police officers, and the third recommendation is to establish better salary scales and promotion policies. Together these changes would undoubtedly improve the public image of the police and raise police morale and performance in both the detection and the prevention of crime.

Public apathy and public carelessness contribute to the “volcano of crime,” to use the FBI's characterization of the present situation. The extent of offenses against property—burglary, larceny, and automobile theft, which according to the *Reports* account for eighty to ninety per cent of all offenses—may in part be a reflection of the public's role in failing to provide ordinary precautions to protect its property at home, in the office, or on the street. Automobiles are frequently borrowed or stolen because the owners do not take precautions to lock their cars or to conceal their baggage, which may be a temptation for the thief. An educational program to correct these tendencies was outlined in a paper presented at a meeting of the American Association for the Advancement of Science.⁵⁸

56. Address by Judge David L. Bazelon, *Law and Order Without Justice*, delivered Feb. 22, 1966 at the New York Civil Liberties Union Award Luncheon.

57. See Bowen, *Crime in the Cities: An Unnecessary Crisis*, *Fortune*, Dec. 1965, pp. 141, 142.

58. FOONER, *THE CARELESS AMERICAN: A STUDY IN ADVENTITIOUS CRIMINALITY* (1963).

A new approach to crime prevention by the police has been adopted by the city of Chicago with the support of Mayor Richard Daley. Police Chief Orlando W. Wilson (formerly Dean of the School of Criminology of the University of California) emphasizes "aggressive preventive patrol."⁵⁹ Since he believes that the core function of the police is not to arrest criminals but rather to prevent crime, he has increased the number of patrol cars. In order to expedite the reporting of criminal activity, he has installed what is regarded as the most advanced police communication system in the world. His program is an excellent illustration of what can be done to help the metropolitan police perform their job more effectively and, incidentally, to achieve recognition for it from the public.

The third audience of the *Reports*, which is composed of criminologists, sociologists, and social welfare practitioners, seeks data which will help ferret out the factors associated with the occurrence of crime and which will indicate the characteristics of the labeled or unlabeled culprit. In their opinion, these data are necessary to appraise the effect of the apprehending and treatment procedures with respect to both the rehabilitation of the offender and the protection of society.

Unfortunately, neither the form nor the content of the *Reports* makes any provision for the two antecedent conditions for a scientific approach to understanding and dealing effectively with crime. The major gap is the absence of a logical taxonomy and a set of tenable hypotheses. To guide the FBI in collecting relevant statistical data, this writer suggests the appointment of an advisory committee composed of representatives of the sociological, criminological, and social welfare practitioners in this field. The first task of such a committee would be to propose hypotheses of cause, cure, and prevention and to identify them with respect to their relevance to various levels of theory. The second task would be to test these hypotheses for feasibility in the light of the FBI's available financial and personnel resources. The third step would be to determine the relevant data and to articulate operational definitions.

It is to be hoped that Attorney General Katzenbach's Commission will, as Judge Bazelon suggests,⁶⁰ resist the pressure from members of various legal associations for more stringent law enforcement, especially against disadvantaged minority groups.¹ Judge Bazelon apparently agrees with Professor Herbert Wechsler, who, speaking

59. Bowen, *supra* note 57, at 141-45, 259.

60. Bazelon, *supra* note 56.

of the findings of a former Attorney General's Conference, warned that the crime problem will not be solved until we identify the social and economic roots of the problem.⁶¹ The "man in the street" may be less impressed by this arduous inquiry than by the FBI "numbers game," but ascertaining and striking at the roots of the problem are worth much more than crime statistics—even those which *are* worth the paper they are written on.

61. Wechsler, *A Caveat on Crime Control*, 27 J. CRIM. L. & CRIMINOLOGY 629, 637 (1937).