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An elderly lady lived alone near Central Park in New York City. Her greatest pleasure was to take her little dog for a walk in the park every afternoon, but she had read so many stories of vicious assaults that she decided it was not safe to go out. She gave up her dog and now spends all her time indoors.¹ The irony of this story is that the little old lady's fears were exaggerated. She would never have become a recluse if the information about crime, and particularly crime statistics, was not so misleading.

FEAR AND INTIMIDATION--THE PRODUCTS OF CRIME STATISTICS

President Johnson stated in a news release in March 1966 that crime costs the nation 27 billion dollars a year, and an annual toll of death, injury, suffering and anguish for thousands of Americans. But, he said, crime exacts an even more widespread cost from millions of Americans in fear...a fear that can turn us into a nation of captives imprisoned nightly behind chained doors, double locks, and barred windows...a fear that can make us afraid to walk city streets by night or public parks by day.²

The extent to which the public may be intimidated by exaggeration and misinformation may never be known. Former New York City Police Commissioner Michael Murphy, commenting on this exaggeration and misinformation in

regard to murder statistics in New York City, said that most murders there are committed in residences between 3:00 a.m. and 6:00 a.m. by relatives or acquaintances. Commissioner Murphy thought it possible to draw a lesson from this--that the safest place to be at night is not at home in bed, but in Central Park with strangers--which is a dubious conclusion, of course.³

NEWS MEDIA AND POLICE RESPONSIBILITY

The press and other news media have a tendency to concentrate on the extreme aspects of crime. This practice confuses the entire subject in the public mind and would seem much less alarming if a calmer view were taken by mass media.

However, it is important to point out that news media are no more at fault than police agencies which provide and publish crime statistics. For example, crime is not shown in its proper perspective in the Uniform Crime Reports published by the Federal Bureau of Investigation. The well-known "crime clock," one of several devices used by the Federal Bureau of Investigation in the Uniform Crime Reports, could be better termed the "alarm clock." The crime clock is used to indicate the volume of crime in the United States. Regularly, it informs Americans that a certain number of serious crimes occur each minute in the United States. For example, in 1961 the crime clocks indicated that four serious crimes occurred each minute, one murder every hour, one forcible rape every 33 minutes, one robbery every six minutes, one aggravated assault every four minutes, one burglary every 37 seconds, one serious larceny (\$50 and over) every minute, and one auto theft every one and one-half minutes.⁴

Professor Marvin E. Wolfgang of the University of Pennsylvania has stated: "If the purpose of the 'crime clock' is to frighten consumers of the Uniform Crime Reports, the statement probably succeeds, for they are reproduced in scores of newspapers and read by millions, including congressmen, state legislators, and city councilmen who appropriate funds for police budgets. But some other document should be used for this purpose, not a responsible publication that disseminates official statistics for use by social scientists and other analysts in scholarly research."⁵

POLICE SOURCES PROVIDE THE BEST CRIME INFORMATION

Fear and intimidation seem to be the principal products of crime statistics as they are employed today. Despite this unfortunate circumstance, most authorities agree that data recorded by the police is the most useful source of information about the character and extent of criminality and delinquency. The reasons are that police data is nearest in time to the offenses committed and includes information about offenses which escapes the attention of the courts since a large proportion of offenses leads neither to the apprehension nor prosecution of offenders. Even when offenders are apprehended, they may not be prosecuted, particularly in the case of juveniles. The fact that police agencies dispose unofficially of from 50 to 60 percent of juvenile offenders known to them, without submitting them to the scrutiny of the juvenile court, is further evidence in support of the contention that the fullest information about offenses in a community is contained in the records kept by the police.⁶

Generally it is agreed that police statistics are the best we have. But, it is obvious that many more crimes are committed than are reported and even police statistics do not yield a total picture of the amount of crime and delinquency in a community. The unrecorded offenses are often referred to in criminological literature as "hidden delinquency" or the "dark numbers" of crime.

CURRENT POLICE REPORTING IS UNRELIABLE

It is a certain probability that the seriousness of offenses are exaggerated at the police level of recording statistics. Usually police charge a suspect with the most serious offense at the time of arrest. Police discretion allows the police to reduce the severity of the offense after arrest, or the offense may be reduced by the prosecutor or the court.

Frequently, an offense is "negotiated" between the accused and the prosecutor, particularly if the accused agrees to plead guilty to a lesser offense. Jerome Skolnick in Justice Without Trial wrote that 85 percent of convictions were by pleas.⁷ Of the 30,840 felony convictions in California in 1965, 22,817 persons were convicted by a plea of guilty or nolo contendere as compared with 2,113 convicted by jury and 5,910 convicted by court without a jury.⁸

THE UNIFORM CRIME REPORTS ARE INACCURATE

The Uniform Crime Reports have many deficiencies, as Marvin E. Wolfgang indicates in a published critical appraisal. The use of legal labels is one of his criticisms of the Uniform Crime Reports. Wolfgang

said that legal labels are too deceptive.⁹ For example, larceny is theft, whether the property stolen is worth a penny, \$50, or one million. First degree murder may mean a deliberately planned, extremely violent and brutal murder or a killing in self-defense by a person engaged in a burglary. Robbery may mean the holdup of one adult by another adult at the point of a gun or the threat of a pummeling made by an older school-boy to a younger one, if the latter does not hand over his lunch money. The theft of an automobile may mean its removal by a professional thief for alteration and resale or the temporary borrowing of a car for a joyride. Burglary may mean the breaking and entering of a bank or an abandoned house marked for demolition.

Much of the auto theft that is classified as "serious" crime is, in reality, the much lesser offense of joyriding. Insurance companies claim that 92 percent of all stolen cars are recovered and that most of the cars taken are for joyrides. This compares to a recovery rate of 13 percent for jewelry where the theft is clearly for profit.¹⁰

Larceny is classified for the purpose of the index as anything more than \$50. The mere increase in national prosperity is likely to stimulate the growth of this category. Today, a bicycle is more likely to cost \$50 than it did three years ago. Larceny is second only to burglary in the number of serious crime offenses listed by the Federal Bureau of Investigation.

Statistics dealing with crime and race in the Uniform Crime Reports have been seriously questioned. Roy Wilkins, executive director for

the National Association for the Advancement of Colored People, argues that arrest figures tell nothing but the number of arrests. He said the public is not careful in reading or analyzing what it reads; Negro arrests in the public mind become Negro crimes. The arrest records show that the Negro is more easily arrested than the white man. Dragnet arrests for a crime committed by one or two people frequently haul a dozen Negroes to jail and into the record books. He believes that crime is not racial, but largely economic. Poor people, black and white, get into trouble more frequently than those higher on the social and economic scale.¹¹

THE NEGRO, THE POOR AND THE YOUTH
ARE VICTIMS OF FAULTY CRIME REPORTING

Professor L. C. Gould of Yale University told the 60th annual meeting of the American Sociological Association that crime statistics are loaded against Negroes as opposed to whites; against the poor as opposed to the middle class citizens; against men as opposed to women and against young people as opposed to older adults. Dr. Gould said that the statistical approach to crime, which is used by law enforcement agencies, leads to the question: "Why do certain people--such as poor, young Negro males--commit crimes?" The more important question, and one which would lead to more sociological insight, should be: "Why do certain people--poor, young Negro males--get arrested and convicted for crimes?" Dr. Gould does not believe it is because they commit more crimes, but because they are more closely watched.¹²

White collar crime is the real problem, according to James V. Bennett, former head of the federal prison system. Bennett supports Gould's position that economic status is important when he reports that crimes of fraud seldom come to official attention, and that less than one out of ten bank embezzlers if ever reported to the police or brought into the court for prosecution.¹³

For more than 30 years, the United States has had a program for collecting, analyzing and publishing crime statistics. The system has become very elaborate. It has increased its coverage to almost 100 percent of the population, but its reliability and effectiveness is seriously questioned. James Vorenberg, executive director for the President's Crime Commission made the following statement in a speech at Harvard Law School: "We know very little, much less than most people think and the newspaper stories would suggest, about the volume, kinds, and effects of crime and who the perpetrators and victims are."¹⁴

ACCURATE CRIME STATISTICS ARE NECESSARY AND ARE POSSIBLE

In reply to Mr. Vorenberg, the problem is grave, but it is certainly not hopeless. There is a need to build a system which will provide reliable and meaningful statistics for measuring crime and delinquency in America. It should also show crime in its proper perspective. In order to develop such a system, it will be necessary to obtain the assistance and cooperation of the public, police, prosecution, courts, probation, parole and corrections. The universities can help in system design. Most important are the fundamentals.

Professor Leslie W. Wilkins of the University of California has stated: "The primary function of criminal statistics is to provide quantitative, classified information regarding both (a) crimes, and (b) criminals. That is to say, data must cover: (a) descriptions of EVENTS which are identified as breaches of the law (as defined at the time and place of the event); and (b) DECISIONS made by authorized persons regarding INDIVIDUALS who are identified as associated with the criminal act, and, where possible, the consequences of such decisions."¹⁵

For additional guidance we can resort to a study published 35 years ago under the National Commission on Law Observance and Enforcement.

For our purposes in a large view, the statistics which ought to be gathered, compiled, and published authoritatively at regular intervals, fall under three main heads - crime and criminals, prosecution, and penal treatment. We need to know the volume and character of the offenses committed, both in the past and at any specified time in the present, both in the locality in which for the moment we are interested and in other localities, whether like or unlike in their conditions. We need to know what persons or types of persons, if types may be differentiated, commit these offenses. We need to know what happens to them, whether they are arrested, whether they are prosecuted, and, if so, with what results. We need to know how the machinery of investigation and detection operates, how the prosecuting machinery operates, how the machinery of trying and judging operates in each of its parts. We need to know what happens to the convicted offender, what takes place in the course of penal treatment, how the agencies of penal treatment operate, and what happens to the criminal not merely in the course of penal treatment but afterwards.¹⁶

FOOTNOTES

1. Nicholas de B. Katzenbach (recorded speech), Learned Hand, Human Relations Award Dinner, American Jewish Committee. November 11, 1965, New York, N.Y.
2. News Item in the Los Angeles Times, March 10, 1966.
3. Katzenbach, op. cit., p. 5.
4. Federal Bureau of Investigation, Uniform Crime Reports 32 (Washington: Government Printing, 1961).
5. Marvin E. Wolfgang, "Uniform Crime Reports: A Critical Appraisal." University of Pennsylvania Law Review, Vol. 111: 708, (Philadelphia: University of Pennsylvania 1963), p. 730.
6. Center of Criminological Research, "Constructing An Index of Delinquency," (Philadelphia: University of Pennsylvania 1963), p.5.
7. Jerome H. Skolnick, Justice Without Trial, (New York: John Wiley and Sons, Inc., 1966), p. 12.
8. State of California, Department of Justice, Crime And Delinquency: Advance 1965, (Sacramento, California, 1966), p. 19.
9. Wolfgang, op. cit., p. 716.
10. News Item in the New York Times, March 22, 1965.
11. New York Times, July 27, 1965.
12. Los Angeles Times, August 31, 1966.
13. Los Angeles Times, July 31, 1966.
14. Joseph Kraft, "How Little We Know," Los Angeles Times, July 19, 1966.
15. Leslie T. Wilkins, "New Thinking in Criminal Statistics," The Journal of Criminal Law, Criminology and Police Science, Vol. 56, No. 3, p. 277.
16. National Commission on Law Observance and Enforcement, Report on Criminal Statistics (Washington: U. S. Government Printing Office, 1931), p. 4.