UNIFORM CRIME REPORTS: A CRITICAL APPRAISAL

MARVIN E. WOLFGANG †

I. A BRIEF DESCRIPTION OF THE UNIFORM CRIME REPORTS

A Committee on Uniform Crime Records was appointed at a convention of the International Association of Chiefs of Police (IACP) in 1927. In 1929, after extensive study of crime reporting, statutory designations, and police recording of various offenses throughout the country, the Committee¹ published an elaborate guide entitled *Uniform Crime Reporting: A Complete Manual for Police*. The manual attempted to establish standard categories of offenses for reporting purposes. In that same year the Committee instituted a system of uniform crime reporting on an experimental basis. The following year, the Federal Bureau of Investigation took over the system and incorporated the IACP's offense categories in its first bulletin of *Uniform Crime Reports*.² The *Uniform Crime Reports (UCR)* were published monthly, then quarterly, until 1941. Between 1942 and 1957 they were published semi-annually, and since 1958 have been published annually with a brief, three-page quarterly preliminary report "issued for current information purposes." These reports regularly record, among other things, the volume of crimes known to the police, offenses cleared by arrest, persons held for prosecution, and persons released or found guilty of offenses.

† Associate Professor of Sociology, University of Pennsylvania. A.B. 1948, Dickinson College; M.A. 1950, Ph.D. 1955, University of Pennsylvania.

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¹ This committee was chaired by Bruce Smith, prominent police consultant and staff member of the Institute of Public Administration of New York City, and Lent D. Upson, of the Detroit Bureau of Governmental Research.

² For some early descriptive discussions, see Robinson, *History of Criminal Statistics (1908-1933)*, 24 J. CRIM. L. & CRIMINOLOGY 125 (1933); Warner, *Crimes Known to the Police—An Index of Crime?*, 45 HARV. L. REV. 307 (1931). For a criticism of police statistics, see IMPORTANCE OF CRIMINAL STATISTICS (Proceedings of Att'y Gen. Conference on Crime, Washington, D.C., 1934); MILSPAUGH, CRIME CONTROL BY THE NATIONAL GOVERNMENT 235-74 (1937); FBI, U.S. DEP'T OF JUSTICE, TEN YEARS OF UNIFORM CRIME REPORTING 1930-1939 (1939); Beattie, *The Sources of Criminal Statistics*, 217 ANNALS 19 (1941).

For some more recent comments, see Beattie, *Problems of Criminal Statistics in the United States*, 46 J. CRIM. L., C. & P.S. 178 (1955); Cressey, *The State of Criminal Statistics*, 3 NAT'L PROBATION & PAROLE ASS'N J. 230 (1957); Pittman & Handy, *Uniform Crime Reporting: Needed Improvements*, Paper presented at annual meeting of Society for the Study of Social Problems, St. Louis, Mo., Aug. 28-29, 1961.

The IACP Committee on Uniform Crime Records established a crime classification based on legal categories of offenses. The original survey of the Committee clearly showed the wide range of variation in statutory definitions of crime in the states. Therefore, offenses such as robbery, burglary, and larceny were broadly defined so that crimes committed under each of the varying state statutes could, for statistical purposes, be embraced by the uniform classification system. Crimes were divided into two categories. The first, originally known as Part I, included criminal homicide, rape, robbery, aggravated assault, burglary, larceny, and automobile theft. All other crimes were subsumed in Part II which came to include 20 subcategories, ranging from minor assaults to parking violations. Only Part I offenses were recorded under the term "crimes known to the police"; Part II offenses were reported according to the number of "persons charged" by the police. Part I offenses were traditionally referred to as the "major" or "more serious" offenses. These were assumed most likely to be reported to the police in some consistent fashion and to maintain, more than the other offenses, a constant ratio to the total number of committed offenses, most of which do not come to the attention of the police. The Part I offenses came to be used as a crime index, much like a price or cost-of-living index. The wisdom of using police statistics for such a purpose has best been expressed in modern times by Thorsten Sellin who suggested that "the value of criminal statistics as a basis for the measurement of criminality in geographic areas decreases as the procedure takes us farther away from the offence itself."³

All of the arguments concerning the establishment of a crime index cannot be reviewed here although some of the major problems involved in a statistical analysis of index offenses will be considered in a later section. The use of the term "crime index" in the UCR did not appear until 1958, although Part I offenses were traditionally used in that sense. The initial rationale for using these seven offenses as an index appeared in the original work of the Committee on Uniform Crime Records, and is still currently offered:

The total number of criminal acts that occur is unknown, but those that are reported to the police provide the first means of a count. Not all crimes come readily to the attention of the police; not all crimes are of sufficient importance to be significant in an index and not all important crimes occur with enough regularity to be meaningful in an index. With

³ Sellin, *The Significance of Records of Crime*, 67 L.Q. REV. 489, 498 (1951) (Italics in original removed); see RESEARCH MEMORANDUM ON CRIME IN THE DEPRESSION 63-84 (Social Science Research Council Bull. No. 27, 1937); Sellin, *The Basis of a Crime Index*, 22 J. CRIM. L. & CRIMINOLOGY 335 (1931).

these considerations in mind, the above crimes were selected as a group to furnish an abbreviated and convenient measure of the crime problem.⁴

The offenses listed in Part II are, therefore, those which are assumed less likely to become known to the police—because of victims' unwillingness to report them, variations in police activity, and other similar factors.

Maintenance of this system of uniform crime reporting was assigned to the FBI on September 1, 1930, by Act of Congress⁵ and has been the responsibility of that Bureau ever since. In fact, the FBI has expanded the system to include data relevant to law enforcement agencies, such as the number of police personnel and the efficiency of police activity. The FBI has no authority to compel the transmission to it of crime data from cities and separate states; instead, police agencies throughout the country are asked to cooperate by submitting their reports to the central clearing house in Washington. The number of cooperating police agencies has increased regularly through the years, from 400 in 1930 to 7,800 law enforcement agencies in 1961, representing 96 percent of the total United States population. The offenses reported are violations of the criminal law of the separate states; no violations of federal law per se are tabulated or included in the *UCR*.⁶ Since 1958, when important revisions were made in the presentation of data, crimes have been reported by geographical areas, following as closely as is practical definitions used by the Bureaus of the Budget and the Census. Standard metropolitan statistical areas (SMSA)—generally made up of an entire county or counties having certain metropolitan characteristics and at least one core city of 50,000 or more inhabitants—have the largest absolute population and coverage as reported in the last *UCR* (1961). The SMSA's represented 117,152,600 people with 98.3 percent of these areas actually reporting to the FBI. "Other cities" are urban places outside the standard metropolitan statistical areas, most of which are incorporated communities of 2,500 or more inhabitants. In the last *UCR*, "other cities" contained a population of 24,185,300 with 90.7 percent of these areas actually reporting to Washington. Finally, "rural areas," which are made up of the unincorporated portions of counties outside of urban places and standard metropolitan statistical areas, had a population of

⁴ 1961 FBI, U.S. DEP'T OF JUSTICE, *UNIFORM CRIME REPORTS* 32 [hereinafter cited as *UCR*]. While I agree with this statement in general, the irregularity of occurrence of a crime seems to have no bearing on the problem.

⁵ 45 Stat. 554 (1930), 5 U.S.C. § 340 (1958).

⁶ However, the standard metropolitan statistical area containing Washington, D.C., and parts of Maryland and Virginia is now included.

41,615,100 with 82.5 percent actually reporting. Sheriffs, county police, and many state police report crimes committed within the limits of a county, but outside of cities, while the police departments within urban places report crimes committed within the city limits.

The problems of attaining uniform reporting by the 7,800 agencies which prepare crime reports on a voluntary basis are obvious. But in the past 32 years an elaborate machinery has been constructed to insure increasing uniformity. A special *Uniform Crime Reporting Handbook* instructing law enforcement agencies how to fill out monthly forms is provided by the FBI to all police agencies cooperating in the program. In addition, "it is standard operating procedure [for the FBI] to examine each incoming report not only for arithmetical accuracy but also, and possibly of even more importance, for reasonableness as a possible indication of errors."⁷ Recognizing, however, that the variability, completeness, and correctness of the data it publishes may be subject to inaccuracies, the FBI annually prints a caveat:

It is clear, of course, that regardless of the extent of the statistical verification processes used by the FBI, the accuracy of the data assembled under this program depends upon the degree of sincere effort exerted by each contributor to meet the necessary standards of reporting, and, for this reason, the FBI is not in a position to vouch for the validity of the reports received.⁸

⁷ 1961 UCR 26.

Necessary arithmetical adjustments or unusual variations are brought to the attention of the submitting agency by correspondence. During 1961, letters were addressed to contributors primarily as a result of verification and evaluation processes. Correspondence with contributors is the principal tool for supervision of quality. Not only are the individual reports studied, but also periodic trends for individual reporting units are run, as are crime rates in descending order for all units grouped for general comparability to assist in detecting variations and fluctuations possibly due to some reason other than chance. For the most part, the problem is one of keeping contributors informed of the type of information necessary to the success of this program. . . . During the calendar year 1961 there were almost 5000 personal contacts with contributors by Special Agent personnel of the FBI.

Id. at 27. However, as Ronald Beattie has pointed out:

In criminal statistics gathered from many sources, it is rather obvious that despite uniform schedules and definitions, the responsibility for careful and accurate reporting of the original data rests with the reporting agencies. The greater the number of reporting agencies, the greater will be the variation in the interpretation, reliability, and consistency of reports submitted, and the greater will be the difficulty of supervising or editing these reports. The fact that "Uniform Crime Reports" data are received from several thousand independent agencies in . . . different criminal jurisdictions, each varying from the other in definitions of crime, in organization of law enforcement operations, and in methods of maintaining basic records, raises a real question as to how homogeneous and accurate the facts collected and published in this series may be.

Beattie, *Problems of Criminal Statistics in the United States*, 46 J. CRIM. L., C. & P.S. 178, 183 (1955).

⁸ 1961 UCR 27-28.

All law enforcement agencies in the United States receive from the FBI a series of blanks, requesting information for the *UCR*. From completed forms returned by cooperating agencies, the Bureau tabulates crime rates and trends for presentation in the current quarterly preliminary reports and in the annual *UCR*. The kinds of data requested may be found in the *Uniform Crime Reporting Handbook*. For index crimes—formerly Part I offenses—the FBI requests the number of offenses reported to the police, the number of complaints that were found to be false, the number of actual or founded offenses, and the number of offenses cleared by arrest. “Cleared by arrest” means that one or more suspects have been taken into custody by the police and made available for prosecution. Only the number of founded offenses and the number of offenses cleared by arrest are reported in the *UCR*. The index crimes are the ones most completely tabulated by rates according to population groups: for instance, the age, sex, and race of persons charged; monthly variations; the type and value of property stolen and recovered; murder victims according to weapons used; and murder victims by age, sex, and race. The rural-urban distribution of index crimes is determined from the police department’s location. For crimes other than those that appear in the index, the cooperating agencies report on the number of persons charged (held for prosecution) but not the number known to the police, as occurs with index crime.⁹

The most fundamental and recent changes in the *Uniform Crime Reports* occurred after the recommendations of a Consultant Committee on Uniform Crime Reporting. This Committee was appointed in 1957 under the auspices of the FBI and the IACP to carry out a detailed and independent analysis of the uniform crime reporting system and to make concrete recommendations for its alteration.¹⁰ The Committee’s report was published in 1958 as a *Special Issue* of the *UCR*. Twenty-two recommendations were made, all of which have been accepted as ultimate goals by the FBI and the IACP. However, only

⁹ Not all of the data requested from law enforcement agencies are printed in the *UCR*. Statistics not reported include automobiles recovered by the number stolen locally and recovered locally, the number stolen locally and recovered in other jurisdictions, and the total stolen locally; aggravated assault by type of weapon—sharp object, blunt object, gun, personal weapon, explosive, and other; auto theft by joy riding and others; murder and non-negligent manslaughter by distinction between willful killing without process of law and the justifiable killing of a felon by police and private citizens. See Pittman & Handy, *supra* note 2.

¹⁰ The Consultant Committee was composed of Peter P. Lejins, Chairman of the Committee and Professor of Sociology at the University of Maryland; Charleton Chute, Institute of Public Administration, New York; and Stanley R. Schrotel, Chief of Police of Cincinnati, Ohio. Impetus for the establishment of this Committee came from reaction to critical remarks about United States criminal statistics made by Thorsten Sellin in an interview which appeared in Wallace, *Crime in the U.S.*, Life, Sept. 9, 1957, pp. 47, 49-70.

a few of the recommendations have thus far been carried out. The most important of these dealt with changes in statistical presentation and analysis, and with revisions in the classification of what has become known as the crime index. These alterations will be discussed in more detail below.

II. GENERAL CRITICISMS

For over a century, writers have considered the possibility of establishing an index of criminality from available criminal statistics. Quetelet, Mayr, Messedaglia, De Castro, and Sellin represent important names from the 1830's to the present who have written extensively about the problems of measuring the quantity and quality of crime.¹¹ Establishing an index of any phenomenon is based upon the assumption that a subuniverse of items will reflect the total universe from which they come and, therefore, constitute a valid measurement of the total phenomenon. Unlike a cost-of-living index or index of production, a crime index is based upon a selection of items from an unknown volume—all crimes committed. Yet the underlying assumption in the use of criminal statistics for an index is that a constant ratio exists between the unknown universe and a properly selected portion of the known universe. As Adolphe Quetelet wrote in 1833: "I do not fear to say that everything we possess on statistics of crimes and misdemeanors would be of no utility if we did not tacitly assume that *there exists a nearly invariable relationship between offenses known and adjudicated and the total unknown sum of offenses committed.*"¹² The Committee of the IACP had in mind such an assumption in 1929. In that same year, Bennett Mead, in charge of the section of Prison Statistics of the Bureau of the Census, wrote: "Statistics of the number of offenses known to the police form the best available means of measuring the extent of crime at a given time, and the changes from time to time in the prevalence of the more serious offenses against persons and against property."¹³ Two years later, the National Commission on Law Observance and Enforcement, better known as the Wickersham Commission, in its extensive *Report on Criminal Statistics* prepared by Sam Bass Warner, stated that "the best index of the number and nature of offenses committed is police statistics showing offenses known to the police."¹⁴

¹¹ For an extensive historical review of the measurement and index problem and the use of criminal statistics, see SELLIN & WOLFGANG, *THE MEASUREMENT OF DELINQUENCY* (not yet published).

¹² QUETELET, *RECHERCHES SUR LE PENCHANT AU CRIME AUX DIFFÉRENS AGES 18-19* (1833).

¹³ Mead, *Police Statistics*, 146 *Annals* 74, 76 (1929).

¹⁴ NATIONAL COMM'N ON LAW OBSERVANCE AND ENFORCEMENT, *REPORT ON CRIMINAL STATISTICS* 25 (Rep. No. 3, 1931).

However, it recommended great caution in the use of such data until police agencies had become fully aware of the duty of accurate reporting. Also in 1931, Thorsten Sellin analyzed in some detail the reasons for relying on police statistics for the construction of an index to crime.¹⁵ Since those first years of the *UCR*, police statistics have generally been accepted as the best source for measurement, as may be seen by an inspection of any one of the numerous textbooks on criminology published in the United States.

Even so, there were many objections to the attempt by the *UCR* to provide accurate measurements of the amount of crime in the country as a whole and in the separate states and cities. Perhaps one of the earliest and most bitter articles appeared in 1931 in the *Harvard Law Review* by Sam Bass Warner.¹⁶ Mr. Warner argued that the *UCR* were likely to do more harm than good because of the inaccuracies and incompleteness of the police reports. After making a detailed analysis of burglary, and to some extent robbery and larceny, he pointed out "the practice in some parts of the country of using assault and larceny as a substitute for robbery and the practical impossibility of ascertaining where and to what extent that practice exists" ¹⁷ Warner concluded his analysis with this vitriolic denunciation:

In entitling its pamphlet *Uniform Crime Reports*, and stating that the figures it contains of the number of major felonies known to the police "provide an index to the volume, geographic distribution, and periodic fluctuation of these crimes" and are based on "comparable monthly crime returns," the Department of Justice is giving the support of its name and reputation to figures unworthy of such backing. Even if the word "uniform" were omitted from the title and the inaccuracies of the figures pointed out, it is doubtful if the publication of such statistics would not do more harm than good. In spite of anything said in the report, the Federal Government would be giving credence to police statistics by publishing them. Public opinion and legislation would be based on them. 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!" ¹⁸

As efforts to improve the accuracy of reporting increased and as the proportion of the urban and rural areas voluntarily submitting criminal statistics grew, these early criticisms of Warner and others

¹⁵ Sellin, *The Basis of a Crime Index*, 22 J. CRIM. L. & CRIMINOLOGY 335 (1931).

¹⁶ Warner, *Crimes Known to the Police—An Index of Crime?*, 45 HARV. L. REV. 307 (1931).

¹⁷ *Id.* at 311.

¹⁸ *Id.* at 330.

gradually diminished in importance. However, many writers continue to emphasize that crime statistics represent an unknown type of sample of a universe whose volume cannot be specified. Our knowledge of "hidden" delinquency and crimes which never come to the attention of the public authorities has raised many questions about the problems of using official criminal statistics for measuring the extent of the crime problem.¹⁹ But, although it is obvious that some crimes are not reported to the police, adequate and proper selection, classification, and statistical analysis of offenses can overcome most of the problems and produce a reasonably valid index of crime. At least it is generally agreed that if we are to have a continuous collection of delinquency and criminal statistics, police records are the best source of official information.

Perhaps a more damaging and direct criticism of the *UCR* is the fact that the number of crimes recorded as "known to the police" may be only a proportion of the crimes actually known to them. According to Donald Cressey, "police have an obligation to protect the reputation of their cities, and when this cannot be done efficiently under existing legal and administrative machinery, it is sometimes accomplished statistically."²⁰ For example, in New York City until 1950, crimes known to the police were collected on a precinct level and the volume of offenses was grossly under-reported. Between 1949 and 1952, the FBI did not tabulate figures submitted by that city because of incomplete data. After 1950 the collection of statistics was put on a centralized basis; consequently, there was an apparent increase in crime between 1948 and 1952 which was really a statistical artifact caused by great improvement in the collection of police statistics. Between those years burglaries rose from 2,726 to 42,491 and larcenies from 7,713 to 70,949.²¹ Moreover, the new recording system showed for the first quarter of 1952 that New York had a clearance level that was 50 percent below the national average.²²

¹⁹ See, e.g., McCORD & McCORD, *ORIGINS OF CRIME* (1959); PORTERFIELD, *YOUTH IN TROUBLE* (1946); Murphy, Shirley, & Whitmer, *The Incidence of Hidden Delinquency*, 16 AM. J. ORTHOPSYCHIATRY 636 (1946); Nye, Short, & Olson, *Socioeconomic Status and Delinquent Behavior*, 63 AM. J. SOCIOLOGY 381 (1958); Short, *A Report on the Incidence of Criminal Behavior, Arrests and Convictions in Selected Groups*, in PACIFIC SOCIOLOGICAL SOC'Y, 1954 PROCEEDINGS 110-18; Short & Nye, *Reported Behavior as a Criteria of Deviant Behavior*, 5 SOCIAL PROBLEMS 207 (1957); Wallerstein & Wyle, *Our Law-Abiding Law-Breakers*, 25 PROBATION 107 (1947).

²⁰ Cressey, *The State of Criminal Statistics*, 3 NAT'L PROBATION & PAROLE ASS'N J. 232 (1957). See also Shannon, *The Spatial Distribution of Criminal Offenses by States*, 45 J. CRIM. L., C. & P.S. 264 (1954).

²¹ TAPPAN, *CRIME, JUSTICE AND CORRECTION* 36-37 n.3 (1960). See also THE INSTITUTE OF PUBLIC ADMINISTRATION, *CRIME RECORDS IN POLICE MANAGEMENT: NEW YORK CITY*, NEW YORK (1952).

²² N.Y. Times, Oct. 21, 1952, p. 28, col. 3.

The number of known robberies in Chicago increased from 1,263 to 14,544 between 1928 and 1931, and burglaries increased from 879 to 18,689 in the same period. Again, these changes were for the most part traceable to revisions in the recording practices of the police following an investigation by the Chicago Crime Commission.²³ Philadelphia provides another startling example; in 1953 the city reported 28,560 Part I crimes as against 16,773 in 1951, an increase of over 70 percent.

[There] had been no invasion by criminals. Police Commissioner Thomas J. Gibbons, who assumed office in 1952 as part of the reform administration of Mayor Clark, had found that for years crime records, in order to minimize the amount of crime in the city, had been faked. One center-city district, he discovered, had handled 5,000 more complaints than it had recorded. A new central reporting system was installed, and as a result, the number of "crimes" went up.²⁴

It is true that the FBI eventually detected the under-reporting of offenses due to faulty communication and recording systems and therefore excluded the crime data of Philadelphia and New York from the national figures of crime in the *UCR*. Nonetheless, questions may be raised regarding the publication of crime reports from these communities prior to the refusal of the FBI to accept their reports, as well as about other communities, particularly rural areas, that have not yet been detected. Moreover, variations in police handling of violations of the law in different communities compound the problem of accuracy and completeness of police reporting. Differential statutory definitions and police procedures relating to such offenses as drunkenness, disorderly conduct, prostitution, vagrancy, assault and battery, and aggravated assault present particular problems along these lines.²⁵ It has also been noted that except for embezzlement, fraud, and perhaps some categories of larceny, most of the "white collar crimes" referred to by Sutherland in his classic review of such offenses²⁶ are not

²³ Peterson, *An Examination of Chicago's Law Enforcement Agencies*, 1950 *CRIMINAL JUSTICE* 3-6.

²⁴ BELL, *THE END OF IDEOLOGY* 138 (1960).

²⁵ Warner gives special attention to the relationship between drunkenness and disorderly conduct. "Suppose, for example, that a man is drunk and disorderly in public in Boston, in New York, and in Chicago. He would, if arrested, be charged with drunkenness in Boston, disorderly conduct in Chicago, and either one offense or the other in New York." Warner, *supra* note 16, at 320. He notes that in New York in 1929 there were 77,339 arraignments for disorderly conduct and 8,240 for drunkenness, but that at approximately the same time Chicago had 75,402 cases of disorderly conduct and none of drunkenness. See also Foote, *Vagrancy-Type Law and Its Administration*, 104 U. P. A. L. REV. 603 (1956).

²⁶ Sutherland contended that persons in the upper socio-economic class engage in much criminal behavior that is covered up by the different administrative procedures

routinely collected by the FBI. Most of these crimes are adjudicated by "quasi-judicial bodies in order to avoid stigmatizing businessmen as criminals, in much the way that children's cases are heard in surroundings different from those of adults for the same reason."²⁷

Because "the primary objective [of the UCR] is to produce a reliable program of nationwide criminal statistics for administrative and operational use of law enforcement agencies,"²⁸ there are some problems in using these statistics safely for scientific research. Although it is suggested that the reports also provide meaningful data for social scientists and other scholars, there are many difficulties involved in trying to interpret table titles, locate the data used in various kinds of tables, and discover what raw data were used in presenting certain kinds of statistical analyses of crime trends. As one author has pointed out, "One who develops a criminological theory accounting for variations in crime rates risks his professional reputation, for the extent of statistical error in any observed variation is unknown."²⁹

Finally, many social scientists have criticized the classification system and the past policy of basing rate computations for any of the single years of reporting upon the last decennial census. These two major criticisms will be dealt with in greater detail below.

III. THE CLASSIFICATION SYSTEM

As previously indicated, until 1958 offenses were classified into Part I and Part II. Part I offenses included: (1) criminal homicide, subdivided into (a) murder and non-negligent manslaughter and (b) manslaughter by negligence; (2) rape; (3) robbery; (4) aggravated assault; (5) burglary; (6) larceny; (7) auto theft. Part II offenses included: (8) other assaults; (9) forgery and counterfeiting; (10) embezzlement and fraud; (11) buying, receiving, or possessing stolen property; (12) carrying or possessing weapons; (13) prostitution and commercialized vice; (14) sex offenses; (15) offenses against the family and children; (16) violations of narcotics drug laws; (17) violations of liquor laws; (18) drunkenness; (19) disorderly

adopted by the law. He pointed out that 70 percent of the 200 largest corporations in the United States have, over their years of operation, committed a total of 980 acts that could be labeled crimes. These included misrepresentations in advertising, restraints of trade, unfair labor practices, infringements, and rebates. SUTHERLAND, *WHITE COLLAR CRIME* (1949). Marshall Clinard added violations of wartime administrative regulations to this list. CLINARD, *THE BLACK MARKET—A STUDY OF WHITE COLLAR CRIME* (1952). For recent cases of national significance, see Smith, *The Incredible Electrical Conspiracy*, *Fortune*, April 1961, pp. 132-80; May 1961, pp. 161-224.

²⁷ Cressey, *supra* note 20, at 231.

²⁸ 1961 UCR 24.

²⁹ Cressey, *supra* note 20, at 231.

conduct; (20) vagrancy; (21) gambling; (22) driving while intoxicated; (23) violation of road and driving laws; (24) parking violations; (25) other violations of traffic and motor vehicle laws; (26) all other offenses; (27) suspicion.³⁰ While some changes and additions occurred in Part II offenses between 1930 and 1957, the listing has remained substantially the same. Part I offenses were known as "major" or "serious" offenses and regularly reported as such. In 1958, as a result of the recommendations of the Consultant Committee, the FBI excluded negligent manslaughter and larcenies under \$50 from the new category of index crimes, which replaced the title of Part I crimes. On its own initiative, the FBI excluded statutory rape from the index.³¹ Data for these offenses are still requested from the local police and tabulated but they no longer are included in the index. These revisions were recommended by observers for some time, however they leave unchanged many of the limitations and deficiencies of the classification system. Although there is much to be said about the categories not included in the index, critical comments here will refer only to the index crimes.

³⁰ 1957 UCR 67-68.

³¹ The brief definitions of offense categories used by the UCR may be found in any of the present *Annual Reports*. Definitions for seven index crimes are as follows:

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. Justifiable homicides are limited to: (1) the killing of a felon by a peace officer in line of duty; (2) the killing of a holdup man by a private citizen. (b) Manslaughter by negligence: any death which the police investigation establishes was primarily attributable to gross negligence of some individual other than the victim.

2. Forcible rape.—Rape by force, assault to rape and attempted rape. Excludes statutory offenses (no force used—victim under age of consent).

3. Robbery.—Stealing or taking anything of value from the person by force or violence or by putting in fear, such as strong-arm robbery, stickups, armed robbery, assault to rob, and attempt to rob.

4. Aggravated assault.—Assault with intent to kill or for the purpose of inflicting severe bodily injury by shooting, cutting, stabbing, maiming, poisoning, scalding, or by the use of acids, explosives, or other means. Excludes simple assault, assault and battery, fighting, etc.

5. 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.

6. 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.

7. 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.

A. The Meaning of Seriousness

1. Physical Harm

The index offenses, as reported in the *UCR*, give a false impression of the meaning of seriousness. As the Consultant Committee indicated in its 1958 special report to the FBI, the separation of offenses into more important and less important ones by using the designation of "major crime" to refer to Part I offenses conveyed the idea that Part II offenses were not major, and consequently were minor or less important.³² The term "serious crimes," however, was still used in the 1961 issue. The exact meanings of these terms—major and serious—have never been clear. Nor did the removal of negligent manslaughter, larceny under \$50, and statutory rape remove the implications that are still found in describing the index offenses as major crimes, though it did improve the crime index. Such offenses as arson, kidnapping, and assault and battery, which do not appear in the index, may in fact involve more personal injury than forcible rape, aggravated assault, and others listed in the index. Research on the problem of constructing an index of delinquency, conducted by Thorsten Sellin and the writer, has revealed that in a carefully selected sample from over 13,000 delinquencies in a single year in Philadelphia, one-fifth of the cases which involved bodily injury occurred in offenses not generally recognized in the traditional *UCR* classification as involving physical harm. Moreover, of all bodily injury offenses, 62 percent occurred in what the *UCR* refers to as Part II offenses, those which are not now included in the crime index. As might be expected from the legal labels, the modal type of harm in cases of aggravated assault was more serious than in simple assaults. Nearly three-fourths of aggravated assaults required medical treatment as compared to one-fifth of simple assaults. Only 3 percent of aggravated assaults as compared to 72 percent of simple assaults involved minor injuries; and 23 percent of the former as compared to 7 percent of the latter required hospitalization.³³ However, it is significant that as many as 28 percent of the bodily injury cases, classified by the *UCR* as simple assaults, were as serious or more serious in terms of the resultant harm than 76 percent of those cases classified as aggravated

³² 1958 *UCR* SPECIAL ISSUE 22.

³³ In the study by Sellin and Wolfgang, "minor" harm refers to any bodily injury, however slight, which does not require medical treatment. It may include pushing, shoving, knocking down, and even cutting. "Treated and discharged" includes any physical violence done to a victim who, as a result, requires and receives medical care but who is not detained for further treatment. "Hospitalization" means that the victim received in-patient care for any duration of time in a medical institution, but also includes those cases for which the victim required repeated out-patient care for three or more visits. SELLIN & WOLFGANG, *op. cit. supra* note 11.

assaults. It should be remembered that simple assaults are not listed in the *UCR* crime index. If physical harm to the person of the victim is considered an important item in measuring the seriousness of a criminal act, then obviously a classificatory scheme that takes account of this fact is necessary.

2. Property Stolen or Damaged

The amount of property stolen or damaged may be much greater in many offenses not found in the index than in those classified even under the category of larceny over \$50 which appears in the list of index offenses. Embezzlement, for example, is not an index crime. It is segregated from other types of larceny presumably because it is less reported or because it is committed by stealth. But pocket-picking, which is included in the crime index if over \$50 in value, is also committed by stealth and rarely involves as much property loss as does embezzlement. Moreover, malicious mischief and disorderly conduct, which do not appear in the index, can on many occasions result in considerably more property damage and consequently more injury to the community than do some of the property offenses listed in the crime index.

3. Attempted Acts

Attempted acts are commingled with completed acts in the crime index. For example, attempted burglaries, robberies, and rapes, including assaults with intent to ravish, are index crimes even though no property damage or loss occurs and even though no personal injury ensues. If there is any value in having a collection of criminal statistics based upon objective criteria indicating the amount of actual harm or loss to a community, then criminal attempts should definitely be omitted from the crime index. They could be separately tabulated, for they may serve a useful purpose in some other capacity than that of an index; psychological motivations may be similar for persons who attempt as well as complete an act. But there are enough difficulties in providing operational definitions simply for observable behavior and completed crimes without mixing the two. These problems should not be compounded by incomplete reporting and police interpretations of intent and attempt.

4. Auto Theft and Joy Riding

Despite the fact that specific information is reported to the FBI, the category of automobile theft continues to include joy riding by juveniles, and the two are not separated in tabulations of the crime index.

5. Lack of Weighting Within the Index

The wide range of criminal behavior covered by the seven offenses in the index lacks any weighting by seriousness of offense. For index purposes, a \$50 larceny is equated with a premeditated murder. Taken as a whole, in which each offense represents a unit of one, the total number of offenses in the seven categories is not a figure that can tell us anything meaningful about the crime problem. Moreover, it is possible that crime trends in the seven offenses do not reflect trends in the other types of offenses. As a class, the crime index is over-weighted with offenses against property, as can be seen from Table 1 in which the seven offenses are divided into offenses against the person (Type I) and offenses against property (Type II). Burglary, larceny, and auto theft constitute a large group of offenses, whereas criminal homicide and forcible rape involve small numbers. Offenses against the person constitute only 8 percent of all the index crimes; offenses against property comprise 92 percent.³⁴ It is obvious that because burglary makes up 44 percent of the crime index, a slight increase in burglary offenses will substantially affect that total, regardless of the trends for the other six offenses. A marked decline in criminal homicides and rapes may, therefore, be offset by proportionately minor increases in burglaries, larcenies, and auto thefts. Under these circumstances, the total number of index crimes, or the crime index, represents an invalid, inaccurate measure of the amount and quality of criminality in a community. As is pointed out in more detail below, the percentage distributions of these offenses change considerably as the level of criminal statistics moves from "offenses known" to "cleared by arrest" and to other points further along in the process of administration of justice.

6. Multiple Offenses

Because only the highest order of an index offense is used when there are multiple offenses committed in a single criminal event, the amount of physical harm or property loss and the duality of personal injury and property loss are altogether hidden. For example, if an offender simultaneously commits an aggravated assault and a burglary, aggravated assault is used for tabulation purposes, while burglary is dropped from the criminal statistic. Similarly, with an aggravated assault and robbery, any reference to the personal assault, and certainly to the degree of the injury, is lost by counting only the robbery,

³⁴ See Table I, col. B. It has been argued that robbery should be included under offenses against the person instead of under offenses against property. I am here following the *UCR* classification system.

TABLE 1

INDEX CRIMES USED BY UCR ACCORDING TO OFFENSES KNOWN, OFFENSES CLEARED BY ARREST, AND PERSONS CHARGED—1960

(A)		(B)	(C)	(D)	(E)	(F)	(G)	(H)
Number of Offenses Known to the Police ^a		Percent Distribution of Offenses Known to the Police	Percent Cleared by Arrest ^b	Number Cleared by Arrest ^c	Percent Distribution of Offenses Cleared by Arrest	Number of Persons Charged per 100 Known Offenses ^d	Number of Persons Charged by Police ^e	Percent Distribution of Persons Charged by Police
Type I. Offenses Against the Person								
Murder and Non-Negligent Man-slaughter								
9,140		0.49	92.3	8,436	1.47	96.8	8,848	2.01
Aggravated Assault		130,230	75.8	98,714	17.23	63.3	82,436	18.80
Forcible Rape		15,560	72.5	11,281	1.97	74.2	11,546	2.63
Total Type I		154,930	8.33	118,431	20.67	66.37	102,830	23.44
Type II. Offenses Against Property								
Robbery								
88,970		4.78	38.5	34,254	5.98	42.8	38,079	8.69
Burglary		821,100	44.11	242,225	42.28	19.3	158,472	36.14
Auto Theft		321,400	17.27	82,600	14.42	21.4	68,779	15.70
Larceny		474,900	25.51	95,455	16.65	14.8	70,285	16.03
Total Type II		1,706,370	91.67	454,534	79.33	19.67	335,615	76.56
Total		1,861,300	100.00	572,965	100.00	23.56	438,445	100.00

^a Estimated Number. 1960 UCR 2.^b Based upon actual clearances from 2,351 cities; total population of 84,428,926. 1960 UCR 85.^c Computed by applying actual clearance rates as indicated in note b to the estimated number of offenses known to the police as indicated in note a.^d Based on same unit as note b. 1960 UCR 85. For example, the mean number of persons charged per 100 known offenses against the person is 66.37.^e Computed by multiplying Columns F and A.

which is considered "more serious"—higher in the rank order of offenses listed for uniform crime reporting. In the *Uniform Crime Reporting Handbook* (1960), several examples of classification ("finding the proper crime classification from the facts about a crime") and scoring offenses ("counting the number of offenses after you find the classification") are presented, clearly illustrating these kinds of omissions:³⁵

1. *Problem:* A holdup man forces a husband and his wife to get out of their automobile. He shoots the husband, gun whips and rapes the wife and leaves in the automobile after taking money from the husband. The husband dies as a result of the shooting.

Solution: In the problem we can recognize robbery, aggravated assault, rape, murder, as well as auto theft and larceny. Our Part I offenses are in order as follows:

1. Criminal homicide:
 - (a) Murder, non-negligent manslaughter.
 - (b) Manslaughter by negligence.
2. Rape
3. Robbery
4. Aggravated Assault
5. Burglary—breaking or entering
6. Larceny-Theft
7. Auto Theft

From the several crimes in the problem, you recognize Class 1a, murder and non-negligent manslaughter, as the first crime on the list. Stop at that classification—it is the only one that will be used for scoring the problem. (For crime reporting you ignore the other crimes in the set of facts—this does not affect the number of charges for which the defendant may be prosecuted in your courts.) You have classified the case. As you will see under "Scoring," only one offense of murder is scored.

2. *Problem:* Two thieves break into a warehouse and have loaded considerable merchandise on a truck belonging to the warehouse when surprised by a night watchman. The night watchman is knocked unconscious with some blunt instrument. The thieves drive away in a stolen truck.

Solution: Here is unlawful entry, theft and auto theft. Following the rule we find unlawful entry first (burglary—breaking or entering). This is the only classification used.

³⁵ FBI, U.S. DEPT OF JUSTICE, UNIFORM CRIME REPORTING HANDBOOK 25-26 (1960).

3. *Problem:* Three men break into a public garage after closing hours. They steal cash from the garage office lock-box and two automobiles from the shop.

Solution: Here is unlawful entry, theft and auto theft. Following the rule we find unlawful entry first (burglary—breaking or entering). This is the only classification used.

4. *Problem:* An automobile containing clothing and luggage valued at \$375 is stolen. The car is recovered but the clothing and luggage are missing.

Solution: This is an *exception to the general rule* for classifying. It may help to remember that auto theft is only a special type of *larceny-theft* and was made a separate classification only because it is a special problem. When you have to choose between auto theft and larceny-theft in problems such as this classify as auto theft only.

In the first solution it is obvious that no accounting is made of the very serious criminal acts of aggravated assault upon, and rape of the woman, robbery, auto theft, and larceny. In the second, aggravated assault and auto theft are omitted; in the third, the theft of two automobiles; in the fourth, the theft of \$375 worth of property. Not only are the qualifying characteristics of degree of physical harm and property loss ignored, *but even the tabulations by traditional legal categories are incomplete because of these particular classifying and scoring techniques.*³⁶

B. Lack of an Underlying Criminological Theory

The UCR classification system was constructed after much deliberation but without an underlying criminological theory. Designed without theory, without testing of hypotheses in a research project, without establishment of operational definitions for empirical analysis that inductively could lead to significant conclusions, but, instead, based upon assumed administrative utility and presumed uniformity in collection of statistics, the classification lacks adequate criteria for understanding the volume and quality of criminal activity. Because many varieties of offenses are obscured by generic terms and by the technique used in scoring offenses for tabulation, a considerable amount of crime actually known to the police is hidden or masked. Furthermore, important as are the qualitative differences among the types of conduct now indiscriminately grouped statistically with the aid of legal nomenclature, criminologists have taken little or no cognizance

³⁶ Except on the national level and in California, most attempts to classify crimes for statistical and index purposes pose the same deficiencies outlined.

of these differences in research dependent upon such sources of data. Unlike scholars in most other fields of scientific research, they have, in such instances, relied upon terms, concepts, and definitions of units of investigation that they themselves did not establish, a practice which if continued will delay the growth of a more sophisticated knowledge of the phenomena of crime.

IV. STATISTICAL DEFICIENCIES

A. Use of the Decennial Census

Adoption by the FBI in 1958 of a statistical recommendation from the Consultant Committee eliminated one of the most glaring and consistently misleading errors of the *Reports*. Anyone not familiar with this problem could easily be misled by reading or using the crime rates for most of the years prior to 1958. Although demographers and criminologists will always be strongly in favor of criminal statistics presented in a way that expresses the incidence of crime in terms of the population capable of committing these acts, inappropriate use of such a basis vitiates the value of rates. Crude rates of crime are computed simply by dividing the number of crimes recorded as having been committed during a given time period by the total population during the same time period and multiplying that figure by a constant, usually 100,000. Crime rates in the *UCR* for most of the years of publication were computed only on the basis of the decennial census population, which meant that computed rates in areas in which there were tremendous population shifts were at variance with the real rates during the years immediately preceding a new census. As Daniel Bell graphically states the problem:

One startling fact is that every ten years the number of crimes in the United States "automatically" drops—that is to say, each year, for ten years, the number of crimes mounts sharply, but in the tenth year it drops. This is not due to sunspots or some other cyclical theory, but to a single statistical pitfall. . . . The FBI rates relate crime per 100,000 population, but there is no population-accounting for inter-census years, so that the rates not only reflect the lower population base of ten years before but, more importantly, do not take into account the enormous internal migrations.³⁷

California provides the best example of this phenomenon. There was a startling drop in the published crime rates for that state from

³⁷ BELL, *op. cit. supra* note 24, at 139. See also TAPPAN, *op. cit. supra* note 21, at 38; ELLIOTT, *CRIME IN MODERN SOCIETY* 60 (1952).

1949 to 1951. Rates for some of the Part I offenses for each of these two years were given as follows:³⁸

TABLE 2		
CALIFORNIA CRIME RATES—1949, 1951		
<i>Offense</i>	<i>1949 Rates^a (based on 1940 census)</i>	<i>1951 Rates^b (based on 1950 census)</i>
Criminal Homicide		
(a) Murder & non-negligent manslaughter	4.97	3.50
Robbery	136.1	85.6
Aggravated Assault	95.4	57.1
Burglary	756.8	523.5
Larceny	2,141.6	1,669.4
Auto Theft	323.3	272.4

^a 1949 UCR 94.

^b 1951 UCR 87.

The rate changes obviously reflected the change in computation from a 1940 census base to the 1950 base. During that decade the California population increased approximately 50 percent, or by three million inhabitants, but the 1949 numerator was still being attributed to the 1940 denominator. The three Pacific coast states increased their population about 40 percent between 1940 and 1950, yet, in effect, the number of 1949 crimes were being charged to only 60 percent of that year's population. The obvious result was an overstated rate of criminality. On the other hand, criminality in states which decreased in population was understated. This latter condition, however, was probably never so serious as the rate errors published for the Pacific states.

Beginning in 1953, the annual *UCR* gave passing attention to the increase in population, but there was no improvement in the reporting until the Consultant Committee recommended that "in view of the differential population growth in various communities, the decennial census figures should not be used for the computation of the crime rates beyond the year to which they pertain. Instead, the available annual estimates by the Bureau of the Census should be used."³⁹

³⁸ Rape and non-negligent manslaughter were excluded not by the author but in the original tables of the *UCR* from which these rates are taken.

³⁹ 1958 UCR SPECIAL ISSUE 33.

B. Percent Changes in the Total Volume of Index Offenses

Despite the fact that rates based on annual population estimates have appeared since 1958, another kind of statistical misrepresentation persists. Percent changes in the total volume of index offenses from one year to the next are reported by single years or occasionally over longer time spans. Unwary readers receive a false image of the changes that are taking place in the amount of crime relative to population changes. The percent of change of the instant year over the preceding year is now given both according to population-based rates and according to the absolute number of offenses. Although this dual presentation is somewhat of an improvement, the rate changes are treated subordinately in all reports, especially in the introductory section that summarizes the data in the tricky alliteration of "crime capsule," "crime clock," "crime calender," and "crime count." This section is the one most used by newspapers, local police, and civic groups interested in crime. It is here, as well as in the current quarterly reports, that the percent change by total volume or absolute numbers, irrespective of the population base, continues to be given a prominent position and description. Trend analyses, bar charts, and pie charts are used to show how much crime has changed—usually increased—during the past year or past decade. Almost invariably these graphic presentations of criminal statistics are misleading.

It is never easy, and sometimes impossible, to find in a *UCR* issue the population base, the specific cities used, or similar items for discussion of "urban crime trends" when one wishes to make the same kind of computations that the *UCR* may make. To check on the FBI's arithmetic or to perform certain kinds of statistical analyses not found in the *UCR* is often extremely difficult or even out of the question because there may be confusion about what raw data were used or where they may be found, if at all. It is especially hard to make comparisons over time.

With these problems in mind, let us briefly examine one set of *UCR* figures to illustrate the invalidity of the traditional *UCR* method of expressing percent changes in crime. In the 1956 *Report*, the percent changes in "urban crime trends" are plotted on a chart for the period 1940 to 1956 with 1937-39 average as the base line. Reference is made to a table⁴⁰ showing these "trends" from 1937 to 1956 for 353 cities with over 25,000 inhabitants, or a total population in 1940 of 36,408,430 and in 1950 of 42,719,693. Only a brief two-sentence reference is made to the importance of population increase.⁴¹ The

⁴⁰ 1956 *UCR* 81, Table 27.

⁴¹ 1956 *UCR* 80.

charts and many tables throughout the *Report* fail to show crime rates even for the two census years, but instead continue to express changes in each and for all the seven "serious" crimes by the absolute number of offenses. The message which the *Report* most obviously wishes to broadcast is that crime has greatly increased.

Table 3 clearly shows how incorrect this image actually is. The absolute volume change, which is the traditional UCR method of statistical presentation, shows that in 1950 there was 11.3 percent more crime than in 1940. The range of increases was from 2.5 percent for robbery to 59.3 percent for aggravated assault. For each of the "major" offenses the change was a percentage increase. Yet, when these same data are expressed in relation to the population, the rates for each of these offenses and for all of them combined are significantly different. They then range from a decrease of 16.4 percent for robbery to an increase of 36 percent for aggravated assault. Altogether, they show a 5 percent decrease in the rate for 1950 (1,724 per 100,000) compared to 1940 (1,814 per 100,000). Only rape and aggravated assault increased while all of the other offenses decreased.

Under the traditional UCR method of reporting changes, unless there is an absolute numerical reduction in all the offenses or any one in particular, there can be no percentage decrease, no matter how much the population increases. Although, as has been indicated, more accurate rates have appeared since 1958, the traditional method still receives the most graphic attention and prominent position. In the present quarterly reports, only this latter method of showing increases is used; no rates appear. Thus, my criticisms of the 1956 *Report* are still appropriate. It should also be pointed out that in the 1960 UCR we are told that "from 1950 to 1960, crime increased 84 per cent."⁴² There is no indication that this figure refers to absolute numbers, and it is therefore doubly misleading. Based on rates adjusted for 1950 to include only the crimes used in the index for 1960, the increase was actually around 22 percent. Moreover, murder and non-negligent manslaughter did not change, aggravated assault and robbery dropped slightly, and forcible rape increased slightly. The 22 percent increase was almost entirely in property offenses.

There is nothing new or esoteric about expressing changes of any phenomenon by rates per population unit. Many refinements can be made in these rates to improve their specificity, but they remain as the only appropriate and meaningful way to indicate the basic facts about changes in criminal offenses over space and time. Further and more sophisticated statistical techniques can, of course, be employed to

⁴² 1960 UCR 12.

TABLE 3
COMPARISON OF PERCENT CHANGE OF CRIMES ACCORDING TO TOTAL VOLUME
AND CRIME RATES—1940 AND 1950 FOR 353 CITIES

	(A)		(B)		(C)	(D)	(E)	(F)
	Number of Crimes ^a		Crime Rate per 100,000		Traditional UCR Expression of % Change of 1950 over 1940 ^c	% of Crime Rate Change of 1950 over 1940 ^d	Absolute % Diff. of Col. C minus Col. D	Direction of UCR % Change
	1940	1950	1940	1950 ^b	1950 over 1940 ^c	over 1940 ^d		
<i>Part I. Offenses</i>								
Murder and Non-Negligent								
Manslaughter	2,208	2,370	6.1	5.5	+ 7.3	— 9.8	17.1	Incorrect
Negligent Manslaughter	1,469	1,544	4.0	3.6	+ 5.1	— 10.0	15.1	Incorrect
Rape	3,207	4,994	8.8	11.6	+ 55.7	+ 32.0	23.7	Correct
Robbery	25,269	25,909	69.3	57.9	+ 2.5	— 16.4	18.9	Incorrect
Aggravated Assault	20,312	32,350	55.7	75.7	+ 59.3	+ 35.9	23.4	Correct
Burglary	146,361	170,708	401.1	399.6	+ 10.4	— 3.7	14.1	Incorrect
Larceny	391,812	425,325	1073.8	995.6	+ 8.5	— 7.3	15.8	Incorrect
Auto Theft	71,350	73,521	195.5	172.1	+ 3.0	— 12.0	15.0	Incorrect
Total	661,988	736,721	1814.0	1724.0	+ 11.3	— 5.0	16.3	Incorrect

^a Crude data are from 1956 UCR 80-81. The 1940 population for the 353 cities was 36,488,430; the 1950 population was 42,719,693. These are "offenses known to the police."

^b Offenses divided by population multiplied by 100,000.

^c The difference between the number of offenses in 1950 and 1940, divided by the number of offenses in 1940.

^d The difference between the rate in 1950 and 1940 divided by the rate in 1940.

analyze these data in terms of significant variations and correlations. But in reporting rudimentary criminal statistics, the simple rates per population unit are both sufficient and necessary. To continue publishing the traditional *UCR* expression of percent changes in volume of crime from one year or decade to another is to perpetuate almost meaningless measures. These percent changes would be useful only if the population capable of contributing to the phenomenon were perfectly stable. Such percent changes can only serve to alarm the public by creating an image of increasing crime that is either fictional or exaggerated. Local police departments are, of course, interested in knowing about volume increases in crime in their communities, for the number of police officers needed bears some relation to the volume of work. But the *UCR* are also designed for use by agencies and social scientists throughout the country. The primary concern of all is whether crime is in fact increasing, decreasing, or remaining stable. Unless population is static, only a population-based rate of crime can validly provide the kind of information desired.

C. The Crime Clock

The same remarks apply to the "crime clock," another device used by the FBI in the *UCR* to indicate the volume of crime. We are regularly informed that a certain number of serious crimes occurs each minute in the United States. For example, in 1961, four serious crimes occurred each minute, one murder every hour, one forcible rape every 33 minutes, one robbery every 6 minutes, one aggravated assault every 4 minutes, one burglary every 37 seconds, one serious larceny (\$50 and over) every minute, and one auto theft every one and one-half minutes.⁴³ If the purpose of this "crime clock" is to frighten consumers of the *UCR*, the statements probably succeed, 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. Once again, the objections are obvious. Even if the proportion of crimes to the population remained stable, the "crime clock" would move more rapidly if the population is increasing. Contrariwise, if the population were decreasing and the volume of crime remained the same, the crime rate would increase but the "crime clock" would show no change.

⁴³ 1961 *UCR* 5.

D. Changes in Police Performance

Another grossly misrepresented figure is that which purports to show changes in police performance by means of crimes cleared by arrest. Chart 1, reproduced from 1960 UCR 14, is a good example. The crude data necessary for computing the presented figures did not accompany the chart, nor were they located in the text. The title of the chart is a misnomer and the impression it gives is false. Almost any reader would at first believe that police efficiency has greatly improved between 1950 and 1960 because "crimes cleared by arrest are up 71 per cent over 1950." Actually, on a comparable basis, the proportion of offenses cleared by arrest based on all offenses known de-

CHART 1

POLICE ACTIVITY AND PERFORMANCE
1960 OVER 1950

clined between 1950 and 1960. We are told that the number of index offenses in 1960 was 1,861,261⁴⁴ and that this *number* was 84 percent higher than in 1950,⁴⁵ which means that there were approximately 1,011,570 offenses in 1950. There is no specific place in the 1960 *UCR* which gives the exact number of offenses cleared by arrest; only the percent of each index offense cleared is given.⁴⁶ But by multiplying this percent by the number of offenses known, it is possible to derive the number of offenses cleared by arrest, keeping in mind that rounding may produce some variation from the true number. When this is done, the number cleared in 1960 is 572,963. Now, the 1960 *UCR* also claims that the number of offenses cleared by arrest was up 71 percent in 1960 over 1950;⁴⁷ therefore, the 1950 number was about 335,066. But the clearance *rate* in 1950—offenses cleared divided by offenses known—was 33.1 percent, and in 1960 was 30.8 percent. Relatively, this means approximately a 7 percent decline ($\frac{31.1}{30.8}$).⁴⁸ Therefore, if this clearance by arrest rate is to be used as an indication of police efficiency—which is sometimes a doubtful practice—their efficiency decreased in 1960 as compared to 1950. Chart 2 presents this change in a manner similar to that used in the *UCR*.

Actually only two single years, a decade apart, were involved. A bar chart would therefore be more appropriate, but I am following the *UCR* pattern of illustration, which indeed makes the difference between the years appear much greater than is really the case. The rate difference is only 2.3 and might well be due to errors in the samples or in reporting variables. But even when this small difference is expressed as a percent of the 1950 clearance rate, the figure becomes —7 percent.

E. Capacity To Commit Crime

When rates are presented in the *UCR*, they are computed per 100,000 population. This crude rate is based on an unstated assumption that all humans are equally capable of committing crimes. As

⁴⁴ 1960 *UCR* 2.

⁴⁵ *Id.* at 12.

⁴⁶ *Id.* at 13.

⁴⁷ *Id.* at 12.

⁴⁸ This could also be expressed as follows: Offenses cleared by arrest = a in 1950 and c in 1960; index offenses known to the police = b in 1950 and d in 1960. If $c = 1.71a$ and $d = 1.84b$, then $\frac{c}{d} = \frac{1.71a}{1.84b} = \frac{a}{b} \cdot \frac{1.71}{1.84} = .93$, which is equal to $\frac{30.8}{33.1}$ and means that there is a 7 percent decrease in clearance by arrest rate.

Sellin has suggested, this assumption is erroneous, for criminal conduct is not evenly distributed over all segments of the population. By definition, criminal conduct generally cannot occur among children under 7 years of age, and is rare among children up to at least 12 years. It predominantly appears in males between 12 and 50 years of age. The custom in some foreign countries of computing rates on the basis of the population of "punishable age" or "capable of committing a crime" represents a slight improvement. What are actually needed, but have never appeared in the *UCR*, are refined rates calculated on a population standardized for age and sex, and perhaps for other factors, depending on the availability of accurate and properly

CHART 2

PERCENT CHANGE IN THE RATE OF OFFENSES CLEARED BY ARREST
1960 COMPARED TO 1950

sub-classified statistics of the population concerned.⁴⁹ Pittman and Handy have also suggested that

it would be advantageous to construct age-specific, sex-specific, race-specific, and economic-status-specific rates for all crime and for particular types of crimes. This is essential since the demographic characteristics of cities, states, and regions vary considerably in the United States. Furthermore, crime rates should be constructed on standardized populations to allow for variations in state and regional population pyramids

. . . .⁵⁰

F. The Inter-relationship of UCR Statistics

I have previously noted statistical deficiencies of the *UCR* classification system, especially due to the method used by police departments in reporting and scoring offenses by that system. Attributing the same "weight" of seriousness (namely, a unit of one) to each index offense also has inherent weaknesses. Equally disturbing is the fact that different levels of criminal statistics are presented in the *UCR* in a fashion which does not permit analysis of their relationships. "Offenses known to the police," "offenses cleared by arrest," "persons charged," and "persons found guilty" are recorded, but it is impossible for an analyst to move directly from one statistic to another while retaining a base of offenses known. The *UCR* cannot tell us, for example, what proportion of offenses known to the police result in a conviction of one or more perpetrators.

By referring again to Table 1,⁵¹ which does not appear in exactly this form in the *UCR*—there is little real statistical analysis made in these *Reports*—, we can note that there are significant differences between the distribution of offenses known to the police, offenses cleared by arrest, and persons charged relative to offenses known. In the *UCR*, tables cause confusion because changes in the use of population units and number of cities or agencies reporting occur from one table to another. Some of the tables showing offense distributions are based on estimates, while others are based on actual offenses known or offenders arrested. I have manipulated some of the data provided in order to maintain a consistent base for computation. The following differentials are important to the present discussion:

- (1) Offenses against the person (I) constitute a small proportion (8 percent, Column B) of all "major" offenses known to the police,

⁴⁹ Adapted from SELLIN & WOLFGANG, *op. cit. supra* note 11.

⁵⁰ Pittman & Handy, *supra* note 2, at 12.

⁵¹ P. 722 *supra*.

but make up a significantly larger proportion (21 percent, Column E) of offenses cleared by arrest.

(2) On the other hand, offenses against property (II) constitute a large proportion (92 percent, Column B) of all "major" offenses known to the police, but make up a significantly smaller proportion (79 percent, Column E) of offenses cleared by arrest.

(3) Measuring crime and types of offenses from acts committed by persons taken into custody, charged, and made available for prosecution by the police, further widens the differential distribution of Type I and Type II offenses. Instead of constituting 8 percent among all offenses known, Type I offenses make up 23 percent when the universe is that of persons charged by the police (Column H). Instead of constituting 92 percent among all offenses known, Type II offenses make up 77 percent when the universe is that of persons charged (Column H).

(4) This occurs because the probability of being arrested for an offense against the person (76 percent, Column C) is significantly higher than the probability of being arrested for an offense against property (27 percent, Column C).

(5) This in turn results in a significantly greater ratio of persons charged by the police for offenses against the person, relative to the number of such offenses known (66 per 100, Column F), than is the ratio of persons charged for offenses against property, relative to the number of such offenses known (20 percent).

Because the *UCR* do not permit analysis to move readily from offenses to offenders, caution must be used in interpretation. As is well known, an offense may be "cleared" by the arrest of one or of twenty persons, so long as at least one person is "made available for prosecution." On the other hand, twenty offenses may be cleared by the arrest of one person. At no time during the more than thirty years of publishing the *UCR* have these types of data been clearly defined and refined. Consequently, it never is possible for the analyst to move directly from "offenses known" or "offenses cleared by arrest" to "persons charged" by type of offense. The use of "number of persons charged per 100 known offenses" is of no help because we still know nothing about the number of offenders in each offense. For example, we are told that of each 100 murders and non-negligent manslaughters known to the police, 96.8 persons were charged. A single case of twelve boys slaying one victim would clearly and seriously distort the meaning of this ratio.

G. Measurement of Standard Error

Finally, the number of agencies and the population units represented in the *UCR* have progressively increased. With a larger sample, the amount of variance in any computation of a standard error presumably has become smaller. The efforts of the FBI to improve the reliability of reporting, combined with the increased sample size, should have produced greater confidence in the estimates. But in none of the *Reports* is there any reference to this factor other than a caveat that the total population of the United States is not included and that the FBI cannot vouch for the accuracy of statistics from all police departments. Some of the percent changes by type of offense and for the crime index, reported yearly or over longer periods of time, would either be eliminated or otherwise statistically affected by analytical application of measures of standard error.

H. Summary

The foregoing are statistical deficiencies that a rather brief and cursory review can outline. A more complete examination might add abundant illustrations and, perhaps, other types of limitations. I have not personally compared the *UCR* with reports of other countries, but it is the kinds of deficiencies mentioned here which led Sellin to remark that "the U.S. . . . has the worst criminal statistics of any major country in the Western world."⁵² The comment was made before the 1958 revisions, but there have not been sufficient improvements in the *UCR* to label it inappropriate at the present time.

V. THE INTRODUCTION OF BIASES

The *UCR* crime classification and scheme for scoring offenses are based upon an allocation procedure which is derived a priori. Moreover, the statistics to which I have previously referred appear to indicate biases designed to suggest that crime is rapidly increasing and that police efficiency is greatly improving. To emphasize, without appropriate reference to the population base, that the absolute number of crimes in 1950 is greater than in 1940 and greater in 1960 than in 1950 is about as meaningful as saying that there are more crimes in California than in Rhode Island.

There are other items which indicate similar biases. Interesting use of adjectives is made in recent *Quarterly Reports*. We are told, for example, that serious crimes "substantially" increased by 7 per-

⁵² Life, Sept. 9, 1957, p. 49.

cent;⁵³ pocket-picking decreased by 18 percent, but with no adjective;⁵⁴ while forcible rape had an "alarming" rise of 8 percent.⁵⁵ "Murder" in rural counties was "sharply down" by 16 percent,⁵⁶ but offenses against the person showed a "sharp" increase of 6 percent.⁵⁷ At one time, index offenses increased "alarmingly" by 12 percent,⁵⁸ and aggravated assault had a "sharp" increase of 7 percent,⁵⁹ but at another time when "serious crimes" went up 11 percent,⁶⁰ no adjective was used. This may be a relatively minor objection, but it is certainly difficult to know what is a "sharp," "substantial," or "alarming" change according to these *Reports*. If these terms are to be used at all, they should at least be applied with discrimination and consistency.

Keeping in mind what was said earlier about errors in reporting, no one can give very serious attention to the following statement: "Increases were recorded in all crime categories except robbery which was down one percent. This crime had the most significant rise in 1960 and the reversal of the trend indicates to some extent the success of police efforts to reduce its occurrence."⁶¹ That this change in absolute numbers of one percent could be a measurement of police efforts is a patently biased comment. Of course no mention is ever made about police efforts to reduce any type of crime when there is a percent increase, however "sharp" or "alarming." Moreover, the paradoxical situation may occur that when the police are making greater efforts in their activity, certain types of crime increase.

Ordinarily, the term "cleared by arrest" is used quite properly; but to say that a certain percentage of offenses known to the police have been "solved" is very doubtful language.⁶² The word "solved" may infer more efficient performance than would a more appropriate phrase. Equally annoying is the misuse of the term "murder" in text and tables when the proper term is "murder and non-negligent homicide" or "criminal homicide." It is difficult enough to excuse newspaper reporters for using "murder" when they mean the various types of criminal homicide, thus conjuring up in the public imagination the

⁵³ UCR QUARTERLY REP. (June 1960).

⁵⁴ UCR QUARTERLY REP. (May 1961).

⁵⁵ UCR QUARTERLY REP. (Nov. 1960).

⁵⁶ UCR QUARTERLY REP. (Nov. 1962).

⁵⁷ UCR QUARTERLY REP. (May 1962).

⁵⁸ UCR QUARTERLY REP. (March 1962).

⁵⁹ UCR QUARTERLY REP. (May 1962).

⁶⁰ UCR QUARTERLY REP. (Nov. 1960).

⁶¹ UCR QUARTERLY REP. (March 1962).

⁶² UCR QUARTERLY REP. (June 1959). For a fuller discussion of this difference between "cleared by arrest" and "solved," see WOLFGANG, PATTERNS IN CRIMINAL HOMICIDE 284-94 (1958).

most reprehensible sort of first degree murder. To encourage this incorrect usage by its appearance in an official document is indefensible.⁶³

There may be some misgiving about the comment that "the police executive, because of his daily experience with crime incidents, is uniquely qualified to interpret crime counts,"⁶⁴ but even more disturbing are the gratuitous statements on capital punishment which appeared in the 1959 UCR.⁶⁵ Nearly a whole page was devoted to this topic, and the bias in favor of retention of the death penalty was obvious. After suggesting that "some who propose the abolishment of capital punishment select statistics that 'prove' their point and ignore those that point the other way" without suggesting that those in favor of retention might do the same, UCR announced, "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."⁶⁶ The latter statement may be true; this is not my argument. But I am opposed to the appearance of this discussion and its biased presentation in a document that reports criminal statistics recorded by the police. The UCR is not the place to raise the issue of capital punishment, let alone to discuss it in this manner.

VI. CONCLUSION

Although the *Uniform Crime Reports* represent efforts to provide good police statistics and a valid crime index, and although they have been improved since 1958, these *Reports* and the changes in them are partial and inadequate. Limitations of the classification system and the recording and scoring techniques, and statistical deficiencies in presenting crime data—particularly changes over time—are serious and should be carefully examined by the Department of Justice in an effort to rectify them. To claim that changing some of these procedures would render difficult any comparisons with the past is to suggest perpetuation of many elements of error, omission, inconsistency, contradiction, deficiency, and bias.

⁶³ See *id.* at 24-27 for additional comments on this point.

⁶⁴ 1961 UCR at v.

⁶⁵ 1959 UCR 14.

⁶⁶ 1959 UCR 3. The reader is also told that "proponents of abolition of capital punishment cannot find support for their cause in study of state murder rates, since results are inconclusive." *Ibid.* He is not told that proponents of retention cannot find support for their cause for the same reasons.