

RESEARCH MEMORANDUM  
ON CRIME IN THE  
DEPRESSION

*By* THORSTEN SELLIN

PREPARED UNDER THE DIRECTION OF THE  
COMMITTEE ON STUDIES IN SOCIAL  
ASPECTS OF THE DEPRESSION

SOCIAL SCIENCE RESEARCH COUNCIL  
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# STUDIES IN THE SOCIAL ASPECTS OF THE DEPRESSION

## Research Memorandum on Crime in the Depression

*By Thorsten Sellin Professor of Sociology University of Pennsylvania*

## Research Memorandum on Education in the Depression

*By The Educational Policies Commission*

## Research Memorandum on the Family in the Depression

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with the assistance of A. J. Jaffe*

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## Research Memorandum on Social Aspects of Health in the Depression

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## Research Memorandum on Social Work in the Depression

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*By* **THORSTEN SELLIN**

*Professor of Sociology  
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**SOCIAL SCIENCE RESEARCH COUNCIL**

230 PARK AVENUE NEW YORK NY

*The Social Science Research Council was organized in 1923 and formally incorporated in 1924, composed of representatives chosen from the seven constituent societies and from time to time from related disciplines such as law, geography, psychiatry, medicine, and others. It is the purpose of the Council to plan, foster, promote, and develop research in the social field.*

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*American Sociological Society*

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#### FOREWORD

*By the Committee on Studies in  
Social Aspects of the Depression*

THIS monograph on research pertaining to the problem of crime in the depression is one of a series of thirteen sponsored by the Social Science Research Council to stimulate the study of depression effects on various social institutions. The full list of titles is on page ii.

The depression of the early 1930's was like the explosion of a bomb dropped in the midst of society. All the major social institutions, such as the government, family, church, and school, obviously were profoundly affected and the repercussions were so far reaching that scarcely any type of human activity was untouched. The facts about the impact of the depression on social life, however, have been only partially recorded. It would be valuable to have assembled the vast record of influence of this economic depression on society. Such a record would constitute an especially important preparation for meeting the shock of the next depression, if and when it comes. Theories must be discussed and explored now, if much of the information to test them is not to be lost amid ephemeral sources.

The field is so broad that selection has been necessary. In keeping with its mandate from the Social Science Research Council, the Committee sponsored no studies of an exclusively economic or political nature. The subjects chosen for inclusion were limited in number by resources. The final selection was made by the Committee from a larger number of proposed subjects, on the basis of social importance and available personnel.

Although the monographs clearly reveal a uniformity of goal, they differ in the manner in which the various authors sought to attain that goal. This is a consequence of the Committee's belief that the promotion of research could best be served by not imposing rigid restrictions on the organization of materials by the contributors. It is felt that the encouraged freedom in approach and organization has resulted in the enrichment of the individual reports and of the series as a whole.

A common goal without rigidity in procedure was secured by requesting each author to examine critically the literature on the depression for the purpose of locating existing data and interpretations already reasonably well established, of discovering the more serious inadequacies in information, and of formulating research problems feasible for study. He was not expected to do this research himself. Nor was he expected to compile a full and systematically treated record of the depression as experienced in his field. Nevertheless, in indicating the new research which is needed, the writers found it necessary to report to some extent on what is known. These volumes actually contain much information on the social influences of the depression, in addition to their analyses of pressing research questions.

The undertaking was under the staff direction of Dr. Samuel A. Stouffer, who worked under the restrictions of a short time limit in order that prompt publication might be assured. He was assisted by Mr. Philip M. Hauser and Mr. A. J. Jaffe. The Committee wishes to express appreciation to the authors, who contributed their time and effort without remuneration, and to the many other individuals who generously lent aid and materials.

*William F. Ogburn* Chairman  
*Shelby M. Harrison*  
*Malcolm M. Willey*

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## Introduction

THE assumption is old that the criminality of a community is to some degree influenced by economic conditions. Numerous arguments to that effect might be culled from the literature of the last four centuries and especially from the studies pursued in the last hundred years with the aid of statistical tools and other diagnostic instruments known to the social scientist. These studies have sought to give more precise formulation to earlier hypotheses and to prove or to refute them. They have compared the crime rates of the poor with those of wealthy communities. They have shown the incidence of crime in social classes of different economic levels; and they have tried to trace the relationship between economic fluctuations and changes in crime rates.

Outside of the studies of the last-mentioned type the question of the effect of economic *crises* on criminality has received scant attention. It is this specific problem which interests us. What happens to criminality and to criminals when a depression sets in? What happens to the criminal law which defines punishable conduct and its treatment? What happens to administrative agencies and practices, and what happens to the attitudes toward law on the part of those whose lives are most affected by the depression? It is not the intention to answer these questions but rather to survey briefly the studies already made which bear upon them, to evaluate these studies, to point out the gaps and vacant spaces where research has not penetrated, and to suggest some avenues which the exploring research student may follow. The recent severe depression will serve as a springboard for this analysis, on the assumption that the problems it has created have been similar to those of other and less recent economic crises,

even though the duration and the intensity of these problems may not be the same. It is furthermore assumed that intensive studies of the effects of the recent depression may suggest particular ways of testing conclusions when the next depression period arrives. If the questions raised in the process of discussion stimulate active research, the purpose of the analysis will have been amply fulfilled.

### *Chapter I*

## The Substantive Criminal Law

A CONSIDERATION of problems of criminality must take into account the criminal law, its nature, scope, form, and relationship to other agencies of conduct control, for the criminal law states what is meant by crime and by criminality, and thereby, in a sense, fixes the boundaries of the criminologist's researches.

The criminal law is an instrument used by the state to secure conformity to its legal norms of conduct. These norms are held binding on all who dwell within its jurisdiction, and obedience is encouraged by threat of punishment. The conduct which the state denotes as criminal is, of course, that deemed injurious to society, or in the last analysis, to those who wield the political power within that society and therefore control the legislative, judicial, and executive functions which are the external manifestations of authority. Political power may be more or less diffused, as in democracies, or concentrated, as, for instance, in feudal states; but whether diffused or concentrated, it is the interests or values treasured by the social groups possessing that power that are surrounded by the police protection of criminal law. "The state," says Laski, "is the supreme coercive power in any given political society. It lays down the ultimate rules of behavior which govern the relations of men. It lays them down, no doubt, in order that their welfare may be achieved at the maximum deemed possible by those who effectively control its authority. But it is important to realize that this maximum welfare as an end is rarely, if ever, an objective thing agreed upon as desirable by all members of the society. . . . Maximum welfare in a society

of slave owners is not conceived as one in which the slave view of welfare is entitled to count. Maximum welfare, also, in a feudal society is determined by the view of the owners of land about its character."<sup>1</sup>

The implications of this statement are not unfamiliar to the sociologist. The first is that the criminal law does not embody all the conduct norms found within any given state and consequently that there exist other institutions—family, church, etc.—and means of control—ridicule, ostracism—which aim to secure conformity to legal or non-legal norms, the latter being at times in open conflict with the former. The second is that political power may shift from one social group or combination of groups to others, with the result that new interests are given legal protection in addition to or even in opposition to the old. Finally, it may be assumed that the evolution of culture, even without clearly observable shifts in political power, may cause great changes (1) in the attitude toward law as an agency of control until, as Pound puts it, "the state has achieved almost a complete monopoly of force as a regulative instrument,"<sup>2</sup> and (2) in the scope of the law until it covers an ever-widening area of social relationships.

A study of the evolution and the character of legal norms is evidently needed for an understanding of the effect of social change on the law as an institution, and for an evaluation of the effect of changes in legal norms on the movement of criminality and the administration of justice. An economic crisis may, among other things, (1) cause the introduction of new legal norms or modifications in those already existing (2) influence the penal sanctions attached to offenses and (3) intensify or create conflicts between legal and other conduct norms, resulting, in some

<sup>1</sup> Laski, Harold J. "The Judicial Function." *Politica*. 2:115-132. November 1936. (Pp. 116-117)

<sup>2</sup> Pound, Roscoe. *Criminal Justice in America*. New York: Henry Holt & Co. 1930. Pp. xiv + 226. (P. 5)

areas or social groups, in increased tolerance toward certain crimes or criminals, a tolerance which is perhaps reflected in the enforcement of the law. So far as the writer knows, little has been done to study the questions implicit in these comments. A determination of the changes in the conduct content of the criminal law during the depression period is needed, but the nature of the problem requires in the investigator a preparation which, unfortunately, most sociologists lack.

The statutes passed by our legislative assemblies form but part of the law. The setting which gives them meaning is furnished by judicial decisions which in their interpretation of the law clarify, sometimes distort, and perhaps even nullify the intent of some specific enactment. Faced with the enormous number of statutes passed each year, one is always compelled to wonder to what extent they are merely declaratory, that is, put into statute form prevailing practices in the courts; are passed to close a gap which an adverse decision has disclosed; or actually introduce new concepts into the law. The following questions should be considered in the light of the above comments.

I. *What conduct previously legal has been made criminal by its inclusion within this or that specific offense category already recognized in the law? Conversely, what illegal conduct has been dropped from the law?* In 1931, for instance, Missouri repealed an act which made it larceny for a bank officer of an insolvent bank to receive deposits, thereby apparently subjecting him only to civil liability. Nevada added marihuana to the list of prohibited drugs. New York made it possible to prosecute for bribery a person "chosen, designated, appointed or elected" to become a public officer. Congress prohibited the sending of kidnap letters or messages in interstate commerce, and Texas made it bigamy to marry a second spouse outside the state and cohabit with her or him inside Texas if the first spouse was not dead or divorced. These are but a few examples from the thousands of criminal statutes among the 14,665 statutes passed by forty-

five regular and twenty-six special legislative sessions held during the year mentioned.

II. *What displacements have been made in the legal norm categories by transfer of a given offense from one category to another?* In 1931, for instance, Maryland extended the definition of murder in the first degree to include any murder committed "in the escape or attempt to escape" from any jail or penal institution. Texas included under murder any death resulting from the projection of any missile at any aircraft, the unlawful operation, removal, or tampering with aircraft, or the placing of any obstruction on an airport, landing field, etc. In 1933 Utah extended kidnapping in the second degree to include the kidnapping of minors above twelve years of age. Again illustrations could be multiplied almost indefinitely.

This transfer of offenses from one category to another includes also the raising of misdemeanors to felonies and vice versa. In 1931 Michigan reduced the breaking and entering of an outside show case with larcenous intent from a felony to a misdemeanor. New York reduced the issuing of a fraudulent check from attempted larceny to a misdemeanor, while Utah raised the same offense to a felony if the amount of the check exceeded fifty dollars. In 1933 California reduced adultery from a felony to a misdemeanor.

III. *What new offenses have actually been created by the law in its penalizing of conduct which formerly did not exist?* The depression period has seen an enormous growth in certain types of laws. The need for funds to operate government has led to revenue legislation establishing license fees, sales and income taxes, stamp taxes, etc. Our financial problems have given rise to a variety of banking laws. Administrative bodies, commissions, and boards have multiplied. Social insurance legislation has grown rapidly and legal protection has been vouchsafed not only to the aged, the infirm, and the unemployed, but increas-

ingly for the "professions" from beauticians and barbers to lawyers and physicians.

Taxes can be avoided by fraudulent returns falsely certified under oath (perjury). People can operate under forged licenses or without licenses where these are required for legitimate enterprise. Tax stamps can be forged, re-used, illegally sold. Every new administrative body created is likely to have the right to require from those concerned certain periodic reports, which can be falsified. Hearings before such commissions may produce perjured testimony, and all members and employees of commissions may, by virtue of their office, become potential offenders—they must avoid bribery, illegal interests in the affairs under their jurisdiction, etc. Even old age pensions can be secured by fraud and perjury, making both the applicants and those aiding and abetting them liable to criminal penalties.

An inspection of the criminal statutes of the depression period would probably reveal that the growth of the criminal law has come chiefly through the economic and social welfare legislation made necessary by the economic crisis. The expansion has perhaps been greater in the federal law than in the law of any one state. This has resulted in the removal from prosecution by states of offenses which previously were so prosecuted or which might be dealt with through state legislation had the federal government not extended its power. The possible effect of this transfer will be touched upon later in so far as it impinges on the problems dealt with in this analysis.

Some interesting data on the background and extent of changes or accretions in legal norms exist for the predepression period and lend additional strength to the argument for careful supplementary research. Dean Roscoe Pound in his *Criminal Justice in America*<sup>3</sup> points to the increasing conflict of interests growing out of the rapid urbanization and industrialization of

<sup>3</sup> *Ibid.* P. 17



the last hundred years. Comparing the laws of Rhode Island in 1822 and in 1923, he found that the number of crimes defined by statute had more than doubled by 1872 and had increased eight times by 1923.

In a very interesting statistical analysis of the legislation of a few states, during the period 1900-1930, Edwin H. Sutherland and C. E. Gehlke<sup>4</sup> showed that "the number of the sections in the criminal codes of eight states [Connecticut, Georgia, Indiana, Michigan, Missouri, Nebraska, Nevada, and South Dakota] relating to homicide, rape, burglary, robbery, embezzlement, larceny and felonious assault increased 16 per cent from 1900 to 1930, while the number of the sections relating to all other offenses increased 50 per cent, or more than three times as much. Of the sections relating to these major offenses which were in the criminal codes in 1900, 4 per cent had been deleted by 1930, while 16 per cent of the sections relating to minor offenses had been deleted" (p. 1118).

"The principal objectives (in the newer legislation of the states) seemed to be morals . . . prevention of fraudulent or unfair business practices, protection of bodily health and safety, and conservation of natural resources," say these authors, but they hasten to add that "the objectives of the criminal law vary so much from time to time and from state to state that it is difficult to generalize" (p. 1119).<sup>5</sup>

In regard to changing penal sanctions an interesting problem has been suggested by Rusche,<sup>6</sup> who claims that a relationship exists between penal treatment and the character of the labor

<sup>4</sup> *Recent Social Trends in the United States*. Report of the President's Research Committee on Social Trends. New York and London: McGraw-Hill Book Co. Inc. 1933. 2 vols. Pp. xcv + 1568. (II:1115-1121)

<sup>5</sup> Cf. article by Hall, Livingston. "The Substantive Law of Crimes—1887-1936." *Harvard Law Review*. 50:616-653. February 1937

<sup>6</sup> Rusche, Georg. "Arbeitsmarkt und Strafvollzug." *Zeitschrift für Sozialforschung*. 2:63-78. May 1933

market. When the labor supply is scarce and labor therefore is at a premium, penal treatment tends to be humane, but when the labor market is glutted and chronic unemployment develops, penal treatment becomes brutal. Rusche assumes that crime is a class phenomenon and that the upper classes, who have the political power, utilize the law as a means of repressing the criminality of the worker. When times are good and the temptation to crime is slight, there is less need for force; but when the unemployed are tempted to exchange freedom for food and humane treatment in penal and correctional institutions, these institutions must be made more forbidding and penalties in general more severe in order to counterbalance the temptations to crime on the part of the underprivileged masses.<sup>7</sup> The depression, he claims, caused in the United States "an enormous increase in crime, great brutality in its repression, the breakdown of all humanitarian reforms, overcrowding in prisons, hunger, dirt, idleness, hopelessness, and despair, leading to those riots and insane revolts which for a while shocked the world" (p. 78).

We are not concerned with the literal truth of all these assertions but with Rusche's general hypothesis, nor will the effect of the depression on administration be touched at this point; but if his contention is true, that the administration of justice, or rather its execution, can be so radically affected by an economic crisis,

<sup>7</sup> A similar argument was advanced by Sorokin, P. *Crime and Punishment* (in Russian, St. Petersburg, 1911), and restated in his *Social and Cultural Dynamics*. New York: American Book Co. 1937. 3 vols. Vol. II. P. 595. "Each time when, in a given social group, ethico-juridical heterogeneity and antagonism of its members increases—whatever may be the reasons for such an increase—the amount, as well as the severity of punishment imposed by one part of the group upon the other, tends to increase; and other conditions being equal, the greater the heterogeneity and the antagonism the greater is the increase." Sorokin assumes with Gaston Richard that any social crisis, including the economic, creates more or less of what Sorokin refers to as "ethico-juridical heterogeneity and antagonism." (Cf. Richard, Gaston. "Les Crises Sociales et les Conditions de la Criminalité." *L'Année Sociologique*. 1900. P. 17)

we may assume that the punitive content of the substantive criminal law would be equally affected. If it is true that legislative assemblies react to an economic crisis by introducing the possibility of greater harshness in the administration of law, we can assume the following:

1. Where statutes passed during the depression period amended the sections of the prior law dealing with penalties for specific offenses, there would be a tendency to raise their minima or maxima; such changes would be more common in some states than in others; and economic crimes would be more affected than other types of offenses.
2. The penalties attached to new offenses would be higher than those attached to closely analogous or similarly labeled offenses already defined by law.
3. Recidivists would be more harshly punished than before.
4. Limitations would be placed on the use of the "humane" penalties, such as suspended sentences and probation.
5. There would be a tendency to restrict the use of the pardoning power.
6. There would be a tendency to make imprisonment a more severe penalty by restrictions placed on the exercise of the parole power; the scope of parole would be limited; or changes in the administration of penal institutions would be made to permit harsher treatment.
7. Movements toward the humanization of the law would be arrested and prior trends stabilized, if not reversed.

Finally, economic crises may affect social norms of conduct leading to new conflicts or the intensification of conflicts with established legal norms. Such a phenomenon has been observed in certain sections of Pennsylvania, for instance, where the theft of coal has become institutionalized and tolerated to such an extent that the legal norms have lost their force. Similar examples may perhaps be found in other areas. Their study should be worthwhile for the light it may throw on the relationship of legal norms to other conduct norms and on the administration of justice, which is responsive to local social conditions, and

may greatly modify or even nullify the intended effect of legislation.

The possible significance of certain changes in legal norms of conduct during the depression has already been given cursory mention. Another problem created by such changes and by changes in the definition of crimes generally will be touched upon because of its possible importance for methodology.

For knowledge of the movement of criminality and the dynamic aspects of law enforcement, students of crime are greatly dependent on the data recorded and tabulated by the police, courts, and other penal agencies. It is always important, for instance, to know whether given offenses increase or decrease, but it is essential to have this knowledge if the effects of an economic crisis are to be measured in terms of criminality. The law labels offenses by calling them by such names as robbery, rape, embezzlement, larceny, bribery, etc. These labels are therefore commonly used in official records, and statistical data in this field are commonly tabulated on the basis of these legal categories. This fact immediately raises the problem of the effect of changes in the law on the structure and content of these categories during any period of time chosen for the study of the movement of criminality.

The student of birth rates knows that births may not be recorded as fully during a certain period as compared with another, but he at least knows that what he does count remains unchanged in character. The unit of counting is constant. The student of crime rates, on the other hand, does not only face the need for determining the effect of changing public attitudes and administrative practices on the recording of crime data, but he finds that the definitions of specific offenses are more or less elastic, so that for one year he may have to count as larceny, for instance, some form of conduct which could not have occurred or which was not punishable in earlier years or which was labeled by some other name and therefore counted with the units of an

entirely different category. The constancy of the units of offenses counted is therefore at present illusory. The problem has been stated by Roux in the following terms: "The increase in criminality may be purely formal. It may be the logical and natural consequence of modifications in the criminal law and the multiplication of their number by a more exacting social conscience, which punishes acts formerly left outside of criminal law. It is certain, for instance, that the law of August 1, 1905, on commercial frauds, by extending the scope of the crime of fraud, contributed to the enlargement of the statistics of correctional offenses. But can this increase be interpreted as a lowering of moral sense or an increase in effective criminality? Not at all; the frauds existed before 1905 but they were not counted and remained unpunished. The 1905 law merely brought them into the open. . . . In order to establish useful comparisons between statistical series it is necessary that everything remain equal, that is, first of all, the criminal law . . . shall not have been changed from one period to another."<sup>8</sup> The lack of properly compiled criminal statistics would ordinarily make it extremely difficult to make the sort of comparisons indicated above. That is probably the reason why the literature dealing with the effect of legislative changes on crime rates is so scanty. Some illustrations will be cited, however, to give point to the discussion.

After examining the legislation of France from 1826 to 1878, Enrico Ferri<sup>9</sup> tried to show to what extent laws passed since 1826 had figured in the violations of 1877-1878. The average number of convictions for certain offenses in the biennium mentioned was 147,618. But in comparing this figure with that of 1826, he thought it desirable to eliminate the offenses punished by enactments passed since that year. There were:

<sup>8</sup> Roux, J. A. *La Défense contre le Crime: Répression et Prévention*. Paris: Librairie Félix Alcan. 1922. Pp. ix + 282. (Pp. 25-26)

<sup>9</sup> Ferri, Enrico. *Studi sulla criminalità ed altri saggi*. Turin: Fratelli Bocca. 1901. Pp. 542. (Pp. 17-97)

Infractions against the surveillance law of 1832, for which the average for 1877-1878 was . . . . .	4,367
Hunting offenses, punished also before the law of 1844, but for which the difference between the annual averages of 1844-1845 and 1877-1878 was . . . . .	10,530
Mercantile frauds, since 1851 averaged in 1877-1878 . . . . .	3,226
Since 1845, railroad offenses . . . . .	1,539
Since 1849, expulsion of foreign refugees . . . . .	685
Since 1851, unauthorized café operations, etc. . . . .	1,546
Since 1852, residence prohibitions . . . . .	369
Since 1873, public drunkenness . . . . .	4,040
Since 1874, offenses against law on conscription of horses . . . .	1,186
	27,488

After eliminating these cases he concluded that convictions for the offenses punishable in 1826 had increased 254 per cent, while the total convictions had more than tripled.

Comparing the number of persons convicted for offenses against the law of the Reich from 1882 to 1912, Georg von Mayr<sup>10</sup> notes that the latter year showed an increase of 15 per cent over the former, if only those convictions in 1912 were counted which occurred for the offenses which were punishable in 1882, but that the increase was 22.9 per cent if there were included the offenses against laws added since 1882. The new legislation accounted in 1885 for 1, in 1912 for 80 convictions per 100,000 persons of punishable age in the civilian population. It should be noted that the increase was by all means the greatest in certain minor offenses and that only about 10 per cent of the increase in serious crimes was due to the introduction of new laws.

Beginning with the 1932-1933 report on federal offenders, Bennet Mead has annually compared the commitments to federal prisons by "old" and "new" offenses. In the 1934-1935 report recently issued, the following data are found:

<sup>10</sup> von Mayr, Georg. *Statistik und Gesellschaftslehre*. Tübingen: Mohr. 3 vols. See Vol. III. 1917. Pp. viii + 1042. (Pp. 683-684)

TABLE I

NUMBER AND PERCENTAGE DISTRIBUTION OF OFFENDERS COMMITTED TO FEDERAL PRISONS, BY TYPE OF OFFENSE: UNITED STATES, BY 5-YEAR PERIODS, JULY 1, 1909 TO JUNE 30, 1935<sup>a</sup>

FISCAL PERIOD	NUMBER					PERCENTAGE DISTRIBUTION				TOTAL
	TOTAL	"NEW" OFFENSES		"OLD" OFFENSES		"NEW" OFFENSES		"OLD" OFFENSES		
		LIQUOR LAW VIOLATORS	OTHER "NEW" <sup>b</sup>	COUNTERFEITING & FORGERY	OTHER "OLD" <sup>c</sup>	LIQUOR LAW VIOLATORS	OTHER "NEW" <sup>b</sup>	COUNTERFEITING & FORGERY	OTHER "OLD" <sup>c</sup>	
5-Year Period:										
1909-1914	5,426	659	386	687	3,694	12.1	7.1	12.7	68.1	100
1914-1919	10,600	957	1,544	704	7,395	9.0	14.6	6.6	69.8	100
1919-1924	17,121	1,176	6,760	766	8,419	6.9	39.5	4.5	49.2	100
1924-1929	27,387	4,684	12,500	964	9,239	17.1	45.6	3.5	33.7	100
1929-1934	47,322	20,547	14,016	3,465	9,294	43.4	29.6	7.3	19.6	100
Fiscal Year 1934-1935	11,000	4,615	2,804	1,354	2,227	42.0	25.5	12.3	20.2	100

<sup>a</sup> *Federal Offenders 1934-35*. Washington, D. C.: United States Department of Justice, Bureau of Prisons, 1936. Includes penitentiaries, reformatories, and camps

<sup>b</sup> Includes White Slave Traffic Act, Narcotic Drug Act, and National Motor Vehicle Theft Act violations

<sup>c</sup> Includes all offenses except counterfeiting and forgery and the "new" offenses

The following broad comments concerning the data presented are made:

"It is to be noted that the terms 'new' and 'old' offenses, which have been used here for brevity and convenience, are not precise. The term 'new' is quite appropriate for the offenses which are included under the head of 'other New Offenses,' since they were the result of federal legislation adopted after 1911. But as applied to the liquor law violators, the term 'new' is not exact, since this was a group which had been handled for many years under the Internal Revenue and other federal laws. Since the repeal of the Prohibition Amendment, the Internal Revenue laws have again become the chief means of control over liquor by the federal government. The term 'new' is here

appropriate only in the sense that, beginning in 1920, this group included the offenders convicted under the National Prohibition Act, and that the growth in the number of such offenders accounts for the tremendous increase which occurred for the liquor law violator group between 1920 and 1932. Likewise, the term 'old' does not apply strictly to all of the group labeled 'old' offenses. This group consists chiefly of violations of federal statutes in effect prior to 1910, but it also includes a considerable number of offenses growing out of new legislation. For example, new postal legislation and new legislation coming under the head of 'National Banking and Federal Reserve Act' was adopted from time to time.

"In spite of its lack of precision, this broad grouping of federal offenders is useful for bringing out in sharp relief the very large influence of new legislation in causing the growth in the number of federal prisoners during the past 25 years. Although there was a nearly tenfold increase in the total number of commitments during this entire period, there was only about a threefold increase for the 'old' offense group. If it were possible to eliminate from this latter group the offenses attributable to new legislation, it would have shown an even smaller comparative increase" (p. 152).

The table presented on page 14 is evidence of the enormous extension of the scope of federal law. The effect of this extension on the criminal statistics of states or local communities is difficult to appraise. While both state and federal law frequently expose an offender to prosecution for the same offense, the practice is to have one or the other authority deal with him alone. The federal authorities are perhaps given the preference, with the result that the increase in the scope of federal criminal law subtracts more and more offenses from state prosecution, and therefore from the judicial and penal statistics of the states.

In recent years the killing of certain federal agents, for instance, has become an offense against the United States. Public

No. 230, 73d Congress, punished the killing of United States marshals or deputy marshals, special agents of the Division of Investigation of the Department of Justice, post office inspectors, secret service operatives, officers or enlisted men in the Coast Guard, employees of federal penal or correctional institutions, officers of the customs or the internal revenue, and immigrant inspectors or immigrant patrol inspectors, while engaged in official duties. Public No. 431, 74th Congress, added employees of the Department of Agriculture engaged in protecting game or wild animals, employees of the National Park Service, employees of the field service of the Division of Grazing of the Department of the Interior, and employees of the Indian Field Service. Public No. 815, 74th Congress, also added employees, agents, or other persons in the service of the customs or of the internal revenue. The illustration cited is perhaps of little statistical significance so far as the disturbing effect on state criminal judicial statistics is concerned. It is otherwise, no doubt, with the recent federal kidnapping statutes. On the whole, however, and considering the extremely wide geographic distribution of federal offenses, it is probably only in connection with a few specific crimes that the person who uses time series of state statistics would have to pay some attention to the effect of the transfer of crimes to federal jurisdiction. The cumulative effect over a long period of time might be considerable.

Studies of the effects of the depression on criminality, like other studies involving the use of time series of statistics, should try to show whether or not those offenses which were punishable before the depression increased, decreased, or showed no change, and to what extent changes in rates were influenced by variations in the definitions of the offenses counted. This is essential in order to allocate responsibility for changes in crime rates. If current statistics make such investigations impossible, the need for more adequate statistics for research purposes is clearly indicated.

There are many students of law who believe that criminal sanctions have been used too widely and that much of the growth in the scope of the criminal law is ill-considered and unnecessary, since other means of control would be more effective. It seems to be generally true that criminal prosecutions are rare in cases of violations of the rules or other provisions of laws, the enforcement of which depend upon administration boards or departments. Withdrawals of licenses, cancellations of contracts, civil actions, arbitration, etc. are more likely to be employed. These may prove effective because of the threat of criminal prosecution. If they do, however, it is clear that many important new criminal laws might have little or no importance so far as criminal statistics are concerned. The whole question involved requires study.

One source of data should be explored in this connection, namely, the records of administrative boards or executive departments which, in practice, at least, are entrusted with the enforcement of the penal provisions of their organic laws. In Pennsylvania, for instance, hundreds of old-age pensions have been canceled owing to fraud and perjury in connection with the application for or the acceptance of such pension. No prosecutions have occurred, due to the failure of the administrators of the law to have arrests made. Had prosecutions occurred, criminal statistics on fraud and perjury would have shown increases which probably would not have been identifiable with the old age pension system, or might have been interpreted by those unfamiliar with the facts as showing either a great increase in the practice of perjury or in the repression thereof. State departments of revenue, banking commissioners, and licensing boards of all kinds have records which would throw an interesting light on the relationships of law to administration as well as on the effect of new legislation on criminal statistics. In 1931 Pennsylvania passed a law punishing the spreading of false rumors concerning the financial condition of certain banking institutions, and even declared that absence of intent to cause injury was no defense.

There have been only two prosecutions under this law, both instituted by the State Banking Department. While these illustrations would indicate that in some instances new laws do not greatly complicate the work of statistical analysis, it is fair to assume that other enactments are actually enforced.

To summarize, the criminal law as a social institution should be studied by the sociologist concerned with the problem of crime. Such studies should aim to show the effect of economic crises on the conduct norms and the penal sanctions of the law, and their relationship, whether harmonious or conflicting, to the conduct norms of various social groups within the state studied. The extent to which the introduction of new norms with old labels or the modification of prior legal norms affect the offense rates requires investigation.

## *Chapter II*

# Crime and Economic Fluctuations: General

MANY treatises and hundreds of monographs here and abroad have dealt with poverty as a cause of illegal conduct. Poverty, however, is a phenomenon which is constant, while depressions are temporary but recurrent. As reflected in the lives of individuals, a depression presumably means for many persons a relatively sudden transition from independence or even wealth to dependence and poverty. It may even mean the reduction of a large number of persons from poverty to pauperism. Many of those who, both in good times and in bad, remain wards of the community suffer perhaps no particular hardship when depressions set in, although it is possible that they, too, are sensitive to changes in the moral atmosphere which accompany social crises of various kinds.

Among the ways in which the relationship of depressions to criminality may be studied are the following:

1. A comparison of the rise and fall of crime with the business cycle. Since all forms of crime may not show the same sensitivity to economic change, such comparisons should preferably be made for specific types of offenses.

2. All areas are not necessarily affected in the same degree by economic fluctuations, and comparisons must therefore be made between areas which, while in other respects similar, have suffered much and those that have suffered little or not at all.

3. All social classes are not, presumably, victimized equally by an economic crisis. It would therefore be desirable to know

whether the offense rates of some economic groups are more closely correlated with economic change than are the rates of other economic groups.

4. Finally, mild economic crises are presumably less likely to be reflected in crime rates than are the severe ones.<sup>1</sup>

The answers to these problems can be secured only by statistical analyses, that is, by correlating indexes of crime with indexes of economic conditions. Both types of index must, if they are to have probative value, be sensitive. A most important methodological problem intrudes itself at this point, namely, that of determining the sensitivity of such indexes. This is especially significant, since nearly all who have made the correlations referred to above have paid no attention to it, accepting without critical analysis "indexes" which are theoretically indefensible. Before dealing with the index questions, however, the literature on crime and economic change may be examined.

W. A. Bongers<sup>2</sup> claims that to Edouard Ducpétiaux should go the credit for first pointing out the fact that hard times are accompanied by an increase in crime. This demonstration was made in a study on pauperism in Flanders, published in 1850 and resting upon data on prison commitments. A number of contemporary writers had, however, touched upon the problem both in England and on the Continent. Quetelet and Guerry, Rigand and de Candolle, Russell and Fletcher—to mention but a few—had dealt with the question at various times from 1829 on. Russell,<sup>3</sup> for instance, attributed the great increase in crime in

<sup>1</sup> See Eckler, A. Ross. "A Measure of the Severity of Depressions, 1873-1932." *Review of Economic Statistics*, 15:75-81. May 1933. Consult also Gordon, R. A. "A Selected Bibliography of the Literature on Economic Fluctuations, 1930-36." *Review of Economic Statistics*, 19:37-68. February 1937

<sup>2</sup> Bongers, W. A. *An Introduction to Criminology*. London: Methuen & Co. Ltd. 1936. Pp. xi + 178 (P. 53)

<sup>3</sup> Russell, Whitworth. "Abstract of the 'Statistics of Crime in England and Wales from 1839 to 1843.'" *Journal of the Statistical Society of London*, 10:38-61. March 1847

1842, as measured by the number of prisoners in assizes and sessions, mainly to "the general distress, commercial, manufacturing, and agricultural, which prevailed throughout the country during that year" (p. 38), and Fletcher,<sup>4</sup> using data for a period of thirty-seven years, 1810-1847, claimed "an immediate connection . . . between the price of food [wheat] and the amount of commitments, every access to the former being followed by an access in the latter" (p. 167). The table which he presented in support of his conclusion showed, however, that wheat prices and commitments varied concomitantly in but twenty-three years of the series. With reference to property offenses with violence, he assumed it "probable that the great access to the ranks of desperate crime takes place at the periods of disordered trade" (p. 208) and that the decrease in commitments in 1845-1847 was due to better times. Malicious offenses against property and offenses against the currency showed similar declines, and these he attributed to improved employment in industrial areas (p. 209). Even ecological charts were included in his battery of data.

A little later John Clay,<sup>5</sup> on the basis of commitments to the Preston House of Correction for 1835-1854, claimed that bad times "may add a few cases to the sessions calendars and that 'good times' greatly aggravate summary convictions; that the increase to the sessions consists of the young and thoughtless who, when thrown into idleness, are liable to lapse into dishonesty; and that the increase in summary cases arises from the intemperance which high wages encourage among the ignorant and sensual" (p. 79). He was taken to task by R. H. Walsh<sup>6</sup>

<sup>4</sup> Fletcher, Joseph. "Moral and Educational Statistics of England and Wales." *Journal of the Statistical Society of London*, 12:151-176; 189-335. May-August 1849

<sup>5</sup> "On the Effect of Good or Bad Times on Commitments of Prison." *Journal of the Statistical Society of London*, 18:74-79. March 1855

<sup>6</sup> Walsh, Richard Hussey. "A Deduction from the Statistics of Crime for the Last Ten Years." *Journal of the Statistical Society of London*, 20:37-78. March 1857

who challenged his use of summary convictions as an index of crime, holding that "a more accurate measure of crime is to be found in the returns of offenses sent for trial to assizes and quarter sessions" (p. 37). Taking such figures for England and Wales in 1844-1854, he claimed that they showed crime rising in bad and falling in good years. Clay's rebuttal<sup>7</sup> indicated no change in point of view. The author cited a study by H. Kitton (Norwich, 1856) which in comparing average wheat prices from 1800 to 1853 with criminality figures, was said to show that "the years of the greatest amount of crime have been years of cheapness" (p. 384).

It was more than twenty years later that von Mayr<sup>8</sup> made his study in Bavaria on the correlation of the price of rye with certain types of offenses. This study was superior to the earlier ones, for it was based on crimes known to the police instead of convictions or prison commitments. For the period 1836-1861 he established a high positive correlation between curves of offenses against property and the price of rye, and a negative one between that of offenses against the person and the price curve mentioned. One of his generalizations has frequently been quoted, namely, that in Cis-Rhenish Bavaria during the period covered, an increase in the price of rye of about a ha'-penny (*Sechser*) meant an increase of one theft for 100,000 persons, while a similar drop in the price was accompanied by a corresponding decrease.<sup>9</sup>

Von Mayr's study stimulated a great many researches, some resulting in different conclusions, but more of them corroborat-

<sup>7</sup> "On the Effect of Good or Bad Times on Committals to Prison." *Journal of the Statistical Society of London*. 20:378-388. December 1857

<sup>8</sup> von Mayr, Georg. *Statistik der Gerichtlichen Polizei im Königreiche Bayern und in einigen anderen Ländern*. Munich: Fleischman's Buchhandlung. 1867

<sup>9</sup> W. Woytinsky has recently applied more modern statistical methods to von Mayr's data, finding a coefficient of correlation of  $+0.76 \pm 0.08$  between his rye prices and offenses against property. See his "Kriminalität und Lebensmittelpreise." *Zeitschrift für die gesamte Strafrechtswissenschaft*. 49:647-675. 1929. (P. 661)

ing his general findings, at least in so far as offenses against property were concerned. None of them used the type of crime index which he employed, but relied rather on conviction rates.

It would be idle to review even the outstanding foreign studies in this field. Those made in the nineteenth century were analyzed in the excellent monographs by Bongers<sup>10</sup> and Van Kan.<sup>11</sup> Von Mayr in his monumental treatise on criminal statistics<sup>12</sup> surveyed the problem and furnished an annotated comprehensive bibliography orienting the research student in the literature of the pre-War period. Recently Ernst Roesner<sup>13</sup> has brought the analysis of the international literature up to date. No comparable analyses are available in English, but a translation of the major part of Bongers's monograph is easily accessible to most criminologists, and the studies of Dorothy Thomas, Emma Winslow, and Morris Ploscowe, which will be referred to later, summarize some of the most important researches made on the continent of Europe.

The evaluation which these scholars have made of the literature is, however, of great interest to us. Van Kan, whose critique compels the respect of the student, believed that certain generalizations could be drawn from the heterogeneous, chaotic, but numerous studies that have dealt with the economic factor in crime. "Crimes against property," he says, "find in large measure their indirect causality in bad economic conditions; their

<sup>10</sup> Bongers, William Adrian. *Criminality and Economic Conditions*. Translated by Henry P. Horton. Boston: Little, Brown & Co. 1916. Pp. xxxi + 706

<sup>11</sup> Van Kan, Joseph. *Les Causes Économiques de la Criminalité*. Paris: Maloine. 1903. Pp. vi + 496

<sup>12</sup> von Mayr, Georg. *Statistik und Gesellschaftslehre*. Tübingen: Mohr. Vol. III. *Moralstatistik mit Einschluss der Kriminalstatistik*. 1917. Pp. viii + 1042. (Pp. 938-955)

<sup>13</sup> Roesner, Ernst. *Der Einfluss von Wirtschaftslage, Alkohol und Jahreszeit auf die Kriminalität*. Berlin: Strafgefängnis Berlin-Tegel, 1931. Pp. 96. (Bibliography, pp. 90-96); "Wirtschaftslage und Straffälligkeit." *Handwörterbuch der Kriminologie*. 2:1078-1116. Berlin: Walter de Gruyter. 1936. (Bibliography, pp. 1113-1116) Cf. Rozengart, Eugène. *Le Crime comme produit social et économique*. Paris: Marcel Rivière et Cie. 1929. Pp. 182



direct causality in acute need and even more in chronic misery. . . . Material well-being generally exalts the vital instincts, increases alcohol consumption, and therefore increases crimes against morals. All our literature confirms this fact. . . . As for the question of the extent of the influence of economic factors on offenses against persons, the answers are less uniform."<sup>14</sup>

On the other hand, Van Kan does not hide his opinion regarding criminological research in this connection. "Most of the literature we have analyzed—and the same is true of most other chapters of criminology—is of a strongly pronounced fragmentary character. Outside of a few great pioneer works it consists of little but magazine articles, pamphlets, brief dissertations, chapters, often but a page or two, from lengthy non-criminological works. And in all of this, the general plan, the intention of collaborating in a common enterprise, often even a consideration of the studies of others, and the necessary general ideas are absent. These questions have frequently been touched but rarely explored deeply. Most writers draw the force of their arguments from documents which are limited from all points of view; often from derisory fragments; from statistics insufficiently analyzed, badly interpreted, and giving rise to superficial results. . . . There is too much dilettantism in criminology. In the day when Lombroso, Tarde, Ferri, and Garofalo issued their great works, universal attention was suddenly paid to them by many anthropologists, psychiatrists, neurologists, statisticians, sociologists, economists, politicians, penologists, prison administrators, philosophers, ethnologists, and even philanthropists; but the unfortunate fact was that most of them remained what they were, treating these questions like benevolent dilettants, without being much interested. There were evidently exceptions and in the preceding summarization we have been happy to note them."<sup>15</sup>

The strictures of Van Kan have been echoed in more recent

<sup>14</sup> Van Kan. *Op. cit.* Pp. 478-479

<sup>15</sup> *Ibid.* Pp. 479-480. Out of the numerous contributions which the author

years by Dorothy S. Thomas,<sup>16</sup> who, in connection with her study of the social effects of the business cycle, examined, chiefly on the basis of Bonger's work, the outstanding studies on the question. "The criminologists," she says, "seem to me to be the worst offenders in their treatment of economic influences on social life. They have made no real attempt to measure the relative effect of economic influences upon crime. They use and abuse statistics outrageously, presenting short series, frequently of less than ten years, and claiming general causality from such comparisons as could be made with these short series. A review of the literature on the subject suggests that discussions of the relations of crime and economic conditions are still in the realm of metaphysics" (p. 37).

Ploscowe<sup>17</sup> is equally unwilling to grant any merit to the studies which have tried to correlate economic fluctuations with offense rates, and is especially critical of the choice of data and their interpretation.

Emma A. Winslow,<sup>18</sup> after analyzing essentially the same studies surveyed by Dorothy Thomas, stated: "Findings . . . are fairly conclusive with reference to the tendency for crimes against property, and vagrancy, to increase during periods of economic depression and decrease during prosperity. . . . Other groups of offenses are apparently affected only slightly or irregularly" (p. 269). Sorokin<sup>19</sup> also assumes as proved the correlation

analyzed in his work, he made special reference to some sixty-odd authors who presumably were the ones for whom he had some respect.

<sup>16</sup> *Social Aspects of the Business Cycle*. New York: Alfred A. Knopf. 1927. Pp. xvi + 217

<sup>17</sup> Ploscowe, Morris. *Some Causative Factors in Criminality: A Critical Analysis of the Literature on the Causes of Crime*. Report on the Causes of Crime. Washington, D.C.: The National Commission on Law Observance and Enforcement. 1931. Vol. I. Pp. lxxi + 390. (Pp. 1-161)

<sup>18</sup> Winslow, Emma A. *Relationships between Employment and Crime Fluctuations as Shown by Massachusetts Statistics*. Report on the Causes of Crime. Washington: The National Commission on Law Observance and Enforcement. Pp. 257-312; 364-386

<sup>19</sup> Sorokin, Pitirim. *Contemporary Sociological Theories*. New York: Harper

between the movements of certain crimes and the curve of prosperity.

In spite of the critiques made by the American students, it is impossible to escape the conclusion drawn by Van Kan, even though it must be admitted that the establishment of generalizations of such a broad nature makes specific preventive social action extremely difficult.

When we consider the interest which has been shown in the United States in the last half century, at least, in the causation of crime and the development of statistical research in general, it is amazing to the student to find that on the problem under consideration the literature is so extremely limited. This fact is reflected in the international bibliography in which the great number of researches abroad make the absence of American studies conspicuous.

Prior to 1922, when Davies and Ogburn and Thomas published their studies, we find only impressionistic dicta, so far as the present writer has been able to discover without an intensive canvass of the literature, but with a reliance on bibliographic sources now available. Such a condition may be due to the undeveloped state of our criminal statistics, but this is hardly a sufficient explanation, for the same condition did not deter British investigators of nearly a century ago. Furthermore, annual judicial criminal statistics and prison statistics have been available in many of our states for a great many decades.

Whatever may be the reason for the failure to utilize statistical analysis of the problem in question, there was no dearth of opinion about it. In 1853 the *Pennsylvania Journal of Prison Discipline* published an article with the title "On Variations in

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& Bros. 1928. Pp. xxiv + 785. Textbooks on criminology written in the United States generally pay little attention to this specific problem. The exceptions are Parmelee, M. *Criminology*. New York: The Macmillan Co. 1918; and Gillin, J. L. *Criminology and Penology*. Revised Edition. New York: D. Appleton-Century Co. 1936

the Price of Food as They Affect the Ratio of Crime at Given Periods."<sup>20</sup> Beginning with the statement that "it is not surprising that in the earnest investigations which have been made during the last five-and-twenty years into the extent and causes of crime, various theories should have been broached, and some that would not bear scrutiny" (p. 33), the anonymous author lends a hospitable ear to the suggestion that rapid economic changes are responsible for fluctuations in crime rates as is shown from the rises and falls in food prices and closely parallel changes in crime rates. "The theory goes further than this and maintains that though periods of distress do not aggravate the causes (whatever they may be) which lead to the fouler and more atrocious offenses against the person; and though it does not appear that personal quarrels, mere assaults, are increased by them; nor further, is the increase of simple theft at all remarkable, being under the average of increase of *all* crimes; yet it is far different with all classes of offenses in which practiced skill and daring and systematic fraud are more or less concerned . . . as burglaries, highway robberies, house and shopbreaking, receiving stolen goods, frauds, forgery, and uttering base coin. All these are fearfully augmented. It would seem as if the number, activity, and recklessness of the adult classes of the criminal population were greatly increased by the action of general distress" (p. 36). It was claimed that manufacturing classes were more affected in this respect than the agricultural ones.

The manner in which economic crises induce an increase in criminality was explained in the following words: "The fact may safely be assumed that there is at all times . . . a large class

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<sup>20</sup> Vol. VIII. Pp. 33-41. January 1853. No author is given nor any reference to the source of the data, but it is probably based on Plint, Thomas. *Crime in England: Its Relation, Character and Extent as Developed from 1801 to 1848*. London: Charles Gilpin. 1851. Pp. 187. This work contains a section entitled: "Influence of Variations in the Price of Food on the Ratio of Crime" in which the claim is made that continued high food prices increase crime.

of persons bordering, as to pecuniary circumstances, on absolute destitution and as to morality on the verge of open outrage of the laws, governmental or moral, which that country acknowledges. . . . Even in seasons of general prosperity there are but too many in the social and moral condition indicated. That condition may be accurately described in one short sentence as one of imminent exposure to the temptations which always accompany destitution and idleness, and a moral power of resistance which is all but worthless. The class so situated is sadly too large a one at all times, but in periods of great depression in trade and consequent suffering among the operative classes, it is rapidly augmented in number by the less educated and less morally disciplined" (p. 40).<sup>21</sup>

In 1893 Carroll D. Wright<sup>22</sup> stated: "During periods of industrial depressions crime of almost all grades is increased in volume. The difficulty of demonstrating this . . . to any full extent lies in the fact that our criminal statistics are given for periods and not year by year. Could we have annual statements of the convictions in all our states so that such statements could be consulted relative to economic conditions, I feel sure that we would find a coordination of results that would startle us all. We should find that the lines of crime rise and fall as the prosperity of the country falls and rises" (p. 774). He was certain that unemployment increased larceny, burglary, and vagrancy. As a matter of fact "all idleness, whether induced by economic conditions or by a lack of inclination to work . . . leads directly to

<sup>21</sup> Cf. "Crimes against property have increased largely because . . . there are in the community a certain number of persons inferior in mental and physical equipment—not so much mentally defective as subnormal—who are lacking in self-control, character, and training. Such persons keep straight in times of relative prosperity, but cannot resist the increased temptations which come with economic stress. It is from these that many of the additional lawbreakers are probably recruited." Calvert, E. Roy and Theodora, *The Lawbreaker*. London: G. Routledge & Sons, Ltd. 1933. Pp. xiv + 294 (P. 52)

<sup>22</sup> "The Relation of Economic Conditions to Crime." *The Annals of the American Academy of Political and Social Science*. 3:764-784. May 1893

crime—not, of course, in all cases but such conditions aggravate and irritate and drive men to criminal courses" (p. 776). Wright was thinking in terms of national data. The periodic statistics to which he referred were obviously the decennial census of prisoners. Had he really been willing to pursue original scientific studies, there were available in his own state of Massachusetts judicial criminal statistics, for their collection began as far back as 1832.

We might expect that Richmond Mayo-Smith in his *Statistics and Sociology*<sup>23</sup> would discuss statistics of crime. He does so in a chapter of thirty pages, but spares only a couple of sentences for the subject here discussed. "Hard times" he says, "increase the number of crimes, especially of crimes against property. A general rule has been laid down that as the price of food increases, crimes against property increase, while crimes against the person decrease. . . . In Germany an advance in the price of rye meal and potatoes is followed by an increased number of crimes against property, especially simple larceny, the succeeding year" (p. 277). Since he believed that international comparisons of the amount of crime were impossible and that, owing to changes in laws, even comparisons within a country over a period of time were "futile," it is no wonder that he reached the conclusion that "the statistics of crime are the most difficult to deal with satisfactorily of any branch of sociological statistics" (p. 283).

During the recent depression similar opinions have probably been expressed by innumerable speakers and press contributors. "All over the world it is found that the crime wave goes up when unemployment is prevalent. Hungry men, women, and children become desperate. Men will steal rather than watch their children go hungry."<sup>24</sup> "Unemployment sets the stage for mercenary

<sup>23</sup> New York: Columbia University Press. 1907. Pp. xvi + 399

<sup>24</sup> *Report of the Crime Problem Advisory Committee of California*. Sacramento: California State Printing Office. December 1932. Pp. 154 (P. 62)

crime" says Bickham.<sup>25</sup> "It creates the economic urge, it develops the social resentments at the current economic injustices and the presence of abundance of wealth and food in the community, and offers the incentive and the opportunity for the worker to embark upon his crime career" (p. 70). "The assertion that unemployment and poverty are important factors in the causation of minor crimes against property is indeed highly probable. Like any valid empirical proposition, it is based upon the observation of a large number of cases," says Jerome Hall,<sup>26</sup> pleading for reforms in economic and social conditions as a means of reducing petty larceny.

Opinions of the type quoted have been based in part on a priori reasoning resting on experience and introspection and in part on the accumulated and, it would appear, not always reliable data analyzed or characterized by Van Kan and others. Whether accurate or not, these opinions have been given publicity and have gained currency because they seemed appropriate and fitted in with preconceived ideas.

<sup>25</sup> Bickham, Martin H. "Unemployment and Mercenary Crime." Pp. 55-72 of McDougall, E. D. *Crime for Profit*. Boston: Stratford Co. 1933. Pp. xx + 355

<sup>26</sup> Hall, Jerome. *Theft, Law, and Society*. Boston: Little, Brown & Co. 1935. Pp. xxxv + 360

### Chapter III

## Crime and Economic Fluctuations: American Researches

WE NOW leave the opinion evidence in order to look into the researches which have been made by American students. In the following pages these researches will be described and some appraisal made, but more fundamental criticisms will be reserved until the discussion of the question of the indexes upon which most of these studies have necessarily been based.

What appears to be the first attempt at original research on the relations between the movement of crime and economic change was published in 1922 by George R. Davies,<sup>1</sup> who correlated for the period 1896-1915 the indexes of wholesale prices published by the Bureau of Labor Statistics with the annual admissions to the state prisons of New York. The comparison yielded a coefficient of  $-.41 \pm .13$ . The same year William F. Ogburn and Dorothy S. Thomas published a study on "The Influence of the Business Cycle on Certain Social Conditions."<sup>2</sup> Since no business cycle index long enough existed, the authors constructed a composite one based on nine series (wholesale prices, 1870-1915; commercial failures, bituminous coal production, pig iron production, 1870-1920; railroad freight ton

<sup>1</sup> "Social Aspects of the Business Cycle." *Quarterly Journal of the University of North Dakota*. 12:107-121. January 1922

<sup>2</sup> *Journal of the American Statistical Association*. 18:324-340. September 1922. Reprinted in Thomas, Dorothy Swaine. *Social Aspects of the Business Cycle*. New York: Alfred A. Knopf. 1927. Pp. xvi + 217 (Pp. 53-77)

mileage, 1882-1920; bank clearings outside New York, 1881-1915; employment in Massachusetts, 1889-1920; railroad mileage constructed, imports, 1870-1888) and correlated this index with one based on the number of convictions for criminal offenses in the courts of record of the State of New York, the data being taken from the reports of the Secretary of State. "Although the series for New York is not complete, it is the best available. . . . Observation of this curve of crime statistics . . . and its fluctuations around the trend line shows that in most of the depressions the number of convictions is above the normal as indicated by the trend, and in most of the periods of prosperity the number of convictions is less. The coefficient of correlation is  $-.35 \pm .08$ ; when the trend for the data on convictions is for nine-year moving averages, the correlation is the same,  $-.32$ . With a one-year lag, the coefficient of correlation is smaller,  $-.24$ " (p. 339). "The Secretary of State of New York in his report publishes an analysis of the number of convictions for offenses against the person exclusive of offenses against property with violence. It is interesting to inquire whether such offenses against the person are correlated with business conditions. The coefficient of correlation is negative though small,  $-.12 \pm .09$ . Our conclusion is, therefore, that although the records of crime statistics are not wholly satisfactory, there does appear to be some negative correlation between convictions for crime and the business cycle" (p. 340). This conclusion the authors state is borne out by the findings of Davies.

A study by Eyles Simpson published in 1923<sup>8</sup> is mentioned here merely to keep the bibliographical record reasonably complete. The author, after discussing in general terms and with scanty references to earlier studies the relation of crime to economic conditions, accepts the proposition that "much, if not the majority, of the thievery, forgery, robbery, and other crimes

<sup>8</sup> "The Economic Bases of Crime." *Southwestern Political Science Quarterly*, 3:306-322. March 1923

against property . . . [is] committed under the pressure of absolute economic necessity" (pp. 316-317). Referring to one of Bonger's charts, which he states deals with France although it is plainly marked "England and Wales" and which shows the data for wheat prices and crimes against property over a six-year [!] period, he speculates on the possibility of showing a similar correlation for the United States between the "cost of living" and the "volume of crime." Taking a graph drawn by W. M. Persons illustrating the trend in the cost of living 1914-1921, he superimposes upon it a curve [!] showing embezzlement and burglary losses paid by thirty insurance companies in 1913, 1918, 1919, and 1920. They both rise together to a peak in 1920, which leads the author to say: "I hardly need point out the obvious correlation between the cost of living . . . and the total insured loss from two of the major crimes against property" (pp. 321-322). Comments on this study are hardly necessary.

In 1927 Miss Thomas<sup>4</sup> published a sequel to her earlier paper. She set out to examine, on the basis of British data, the relation between business cycles and the fluctuations in marriages, births, deaths, pauperism, alcoholism, crime, and emigration. Her first task was to discover a good index to the business cycle. None seemed adequate, and a composite index for 1854-1913 was prepared, being made up of Sauerbeck's price index of "all materials," the total value of British exports of produce, pig iron production, coal production, freight traffic receipts of sixteen railroads, bank clearings for Manchester and Birmingham, the percentage of unemployed union members, etc. These indexes were chosen because they "were found generally to synchronize as to maxima and minima and therefore to give a picture of the general cyclical movement" (p. 14). "The use of as many as seven series has the advantage," says Miss Thomas, "that in a barometer composed of their averages, individual peculiarities of

<sup>4</sup> *Op. cit.*

any aspect of the trade not common to trade in general tend to be smoothed out" (p. 14). Secular trend was eliminated by fitting the composite annual index number with a curve representing long-time movement of the data, computing percentage deviations of the annual items from the trend and expressing them in terms of their standard deviation.

The correlation between the business cycles and the cycles of crime is discussed in three chapters (Chs. 3, 7, and 8), the last of which is entirely devoted to this problem. Prosecutions per 100,000 population were chosen for the crime indexes.<sup>5</sup> The crime series covered 1857-1913, the years 1880-1882 being excluded because of the disturbance in the data resulting from the passage of the Summary Jurisdiction Act of 1879. Miss Thomas' findings were as follows:

1. *All Indictable Offenses*. The "coefficients make it impossible to assume . . . any close connection, either inverse or direct, between crime in general and the business cycle" (p. 137).

2. *Offenses against Property Without Violence*. These offenses represent 80 to 90 per cent of all indictable offenses. They are chiefly larcenies, though they include embezzlement, frauds, bankruptcy cases, and receiving stolen goods. For the entire period the correlation was  $-.25 \pm .13$  for synchronous items. For 1857-1874, it was  $-.31 \pm .21$ ; for 1875-1894, it was  $-.19 \pm .23$ ; and for 1895-1913,  $-.26 \pm .25$  for synchronous items but  $+.52 \pm .18$  for items lagging two years. "Although there is slight evidence of inverse correlation between the business cycle and larcenies, the series used in this study does not show that

<sup>5</sup>The author has elsewhere stated that "crimes known to the police would on a priori grounds have been considered a more adequate index of crime in general, but actually this series was inconsistent over a period of time and had serious sources of irregular error." She does not, however, indicate what these errors were. See her "Statistics in Social Research." *American Journal of Sociology*. 35:1-17. July 1929. Partially reprinted in Rice, Stuart A. (Ed.) *Methods in Social Science: A Case Book*. Chicago: University of Chicago Press. 1931. Pp. xiv + 822 (Pp. 575-581)

correlation to be either strong or constant. It is probable that the changes in criminal procedure and law may have caused counter-fluctuations which obscure the fluctuation due to economic causes. This series is not sufficiently reliable to base any definite conclusions on the results shown here" (p. 138).

3. *Offenses against Property With Violence*. These include robbery, burglary, house- and shopbreaking, extortion, and sacrilege. For the whole period the correlation was  $-.44 \pm .11$  with synchronous items; for 1857-1874,  $-.39 \pm .20$ . The corresponding correlations were, for 1875-1894,  $-.51 \pm .17$ ; and for 1895-1913,  $-.49 \pm .17$ . "The constancy of these coefficients, and the fact that they are always high enough to be significant, tends to show evidence of a real relationship between this class of crime and the business cycle. Burglary, house- and shopbreaking, and robbery, comprising 95 to 99 per cent of this class, show a definite tendency to increase in a business depression and to decrease with prosperity" (p. 139).

4. *Malicious Injuries to Property*, i.e., arson, killing and maiming cattle, etc. "This series has no connection with the business cycle" (p. 140).

5. *Crimes against the Person*. This group includes murder, manslaughter, felonious and malicious wounding, assaults, and intimidation. "The coefficients of correlation show . . . little connection with the business cycle. For the whole period 1857-1913, the highest coefficient  $+.15$  [ $\pm .13$ ] for a lag of two years cannot be considered significant. For the first part of the period, 1857-1874, coefficients of  $+.28$  [ $\pm .22$ ] and  $+.38$  [ $\pm .20$ ] result from a lag of two and three years respectively, but for the next years, 1875-1894, the only significant coefficient  $-.33$  [ $\pm .20$ ] is obtained with a lag of three years. The coefficients become positive again for the last years, 1895-1913, attaining a maximum of  $+.40$  [ $\pm .21$ ] for two years' lag. Although these coefficients of correlation show that there is more often a tendency for crimes of violence against the person to increase with

prosperity and diminish with depression than for the converse to happen, they are neither large enough nor sufficiently constant to be evidence of a real connection between the business cycle and such crimes" (p. 141).

6. *Offenses against Morals*, i.e., unnatural offenses, rape, and indecent assault on females, procuration, abduction, bigamy, defilement of girls under sixteen, householder permitting such defilement, etc. The "coefficients are not high enough to give evidence of any causal connection between business cycles" (p. 142) and these crimes. The author qualifies this statement by suggesting that the coefficients "seem to point to a slight tendency for such crimes to increase in times of prosperity and decrease in times of depression, suggesting that they may be more often a phenomenon of alcoholism rather than of the restriction of the marriage rate" (p. 142). This qualification may be questioned in view of the coefficients of  $+0.05 \pm 0.13$  for synchronous items for the entire period, zero for the periods 1857-1874 and 1875-1894, and  $+0.18 \pm 0.22$  for 1895-1913. The highest coefficient is for the last period, with items lagging a year,  $+0.31 \pm 0.21$ .

7. *Drunkenness*. This series of prosecutions covered 1873-1913. The coefficient of correlation for the entire period was  $+0.33 \pm 0.14$  for synchronous items,  $+0.54 \pm 0.11$  for a lag of one year, and  $+0.45 \pm 0.13$  for a lag of two years. For the period 1873-1894, the corresponding figures were  $+0.34 \pm 0.19$ ,  $+0.68 \pm 0.12$ , and  $+0.67 \pm 0.12$ . For the 1895-1913 period they were much lower,  $+0.32 \pm 0.21$ ,  $+0.25 \pm 0.22$ , and zero, perhaps due to administrative changes. "Prosecutions for drunkenness show a high positive correlation with the business cycle" (p. 130).

8. *Prostitution*. For the whole period synchronous items showed a coefficient of correlation of  $+0.22 \pm 0.13$ . The period 1857-1874 gave  $+0.56 \pm 0.16$  for the same items and  $+0.41 \pm 0.20$  for items with a one-year lag. The 1875-1894 period yielded  $+0.17 \pm 0.22$  both for synchronous items and for those lagging

one year, items with two and three-year lags showing coefficients of  $+0.46 \pm 0.18$  and  $+0.48 \pm 0.17$  respectively. In the last sub-period, 1895-1913, the coefficient for synchronous items turns negative,  $-0.49 \pm 0.18$ , and somewhat lower negative coefficients are recorded for items lagging one and two years, those lagging three years yielding a coefficient of  $+0.44 \pm 0.20$ . "The change of correlation from direct to inverse, suggests that the data may be subject to considerable error, or incomparable over time, for it is extremely improbable that an excess of prostitution should in the earlier decades be strongly associated with prosperity and in the last decades equally strongly associated with depression. It is probable that prosecutions for prostitution are not a good index of the actual degree or of the fluctuations in prostitution. A factor which complicates and tends to invalidate the figures as such an index is the fact that a large number of the prosecutions are for 'prostitutes behaving in a riotous manner.' Disorderly prostitutes would generally be drunken prostitutes, and thus the prosecutions for prostitution might largely be influenced by fluctuations in alcoholic consumption [which shows fairly high positive correlations], and hence to tend to be positively correlated with the business cycle. It is apparent, therefore, that although this series of figures relating to prosecution shows a positive correlation with the business cycle, it is impossible to make any generalizations from the results shown here as to the actual fluctuations in prostitution" (p. 90).<sup>6</sup>

The study which has just been summarized has been given rather detailed treatment because it was the first anywhere to apply to the fullest extent modern statistical techniques to the problem in which we are interested. The conclusions have gen-

<sup>6</sup> Prof. Hubert R. Kemp has analyzed Miss Thomas' study in Rice, Stuart A. (Ed.) *Op. cit.* See analysis 41, pp. 575-581, entitled "Mathematical Treatment by Dorothy Swaine Thomas of Social Data Arranged in Time Series." The analysis summarizes the work adequately and points to the limitations in the procedure. Excerpts from Miss Thomas' "Statistics in Social Research" are appended to the chapter under the title, "The Author's Own Analysis of Her Methods."

erally been accepted. Only one dissenting voice has been heard. In 1929 W. Woytinsky<sup>7</sup> took the series used by Miss Thomas for offenses against property without violence which, as has just been shown, yielded inconclusive coefficients, and compared them with the commodity price index of the *Statist* for the 1857-1913 period. He found a coefficient of correlation of  $+ .77 \pm .07$ , which is highly significant, and assumes that the difference in the results of his study is due to the fact that his economic index was more appropriate and sensitive, so far as crime was concerned, than a general business index.

In 1929, Harold A. Phelps made a study of cycles of crime in Providence and Bristol Counties, Rhode Island<sup>8</sup> containing over 80 per cent of the population of the state. The period of study covered 1898-1926. The indictment and docket records of the superior courts of the two counties furnished data for the crimes. Apparently the number of persons indicted was used and not the number of cases. The annual data were grouped into four classes by type of offense, and ratios per 100,000 population computed annually for the totals as well as for each of the four classes. These classes were: (1) crimes against the person (murder, manslaughter, assault with dangerous weapon, with intent to kill or to murder, poisoning food, and assault and battery);<sup>9</sup> (2) crimes against property (breaking and entering, larceny, receiving stolen goods, robbery, assault to rob, burglary, having burglar tools, forgery, embezzlement, false pretenses, blackmail, extortion); (3) crimes against sex morality and public order (adultery, rape, assault to rape, carnal knowledge, etc.); (4)

<sup>7</sup> Woytinsky, W. *Op. cit.* Note 9, Chapter II. P. 672. See also his "Lebensmitelpreise, Beschäftigungsgrad und Kriminalität." *Archiv für Sozialwissenschaft und Sozialpolitik*. 61:21-62. 1929

<sup>8</sup> "Cycles of Crime." *Journal of the American Institute of Criminal Law and Criminology*. 20:107-121. May 1929

<sup>9</sup> The details concerning the classification are found in another article by Phelps: "Frequency of Crime and Punishment." *Journal of the American Institute of Criminal Law and Criminology*. 19:165-180. August 1928 (pt. 1)

miscellaneous offenses (thirty-two offenses, many of which could properly have been included in the preceding class). Secular trend was eliminated by fitting curves to the annual rates and the percentage deviation of these rates from the trend, divided by their standard deviation, furnished the crime cycles.

A poverty index for the city of Providence was then prepared based on indoor and outdoor relief furnished by the Department of Public Aid. Indoor relief cycles were based on the records of the Municipal Lodge "which provides food and shelter for homeless men and casual laborers," outdoor relief cycles on the number of families assisted by public funds. Since a rise in relief rates would presumably indicate hard times, and vice versa, high positive correlations between crime and poverty cycles would point to a significant relationship between them. What were the findings?

(a) *Total offenses*. The coefficient of correlation was  $+ .33$ , and for the period 1901-1926,  $+ .41$ , demonstrating "a fairly significant relationship between conditions of economic hardship and criminal activity" (p. 119).

(b) *Crimes against the person*, 78.5 per cent of the cases being assaults with a dangerous weapon. A coefficient of  $+ .16$  was assumed to be of no significance.

(c) *Crimes against property*, larceny and breaking and entering comprising 80 per cent of the total. The coefficient was apparently  $+ .36$  for the entire period, and  $+ .44$  for 1901-1926.

(d) *Crimes against sex morality and public order*, mostly disorderly conduct, showed a coefficient of  $+ .25$ , while for

(e) *Miscellaneous offenses*, in which "driving off automobile" was most prominent during the second half of the period, and "driving off horse" during the first half, the coefficient was practically zero.

Mr. Phelps goes further, however, and compares the cycles of the various offense groups separately with the outdoor and indoor relief cycles. Between outdoor relief and crimes against the per-



son the coefficient is zero, and for miscellaneous offenses —.27, while for property crimes it is +.33, and for the sex and public order class, +.12. Between indoor relief and crimes against property, the coefficient is zero, while for crimes against the person and against sex and public order, it is +.30; and for miscellaneous offenses, +.35. "It is probably more than coincidence," says the author, "that . . . [the last three classes mentioned] correspond with increases in unemployed and homeless men and have no correspondence with the number of families in need of public relief. Similarly, in the relationship between the number of poor families and the number of offenses against property, there is enough evidence of correspondence. . . to stimulate further research into the social and economic conditions which operate to make these cycles" (p. 120).

The most elaborate investigation undertaken on the basis of American data was sponsored by the National Commission on Law Observance and Enforcement and conducted by Emma A. Winslow.<sup>10</sup> Data for Massachusetts were utilized, covering a period of 45 years, 1885-1929. The author used two series of crime statistics, the number of prosecutions begun in the lower courts, and admissions on sentence to institutions and to probation. They were chosen after deliberate analysis of the relative value of different available series. Since Massachusetts is largely industrial, the number of persons employed in all manufacturing establishments in the state was assumed to be the best basis for an index to the economic well-being of the population. Index numbers of employment were available or were prepared covering 1890-1929. The annual crime data were reduced to rates per 100,000 population; percentage deviations in the employment index from seven-year moving averages were computed, the same procedure being applied to the rate for all crimes, as well as for 12 separate offense classes. The result was that actual comparisons could be made for only 34 years, 1893-1926.

<sup>10</sup> See note 18, Chapter II

The author arranged the individual years, regardless of chronological sequence, from those with the highest positive deviations in the employment index to those with the highest negative deviations. The percentage deviations for each year in eight offense groups were noted, and compared with the deviations in the index of employment for corresponding years. The results were presented in bar diagrams based on the tabulations in Table II.

This table may be interpreted in the following manner, using prosecutions for vagrancy as an example: In years with a high employment index, presumably reflecting good times, these prosecutions were below the averages of the immediately surrounding years; the same was true in 13 out of 14 years when the employment index was medium, while when the latter was low, the prosecutions were always above the average.

Miss Winslow originally selected twelve offense groups and analyzed the extent to which legislation or administrative practices had affected the data for each group during the period studied. Several of these groups were eliminated in the final comparisons. "As fluctuations in rates for all causes were dominated so largely by fluctuations in the rates for drunkenness and for violations of the motor vehicle laws . . . no attempt was made to correlate fluctuations in total prosecutions and admissions with those in the employment index. There also seemed no probability of significant correlation between employment fluctuations and those in the rates for violations of the traffic and motor vehicle laws, the liquor laws, and the miscellaneous regulatory offenses. These groups, therefore, have been omitted from the present study" (p. 302). No comparisons were attempted between economic rates and those for murder and manslaughter.

We have noted that unemployment and (1) vagrancy rates fluctuated together. This occurred fairly consistently also in the case of (2) offenses against property without violence (larceny,

TABLE II  
NUMBER OF YEARS WITH POSITIVE AND NEGATIVE DEVIATIONS IN CRIME RATES  
IN RELATION TO DIFFERENT EMPLOYMENT CONDITIONS:  
MASSACHUSETTS, 1885-1929<sup>a</sup>

TYPE OF CRIME AND EMPLOYMENT CONDITION	PROSECUTIONS		ADMISSIONS	
	POSITIVE DEVIATION	NEGATIVE DEVIATION	POSITIVE DEVIATION	NEGATIVE DEVIATION
<b>Employment Index High</b> (Deviations +2 per cent and over)				
Vagrancy . . . . .	0	9	1	8
Robbery, etc. . . . .	3	6	2	7
Larceny, etc. . . . .	3 <sup>b</sup>	5 <sup>b</sup>	4	5
Assault, etc. . . . .	5	4	3	6
Trespass, etc. . . . .	4	5	2	7
Nonsupport, etc. . . . .	4	5	4	5
Against chastity, etc. . . . .	4	5	4	5
Drunkness . . . . .	6	3	3	6
<b>Total . . . . .</b>	<b>29<sup>b</sup></b>	<b>42<sup>b</sup></b>	<b>23</b>	<b>49</b>
Percentage distribution . . . . .	40.8	59.2	31.9	68.1
<b>Employment Index Medium</b> (Deviations between +2 per cent and -2 per cent)				
Vagrancy . . . . .	1	13	1	13
Robbery, etc. . . . .	5	9	2	12
Larceny, etc. . . . .	4 <sup>o</sup>	8 <sup>o</sup>	3 <sup>b</sup>	10 <sup>b</sup>
Assault, etc. . . . .	6	8	4	10
Trespass, etc. . . . .	6	8	2	12
Nonsupport, etc. . . . .	5	9	5	9
Against chastity, etc. . . . .	6	8	5	9
Drunkness . . . . .	6	8	6	8
<b>Total . . . . .</b>	<b>39<sup>o</sup></b>	<b>71<sup>o</sup></b>	<b>28<sup>b</sup></b>	<b>83<sup>b</sup></b>
Percentage distribution . . . . .	35.5	64.5	25.2	74.8
<b>Employment Index Low</b> (Deviations -2 per cent and less)				
Vagrancy . . . . .	11	0	11	0
Robbery, etc. . . . .	8	3	8	3
Larceny, etc. . . . .	10	1	9	2
Assault, etc. . . . .	9	2	7	4
Trespass, etc. . . . .	9	2	8	3
Nonsupport, etc. . . . .	8	3	5	6
Against chastity, etc. . . . .	6	5	7	4
Drunkness . . . . .	6 <sup>b</sup>	4 <sup>b</sup>	9	2
<b>Total . . . . .</b>	<b>67<sup>b</sup></b>	<b>20<sup>b</sup></b>	<b>64</b>	<b>24</b>
Percentage distribution . . . . .	77.0	23.0	72.7	27.3

<sup>a</sup> National Commission on Law Observance and Enforcement: Report on the Causes of Crime. Volume I, p. 309. All deviations calculated in relation to a 7-year moving average

<sup>b</sup> Excludes one year where deviation is less than 0.1 per cent

<sup>o</sup> Excludes 2 years where deviation is less than 0.1 per cent

fraud, forgery, receiving stolen goods, unlawful appropriation, arson, and other fraudulent burnings, etc.), and (3) offenses against property with violence (robbery, burglary, breaking and entering). "This is in accordance with the findings in earlier investigations . . . and would seem to indicate a universal tendency" (p. 305). (4) "While less consistently indicated . . . any tendency toward an increase in drunkenness in Massachusetts would seem also to be associated with years of economic depression" (p. 310). However, the author does not set much store by the data because "the various changes in laws and administrative practices related to the handling of drunkenness make . . . accurate interpretation . . . exceedingly difficult" (pp. 309-310). "A large proportion of the years with volume of low employment showed positive deviations for the offense groups of [5] assaults [assault, assault and battery, felonious assaults, threats and intimidation, etc.]; [6] trespass, [trespass, walking on railroad, malicious mischief, disturbing the peace, etc.]; and [7] nonsupport [including neglect or abuse of family, bastardy, etc.]. The number of years with positive deviations was also slightly higher for [8] offenses against chastity [morality and decency]. The amount of these deviations was usually fairly small, however, and the small number also in most of these offense groups makes the total effect of these deviations on the volume of crime less noticeable than with vagrancy and crimes against property" (p. 310).

"For [9] the entire group of offenses included in the present comparisons, about three-fourths of the years with a low employment index showed a tendency toward an increase in crime. . . . That these are not entirely chance relationships is also indicated by the two-thirds to three-fourths negative deviations when the same groups of offenses are studied for the years with either high or medium percentage deviations in the employment index" (pp. 310-311).

In conclusion, the author warns the reader that "both the em-

ployment and the criminal statistics used . . . are limited in their scope of measurement and have probably varied considerably at different times in comparability of classification and completeness of compilation. The use of a seven-year moving average as the base line for the calculation of percentage deviations always gives less accuracy in the amount and direction of such deviations than the mathematically determined trend line which here seemed inadvisable with the type of statistical data being used.

"The fact that with all this roughness of measurement so consistent a relationship is evident between unfavorable economic conditions and the more frequent occurrence of certain types of crime in Massachusetts, would seem to indicate that similar conclusions would be reached in any future studies along similar lines, and that the Massachusetts findings would probably be confirmed rather than contradicted by further research covering other sections of the United States and based on other statistical series than those here compared" (pp. 311-312).

In the same report of the National Commission on Law Observance and Enforcement in which Miss Winslow's study appeared, a brief "Note on Fluctuations in Employment and in Crime in New York State" by Mary van Kleeck<sup>11</sup> appeared. Using the business index of the American Telephone and Telegraph Company to establish the month and year of the low and high points in business fluctuations from 1878 to 1924, she set up a chronological tabulation in which each of nineteen low points and the nearest later high point are recorded. With each low and high point combination she compares the actual number of convictions in courts of record for crimes against the person and the rates per 100,000 population of such convictions for all crimes, and notes whether such numbers or rates were higher or lower at each low point as compared with the figures at the nearest high point. In twelve out of nineteen in-

<sup>11</sup> Pp. 315-320. Tables, pp. 387-390

stances there were more convictions for crimes against property at the low points, and in fifteen, more convictions for all offenses. The method employed by the author is hardly one that renders any conclusion possible.

In 1932 the California State Unemployment Commission issued a report<sup>12</sup> which touched the question at hand. It is contended that "all major crimes committed by adults, and all serious offenses charged against juveniles show a sharp increase since 1930"; that "the age of the offender is also much higher" and that "a new class of criminal is forming." The statistical basis for these conclusions is slight and is limited to the period 1929-1932. Los Angeles City in 1931-1932 showed percentage increases over 1928-1929 of 62.5 for burglary, 92.4 for robbery, 34.7 for grand theft, 72.3 for theft from the person, 73.1 for petty theft, and 37.3 for murder. Assaults showed a decline of 16.5 per cent, and auto thefts of 10.3 per cent. These are presumably crimes known to the police. From Los Angeles county it was reported by "county police officers" that "crimes in rural districts are committed more and more by self-respecting, stable citizens. . . . These men can't see their families starve, or deprived of the necessities of life. . . . We have two distinct classes of criminals now—the habitual criminal and the criminal of necessity."

A second study, based on Massachusetts data, appeared in 1932.<sup>13</sup> The author, a psychologist, believing that the relation of economic conditions to crime may be studied as a psychological problem, first sets out to find whether there is a relation "between economic forces and crime." Using the year 1928 as the base he computed annual index numbers, corrected for

<sup>12</sup> *Report and Recommendations of the California State Unemployment Commission*. Sacramento: California State Printing Office. November 1932. Pp. 810 (Pp. 129-131)

<sup>13</sup> Jones, Vernon. "Relation of Economic Depression to Delinquency, Crime, and Drunkenness in Massachusetts." *Journal Social Psychology* 3:259-82. August 1932

growth of the population, for employment (average monthly number of wage earners in Massachusetts industries); for arrests in towns and cities for theft (larceny, breaking-entering-larceny, auto theft, robbery, all frauds); for violation of motor vehicle laws (i.e. on highways, exclusive of violation of traffic ordinance, parking regulations, etc.); for liquor law offenses, drunkenness; and for the number of cases of juvenile delinquency begun in municipal and district courts (all offenses, mostly thefts). The period covered was 1920-1931, except for liquor and motor vehicle violations, where 1923-1931 was covered. A special robbery arrest index was prepared for 1926-1931.

Comparing the inverted employment curve (unemployment) with the theft curve, he found corresponding fluctuations from year to year in nine out of eleven years. Noting also that robbery arrests rose 83 per cent from 1930 to 1931, he concludes that "there is unmistakable evidence of a tendency for drastic increases in unemployment to be paralleled by increases in crimes of theft, ranging from shop-lifting and stealing automobiles to breaking and entering and robbery" (p. 264).

So far as motor vehicle violations were concerned, he noted a constant rise in the index from 1923 to 1930, with a drop in 1931. The speculations made by the author in interpreting this drop need not be detailed, since the data hardly justify them. The liquor law violations index showed a steady decline since 1925, the relatively greatest fall occurring in 1930. The influence of repeal cannot be estimated. "Officers having to do with . . . enforcement . . . assure [the writer] that the economic factor has undoubtedly cut down on the business of 'speakeasies' and has been a very important influence in bringing about a drop in 1930 and especially in 1931" (p. 270). The author finds no consistent relationship, however, between the indexes of "drunkenness" and unemployment.

From 1920 through 1928 the unemployment and the juvenile delinquency curves corresponded in all but one year, but since

then the curves parted company. No reason for this is suggested. It does not appear to be due to any growing tendency to handle cases out of court. Perhaps, says the author, economic forces are felt more keenly by adults, schools exercise a stabilizing influence, social service agencies have better constructive results from work with children than with adults, etc.

Like many other studies in this field, conclusive evidence was difficult to secure because of the short period covered. Furthermore, it exhibits none of the critical preparatory examination of the basic data which characterized the Winslow study.

The same year Ray Mars Simpson published an article on "Unemployment and Prison Commitments."<sup>14</sup> He compared the annual numbers of males admitted to the Illinois State Penitentiary 1925-1931 with the employment index for all Illinois industries. In three out of six years the two curves varied concomitantly; in four out of six, with a lag of one year in the commitment data. "If unemployment causes crime one would expect to find consistent increases in the number of yearly admissions to prison during or immediately following periods of marked business depression" (p. 907). The series are too short, the crime index too unsatisfactory to give this study any value for our purposes.

In 1933, Arthur F. Raper attempted to discover the relationship between economic fluctuations and lynchings. In his book *The Tragedy of Lynching*,<sup>15</sup> we find a diagram presenting for the period 1901-1930 the "value of cotton and number of lynchings in the nine cotton states." The years 1918-1920 were omitted because of the abnormal conditions during and immediately after the war. The trend line fitted to the lynching curve is downward; that of the per acre price of cotton is upward dur-

<sup>14</sup> *Journal of Criminal Law and Criminology* 23:404-414. September-October 1932

<sup>15</sup> Chapel Hill: University of North Carolina Press. 1933. Pp. viii + 499. For the discussion of lynching, see also Young, Donald. *Research Memorandum on Minority Peoples in the Depression*. (monograph in this series)

ing the period studied. By inspecting the deviations from the trends "it will be noted that as a rule whenever the per acre value of cotton is above its trend the number of lynchings is below its trend. In other words, periods of relative prosperity bring reduction in lynching and periods of depression cause an increase. Mathematically, this relationship is shown by the correlation of  $-.532$ . In 1931, however, with the lowest per acre value of cotton in years, there were scarcely half as many lynchings as in 1930. Nevertheless, in many communities the organized efforts of the whites to displace Negro laborers with unemployed whites may be expected to aggravate social animosity to the level of open conflict and violence" (pp. 30-31).

The same year a study of prostitution in 58 cities was made and the data compared with the findings for the same cities in 1927-1928.<sup>16</sup> Here there exist no continuous series of data, but rather comparative case studies. Prostitution, according to the authors, had apparently decreased in 17 (29 per cent) and increased in 41 (71 per cent) of the cities. In some cities the decrease was seemingly due to greater enforcement activity "the effect of which is apparently greater during times of depression" (p. 471). Reno, which has legalized prostitution, showed a great decrease, attributed to "a large exodus of prostitutes [resulting] from the many business failures, reduction in numbers of men coming for gambling and other purposes, and other results of the depression. . . . In the smaller cities of Burlington, Portland (Maine), Jackson, Marshalltown, Bisbee, and Pocatello the improvement appears to have been due in the main to the decreased number of customers with funds available for such purposes, rather than to the law enforcement activities" (p. 471).

<sup>16</sup> Johnson, Bascom and Kinsie, Paul. "Prostitution in the United States." *Journal Social Hygiene*. 19:467-489. December 1933. This subject is discussed also by Stouffer, S. A. and Lazarsfeld, Paul F. *Research Memorandum on the Family in the Depression*. (monograph in this series)

The authors enumerated and discussed a number of significant developments which they attribute to the depression. (1) An influx of prostitutes and their souteneurs into the larger cities from communities which had suffered heavily in the crisis but had maintained enforcement standards. (2) More open solicitation, etc., by traffickers in women and girls, advantage being taken of the diversion of public interest from law enforcement to relief problems. (3) "Since the depression . . . it has been found that some property owners or their agents, even in the better neighborhoods, feel that they can no longer afford to turn away prospective tenants although of doubtful character and reputation" (p. 481). (4) Prices have been reduced, younger and more attractive inmates have been made available, perverted practices are featured, the volume of prostitution has increased. (5) "When the economic depression came to be felt generally throughout the country, several rather unusual types of prostitutes cropped up in the larger cities. . . . The prostitution underworld called these newcomers 'depression girls.'" (p. 484). They were thought to have become prostitutes out of economic distress. Some were old "charity girls" trying to make a living, others "kept women" who had lost their "friends." Many of those who claimed to have gone into prostitution as a result of the depression no doubt spoke the truth, according to the authors, for they seemed unfamiliar with prostitution conditions, amateurish in methods of approach and operation, and had mannerisms not customary in professionals.

A third study of Massachusetts statistics appeared in 1934, in the second volume of the Harvard Law School's Survey of Crime and Criminal Justice in Boston.<sup>17</sup> It is an incidental part of a larger work by Sam Bass Warner. He compares the annual rate of prosecutions in the district courts of Suffolk County (Boston) for crimes against property (arson; breaking, entering

<sup>17</sup> Warner, Sam Bass. *Crime and Criminal Statistics in Boston*. Cambridge: Harvard University Press. 1934. Pp. x + 150

and larceny; larceny of automobile; larceny, fraud, embezzlement, false pretenses, etc.; receiving stolen goods, malicious mischief, trespass, etc.), with the annual rate of employment in Massachusetts industries. Both rates are per 100,000 of population and cover 1895-1932. Percentage deviations from a seven-year moving average were computed, the crime curve being compared with the inverted employment curve. No coefficients of correlation were computed.

Inspection of the curves "shows clearly that sometimes prosecutions for property crimes increase when unemployment becomes greater and sometimes they do not. A check of the years when the two lines move together shows that they go up and down simultaneously in 73 per cent of the years. This indicates some correspondence between the variations, but not a great deal. Prosecutions for robbery, breaking and entering, and vagrancy show nearly as close a relationship to the employment figures. Prosecutions for drunkenness and assault and battery, on the other hand, are not so clearly influenced by variations in the employment figures. All that we can conclude from these elaborate and laborious calculations is that there is some relation between the figures of employment in manufacturing establishments in Massachusetts and those of prosecutions for certain offenses in Boston" (pp. 32-33).

Ray Mars Simpson, in 1934 and 1935, published two more papers based on Illinois data. In the first<sup>18</sup> the employment index for Illinois industries is compared with the total annual number of arrests in the City of Chicago for 1926-1931. Since the two curves rise and fall together, the author assumes the possibility that "crime and 'good business' may go hand in hand." He found no consistent correlations between the employment index and cases handled by the juvenile court, convictions by the mu-

<sup>18</sup> "The Employment Index, Arrests, Court Actions, and Commitments in Illinois." *Journal Criminal Law and Criminology*, 24:914-922. January-February 1934

nicipal court for violations of city ordinances, convictions for misdemeanors by the municipal court, cases held for the criminal court by the municipal court, and admissions to various prisons and misdemeanants' institutions. The failure to break down the offenses into classes and the use of series covering only six years rendered the study meaningless.

One objective of the second article<sup>19</sup> is "to study trends in crime . . . during the business depression (1930-1932) in contrast with . . . preceding years of prosperous business activity" (p. 125). The same economic index is used as in the preceding article and as a crime index he takes the rate per 100,000 population of admissions to eight state penal and correctional institutions. Since the employment index was available only from 1923, the comparisons apply to the period 1924-1932.

"The most striking fact to be stressed is that the so-called 'crime wave' started back in 1923 or 1924. From 1924 to 1929 . . . crime increased from 31.33 to 60.96 per 100,000 population. During the first years of depression (1930-1931-1932) the rate per 100,000 has increased very slightly in comparison (59.10, 65.21, 62.94). During the three-year period covering 1927 to 1929 the rate increased about 15 per 100,000 population, while during the three-year period covering 1930 to 1932 the rate increased on an average of only 1.45 per 100,000 population above the figures for 1929. It seems that the depression has exerted very little influence as a causal factor in the general rate. In fact, the evidence presented here seems to suggest at least that the depression has tended to stop the so-called crime wave rather than to initiate it. . . . It should be noted that the number of individuals admitted to institutions for delinquents and criminals in Illinois gives only an approximate index of the total amount of crime in a given geographical area" (p. 128). The author warns against drawing any dogmatic conclusions

<sup>19</sup> "Postwar Trends in Employment, Crime, Insanity, and Heart Disease." *Journal Social Psychology*, 6:125-129. February 1935

from the facts presented in the article, a wise suggestion considering the heterogeneous character of the crime data.

In 1935 George B. Vold published a brief article on "The Amount and Nature of Crime"<sup>20</sup> in which he attempts to answer the question of whether or not the fluctuations in the business index for 1929-1934 have been accompanied by corresponding fluctuations in crime indexes. He examined the commitment rates to state and federal penal institutions for adults, 1926-1933, and the rates of each of eight major crimes known to the police in 71 cities with more than 100,000 population, 1931-1934 (with special tabulations for robbery); arrests in Massachusetts, 1930-1934; the rates for crimes reported, arrests and convictions in Baltimore, 1924-1933; the number of major offenses known to the Minneapolis police, 1930-1934, etc. He concludes: "1. There has been no increase in crime at all commensurate with the extent or duration of the depression. 2. The majority of crime indexes reflect gradual increases up to or through 1932, with quite general decreases since that time. None of the indexes shows any sudden increase in crime with the onset of the depression. 3. There has been no great or sudden increase in crime against property as a reaction to the widespread loss of economic status associated with unemployment and relief. 4. The American people appear to have changed relatively little in respect to the kinds of behavior usually called crime, despite the widespread demoralization and disorganization of individual lives and of community activity so intimately associated with the depression. 5. Repeal of prohibition and the changing policies connected with relief are complicating factors that may color the picture in unknown ways. 6. As criminal statistics increase in accuracy and usefulness in providing larger groups and longer time periods for comparisons, the fact that criminal activity appears to be relatively constant becomes clearer and clearer. 'Crime waves' are now and probably always have been products

<sup>20</sup> *American Journal of Sociology* 40:796-803. May 1935

of newspaper headlines. Even a serious depression appears to produce no 'wave' of criminal activity" (p. 803).

In a book issued in 1936, Leo Kalmer and Eligius Weir<sup>21</sup> discuss briefly economic conditions and crime. "A comparison is made between the periods of depression which swept the country during the fifty-five years from 1877 to 1932 and the corresponding increase in prison populations at Joliet-Stateville in that time. . . . When financial conditions are bad, the number of prisoners received and on hand at the time runs high; when finances are good, the number of prisoners is lower. This relation does not change with mathematical accuracy, yet there is obvious regularity" (p. 149). The authors reach this conclusion after inspecting a curve based on the prison commitments in question and one based on D. R. Dewey's sketch of the financial history of the United States in the *Encyclopaedia Americana*.

The same year Albert C. Wagner<sup>22</sup> compared arrests for murder, manslaughter, aggravated assault, larceny, burglary, and robbery in Philadelphia with certain indexes to economic conditions in that city for the period 1925-1934. A careful study of the statistical reporting system and the organization of the Philadelphia police was made when the data were gathered. The data on "crimes known to the police" had to be discarded because they were not adequately recorded before 1933. The author assumes that some of the increases in arrests since 1929 may have been due to the reorganization and tripling in size of the detective division in that year. Three separate economic indexes were actually used in the comparison, wage payments and retail trade as reported by the Federal Reserve Bank, and the cost of living index prepared by the United States Bureau of Labor Statistics. The author noted that arrests for crimes against

<sup>21</sup> *Crime and Religion: A Study of Criminological Facts and Problems*. Chicago: Franciscan Herald Press. 1936. Pp. xxii + 278

<sup>22</sup> "Crime and Economic Change in Philadelphia, 1925-1934." *Journal Criminal Law and Criminology* 27:483-490. November-December 1936

the person reached their peak in 1929 and 1930 after a slow but steady rise, the subsequent years showing a decline. Arrests for crimes against property rapidly rose in 1930 and 1931 and rapidly fell off until 1934. Burglary showed a rapid rise from 1929 through 1933, a slight fall being recorded in 1934. The following coefficients of correlation were computed: comparing the curve of crimes against the person with wage payments,  $+.54$ , with cost of living,  $+.60$ , with retail trade,  $+.62$ . The corresponding coefficients for arrests for crimes against property were practically zero. For burglary, however, the coefficients were  $-.94$ ,  $-.92$ , and  $-.95$ .

In 1936, J. B. Maller completed a study of juvenile delinquency in New York City<sup>23</sup> in which a chapter deals with the effects of the depression. Data in this connection are given for 1925-1934. The total number of alleged delinquents reported by the Children's Court rose 6 per cent in 1930-1934 as compared with 1925-1929, although the elementary and junior high school population declined. Arraignments for major offenses dropped 7 per cent; for minor offenses the increase was 13.5 per cent. Burglary arraignments declined 13 per cent, while those for robbery rose slightly. For begging and peddling a rise of 120 per cent was noted; for violations of railroad law the percentage rise was 117 and for disorderly conduct 32. Ungovernable and wayward cases dropped 8 per cent, desertion of home, 19 per cent, and violation of corporation ordinances, 19 per cent, probably due partly to changes in the court practice of classifying such offenses. The number of delinquent girls fell four per cent both for major and minor offenses.

The following comments are made by the author: "It seems that the number of delinquents increased in 1928-1929, the peak

<sup>23</sup> *Maladjusted Youth: A Study of Juvenile Delinquency in New York City*. New York, 1936. In Manuscript. Summarized in Maller, J. B. "Juvenile Delinquency in New York City: A Summary of a Comprehensive Report." *Journal of Psychology*. 3:1-25. January 1937.

years of prosperity, followed by a further increase in 1930-1931, the onset of the depression, and it decreased in 1932-1933. The decrease was particularly marked in the number of arraignments for such major offenses as stealing and burglary. Examining the figures for the four two-year periods, one is attracted by the marked decrease in numbers for 1932-1933 in most of the major as well as the minor offenses, for both sexes. Part of this improvement may have been occasioned by a decrease in the opportunities for certain kinds of delinquencies. A decrease in the number of offenses against property, for example, may be partially due to a diminution in the amount and nature of property available, and in larger measure to the greater care with which property has been guarded in the depression period. On the other hand, the growing consciousness on the part of social service organizations of the problems of delinquency and their expanded programs of character education may have had a genuine influence in reducing the scope of delinquent behavior. There was in recent years an increase in the activity of Boys' and Girls' Clubs, Scouts, settlement houses, and other young people's organizations. A number of playgrounds were opened and recreational facilities were increased. The federal government's efforts at the alleviation of suffering and want among the needy through its programs of work and home relief, may have been responsible for removing the economic motives which lead to delinquency in a large number of cases. However, due consideration must also be given to the changing methods of handling cases of misbehavior. The Crime Prevention Bureau, which was established in 1930, had taken over some of the cases ordinarily arraigned before the Children's Court. Furthermore, the authorities have become more lenient toward certain offenses growing out of the economic depression. An example of this is the tolerance of young bootblacks at subway entrances."<sup>24</sup>

<sup>24</sup> *Mss. Op. cit.*



In 1937 Wiley B. Sanders and William C. Ezell<sup>25</sup> published a study of juvenile delinquency in North Carolina, 1929-1934. One major objective of the research was "to show the recent trends in juvenile delinquency . . . and to determine, if possible, in what way and to what extent the widespread economic depression had affected the children appearing before the juvenile courts of the state" (p. 3). The delinquency cases, by fiscal year, numbered 2,591 in 1929-1930, and in subsequent years 2,404, 2,719, 2,671, 2,675.

"If there is any causal relationship between poverty or economic stress and juvenile delinquency . . . there should be a considerable increase in cases handled by the juvenile courts during a period of severe economic depression. . . . If the first year . . . be used as a basis for comparison, it appears that juvenile delinquency decreased in 1931 by 7.2 per cent, increased in 1932 by about 5 per cent, and for the years 1933 and 1934 the number of delinquents was only about 3 per cent greater than in 1930" (p. 8). The authors call attention to some statistics of families receiving relief in the state. "The peak of the relief load was reached in February, 1933, when 164,770 local families, or 26 per cent of the state's population, received emergency relief. During that same month the number of delinquency cases handled by the juvenile courts was only 196, while the average monthly number for that year was 222, and for the five-year period was 220. At the lowest point of the depression, therefore, judged by the number of families on relief, the juvenile delinquency rate was approximately 10 per cent below the monthly average. In March, 1934, the number of families on relief reached another peak (though not so high as in February, 1933), while the number of delinquency cases for that month was 210, still below the average monthly rate. If, therefore, the relief load of the Federal Emergency Relief Administration in

<sup>25</sup> *Juvenile Court Cases in North Carolina, 1929-1934*. Raleigh: State Board of Charities and Public Welfare. 1937. Pp. 53. Chapter IV

North Carolina constitutes a valid objective measuring scale of economic destitution during the depression, it is apparent that the depression has had no appreciable effect on the number of delinquency cases handled by the juvenile courts. The objection may be raised, however, that the granting of relief in itself mitigates the effects of economic destitution, and that there might be more actual suffering for lack of necessities when the relief load is low than when it is high. To this objection it may be pointed out that for the months showing the lowest number of relief cases, namely September and December 1933, and May 1934, the number of delinquency cases is still below the monthly average" (pp. 8-9).

In *Middletown in Transition*,<sup>26</sup> the Lynds incidentally discuss the relation of the depression to crime in Muncie, Indiana. "Total annual arrests appear to have exhibited a fairly constant rate of 33 to 38 per 1000 of population during the years immediately preceding the depression; they increased sharply in 1930 and 1931 to 49 and 44 respectively, fell off abruptly to 25 in 1932, and then climbed back until in 1934 and in the first five months of 1935, they were again running somewhat above the pre-depression ratio" (p. 345).

"This sharp increase in 1930 suggests a genuine depression impact of the sort one might superficially expect in hard times; but the halving of the 1930 rate in the difficult year of 1932 and the relatively low rate in 1933 throw this hypothesis in doubt. One factor in this drop in 1932 may be the increasing acceptance by the community as the depression wore on of the necessity for providing public relief to the able-bodied, thereby lessening somewhat their need to beg, borrow, or steal. But this hardly accounts entirely for the decline after 1930 and 1931. The causes of these sharp fluctuations in arrests probably lie in part at least

<sup>26</sup> Lynd, Robert S. and Lynd, Helen Merrell. *Middletown in Transition*. New York: Harcourt, Brace & Co. 1937. Pp. xviii + 604

elsewhere than in the obvious factor of the immediate pressure of the depression on the population" (p. 345).

Unfortunately, the Lynds were unable to secure predepression figures for arrests broken down by type of offense. "The annual totals of arrests on charges more directly associated with property and violent assaults upon persons—forgery, issuing fraudulent checks, arson, petit larceny, burglary and grand larceny, carrying deadly weapons, and murder and homicide—remain fairly constant and show small evidence of a local crime wave generated by the depression. The outstanding exception is that of arrests for petit larceny, which rose from 67 in 1931 to 80 in 1932, to 112 in 1933, and then dropped sharply to 50 in 1934. The 'burglary, banditry, robbery, housebreaking and grand larceny' group dropped slowly from 26 in 1931 to 16 in 1934. Arrests for issuing fraudulent checks dropped away from 12 in 1931 to 1 in each of the years 1933 and 1934. The heavy program of public relief from 1931 on undoubtedly operated to hold down these crimes against property and persons" (pp. 346-347). Juvenile arrests showed insignificant fluctuations from 1931 to June 1935. The sex ratio of offenders showed little changes in all arrests.

The description of studies made in the United States dealing with the problem has been completed. Before summarizing conclusions some reference will be made to similar studies of late years in England, where the depression set in much earlier than in the United States. In the 1929 report on Criminal Statistics<sup>27</sup> there appeared a section analyzing certain data regarding "Industrial Depression and Crime." The author of the report compared crimes known to the police in the industrial north with those of the south of England in 1921 and 1929, the north having suffered "acutely from industrial depression." While the population of the two sections had increased 4

<sup>27</sup> *Criminal Statistics, England and Wales, 1929*. London: H. M. Stationery Office. 1931. Pp. xxii + 197

and 5 per cent respectively, indictable offenses in the north rose 34 per cent and in the south, 24 per cent. The corresponding percentages were for larcenies, 28 and 15, for receiving and frauds, 87 and 35, for sex offenses, 23 and 12, and for offenses of violence against the person, 50 and 32 (p. xvi). The difference was attributed to the depression, and data from the two industrial counties of Wales as compared with the rest of Wales were cited to bear out this conclusion.<sup>28</sup>

S. K. Ruck in the *Political Quarterly*<sup>29</sup> presented a chart showing "relative movements of crime, unemployment, and real wages, 1893-1929, England and Wales" (p. 207). The curve for indictable offenses known to the police moved synchronously with the curve of the real wages index (1900=100) in 20, and with the curve of unemployment (percentage of unemployed trade union members, 1893-1920, among insured persons, 1921-1929) in 24 out of 36 years. The war years were included and made interpretation difficult. Nevertheless, the author concluded that "the growth of unemployment readily suggests itself as an explanation [of the rise in indictable crimes] in the first place, and the supporting evidence of the chart . . . is strong. It is not, indeed, conclusive but the correlation between the two curves of unemployment and of crime is so high that it is difficult to resist the assumption of cause and effect. This does not, of course, mean that all crime is due to unemployment; it merely suggests that there are a number of people who will not consider committing crime when in work, but will do so when unemployed" (p. 207).

<sup>28</sup> In 1932 it was noted that "the Chief Constable of Leeds in his Report for 1931 drew attention to the fact that the number of larcenies increased suddenly when the cuts in unemployment pay took effect in the autumn. Since the grant of old age pensions, the number of petty larcenies committed by old men and women has fallen steadily." Editorial, *Howard Journal*. III. No. 3. 1932. P. 4

<sup>29</sup> "The Increase of Crime in England: Analysis and Criticism." *Political Quarterly*. 3:206-225. April-June 1932

In the same journal, A. M. Carr-Saunders<sup>80</sup> later took issue with the point of view expressed by Ruck. He pointed out that there has been a marked decrease in non-indictable offenses since the incidence of unemployment doubled, and this in spite of the steady rise in motor vehicle violations. Therefore, while indictable offenses have been rising steadily, it is difficult to acknowledge the claim that unemployment increases criminality in general.

It is difficult to arrive at any generalizations on the basis of the conclusions reached in the various studies which have just been summarized. Where actual comparisons have been made between statistical indexes of economic fluctuations and the movement of criminality, we find (1) a variety of indexes employed and (2) a lack of comparability in the classification of offenses.

As indexes of economic change we find, for instance, wholesale prices (Davies); composite business indexes (Ogburn and Thomas, Thomas); industrial employment indexes (Winslow, Jones, Warner, R. M. Simpson); poverty indexes (Phelps); cotton prices (Raper); real wages index (Ruck); and wage payments, retail trade, and cost of living indexes (Wagner). As indexes of crime fluctuations we find commitments to prison (Davies, Kalmer and Weir, R. M. Simpson); convictions in higher courts (Ogburn and Thomas); prosecutions in higher courts (Thomas, Warner); persons indicted (Phelps); prosecutions in lower courts (Winslow); admissions after sentence to prison or probation (Winslow); arrests (Jones, R. M. Simpson, Wagner); indictable offenses known to police (Ruck); delinquents brought before juvenile courts (Maller, Simpson, Sanders and Ezell), etc. If all of these indexes could be assumed to be equally sensitive, criticisms would be out of order. Unfortunately, there is no good reason to believe that they are of equal

<sup>80</sup> "Crime and Unemployment." *Political Quarterly*. 5:395-399. July-September 1934

value. This has been recognized by some of the investigators, at least, who have decried the fact that better indexes were unavailable and that they were compelled to use what was at hand or forego their investigations.

The offense classifications are not comparable for many reasons. In most instances the investigators had to adopt categories used in official publications of criminal statistics and these could not be broken down or did not permit reclassification of data. The differences in law and administration in the jurisdictions studied further complicated both index and classification problems. The result is that the findings of a given investigation frequently afford no satisfactory basis for a generalization which would be applicable to other times and places. This does not, in the writer's opinion, mean that generalizations which transcend narrow temporal and spatial limits are not possible, but they must be used with the greatest caution.

With the foregoing qualifications in mind, we may summarize the findings of the studies surveyed, taking first those which, by the use of fairly long time series, have tried to discover parallelisms in the rising and falling tides of crime and economic conditions; second, those few studies which have more specifically dealt with short time series in which the 1929 crash forms a sort of central pivot. Practically all in the first category antedate the recent crisis or barely reach it. In the following comment the terms "negative correlation" will be used to mean that good economic conditions are associated with low criminality and bad conditions with high. "Positive correlation" will mean that high criminality is related to good economic conditions and low criminality to bad conditions. This may seem obvious, but since all the investigators have not used the same economic indexes, the positive correlations of one study are comparable with the negative ones of another.

The correlations in question were for (1) *Offenses against*

*the person.* None (Ogburn and Thomas, Thomas, Phelps); slightly negative for assault (Winslow); fairly high negative for lynchings (Raper). (2) *Offenses against property without violence.* None (Thomas); slightly negative (Phelps, Warner); fairly high negative (Winslow). Phelps, however, included some offenses belonging in the next class (3) *Offenses against property with violence.* Fairly high negative (Thomas, Winslow). (4) *Offenses against morals.* None (Thomas); slightly negative (Winslow). (5) *Drunkenness.* None (Winslow); high positive (Thomas). (6) *Vagrancy.* High negative (Winslow). (7) *Trespass and non-support.* Slightly negative (Winslow). There is little agreement in the conclusions of these studies except for offenses against property and especially for the violent offenses of that class, i.e., burglary, etc., where fairly high negative correlations were found both for England and Massachusetts.

The studies which have made the recent depression the subject of inquiry are unfortunately very few, and several of them have been based on "total offense" data of one type or another, their conclusions being, therefore, unenlightening. Wagner's study for Philadelphia found negative correlations for burglary but none for thefts, and positive correlations for crimes against the person. Johnson and Kinsie found, by a case study of a number of cities, that prostitution increased during the depression. Maller, in comparing juvenile delinquency immediately before and during the depression, in New York City, found that delinquencies involving, for instance, property offenses with violence, declined, while begging, peddling, violation of railroad laws, and disorderly conduct rose; and Sanders and Ezell, in a survey of juvenile court cases in North Carolina, found no correlation with the depression. The significance of these conclusions cannot be appraised until we possess a vastly greater array of local investigations.

#### Chapter IV

### The Index Question

THE studies reviewed in the previous chapter were made on the basis of economic and crime data which were assumed to permit the construction of true or sensitive instruments of measurement. It was suggested also that the determination of the sensitivity of such measuring devices presented a methodological problem of the utmost importance. This was recognized by some of the investigators, but others apparently failed to give it due consideration. Their publications, at least, offer no evidence that the indexes they used were carefully examined from the point of view of their adequacy.

The relative value of indexes will be discussed here briefly and with special emphasis on those used as measurements of criminality. Barometers of economic conditions must obviously also be chosen with care. The types available may be found in economic monographs.<sup>1</sup> The questions which invariably arise in the mind of the investigator using them should be: (1) *Is a specific economic index as sensitive as another, when comparisons are to be made with the movement of this or that type of offense?* It has been noted, for instance, that Woytinsky challenged the use of a business index by Dorothy Thomas, holding that a commodity price index would have been more appropriate for comparison with thefts. (2) *Is such an index as applicable as another when a given area is studied?* The index which

<sup>1</sup>Gordon, R. A. "A Selected Bibliography of the Literature on Economic Fluctuations, 1930-1936." *The Review of Economic Statistics*. 19:37-68. February 1937

is suitable for an industrial area may not equally well reflect changes in an agricultural region.

It is unfortunate that usually the data which might furnish the most suitable indexes are not available. Since the vast majority of offenders come from the laboring classes, indexes which would measure the change in the economic conditions of these classes would be most suitable. Perhaps the best index for industrial states would be the average real income of the working man's family. Unemployment indexes lose their sensitivity when private and public relief policies receive wide application, as has been shown by more than one investigator. Bonger, for instance, in a recent study surveying the relation of economic crises and thefts in the Netherlands, 1901-1927, found that, except for the earlier part of the period, the positive correlation between unemployment and theft was no longer discernible; the reason, he believed, was the relief measures undertaken by the government to take care of the unemployed. Similar measures taken in England had, he stated, rendered the unemployment data for that country insensitive for correlation with crime rates.<sup>2</sup>

The problem involved in setting up indexes of crime in geographic areas may be stated as follows:<sup>3</sup>

(1) All criminality is not discoverable and therefore is not recorded by law enforcement agencies, from the police to the prison.

(2) Recorded criminality presumably maintains a constant proportionate relationship to the unrecorded criminality. With-

<sup>2</sup> Bonger, W. A. "De Criminaliteit van Nederland." *Mensch en Maats.* 6:230-251. May 1 1930. For a history of relief during crisis periods in the United States see Feder, Leah H. *Unemployment Relief in Periods of Depression.* New York: Russell Sage Foundation. 1936. Pp. 384. See also White, R. Clyde and Mary K. *Research Memorandum on Social Aspects of Relief Policies in the Depression.* (monograph in this series)

<sup>3</sup> This problem has been dealt with in an article by the author on "The Basis of a Crime Index." *Journal of Criminal Law and Criminology.* 22:335-356. September 1931. From it is freely borrowed a part of this chapter.

out such an assumption criminal statistics cannot be used to measure changes in the total criminality, i.e., unrecorded plus recorded crimes.

But—

(a) Do recorded data in this field permit us to set up indexes of total criminality or are we compelled to limit ourselves to indexes for certain specific offense groups, on the assumption that the ratio just mentioned does not apply uniformly, in time or space, to all crimes?

(b) Even if the latter were true, would all types of recorded data, whether drawn from police, judicial, or penal records, afford equally good bases for indexes?

(c) Finally, are series based on the offender as the unit of tabulation as useful as those based on the offense?

In the studies surveyed in the previous chapter one almost invariably finds the investigators assuming that a rise in the arrests, or the convictions, or the prison commitments in a given city or state means that "crime" is increasing, and vice versa. In other words, various recorded crime data are used by them as true barometers of the changing volume of crime as a whole or of special types of crimes. That is, of course, understandable, since the theoretical foundation of these studies requires this assumption. We propose to show, however, that (1) only within certain limits may criminal statistics be used in constructing indexes to total criminality, and then only for certain specific offenses and not for "all offenses"; that (2) series based on the offense as the unit of tabulation are superior to those based on the offender; and furthermore, that (3) all recorded data may be used, under certain conditions, for the purpose of constructing *indexes of law enforcement*<sup>4</sup> which may quite appropriately be used in scientific research. While it is important to discover

<sup>4</sup> Camille Jacquart has insisted that this is the only kind of index that crime statistics can furnish. See his *La criminalité belge 1868-1909.* Louvain: Institut Supérieur de Philosophie. 1912. Pp. 140

whether the economic crisis has resulted in an increase in this or that form of law violation, it may be just as important to discover how the crisis has influenced the enforcement of the law by the police authorities, the courts, and the penal institutions. It is not inconceivable that a study of criminal statistics over a long period of time in given areas may uncover correlations that indicate relationships in this connection which are as close or perhaps even closer than those which exist between crime and economic fluctuations. In this chapter, however, only crime indexes will be discussed.

#### I. THE USE OF TOTAL RATES

Many students have used "all offenses," "indictable offenses," "all arrests," etc. in an effort to measure changes in the volume of real criminality. There are strong theoretical objections against this procedure. Georg von Mayr, for instance, states: "The inclination to file complaints and to begin formal public or private prosecutions varies greatly with the status and the development of social customs and consequently with the degree of 'criminal irritability and nervousness' (Seuffert) as well as with the period, the locality, and the social stratum so that the resultant latent criminality neither temporarily nor locally represents a constant quota of the total criminality. . . . The nature of the offense also greatly conditions the degree of probable (objective) detection. No way exists to calculate these latent quotas—with the increased severity of the offense their decrease may be assumed, although here, as well, the probability of detection is no doubt bound up with the nature and the type of the offense. . . . The relation between the real criminality and the recorded criminality at the various steps in the state's activity until the final judicial determination is made is not the same and depends on the nature and the severity of the offense as well as on the period, the locality, and the social class involved. All these differentiations should inspire the scientist to more profound statistical researches. They should cause one to approach

with diffidence the general figures presented in grand totals and lead one to realize that these totals (*Blockzahlen*) . . . can only in a most limited fashion furnish useful answers to questions of moral statistics even though they may suggest such questions of a significant nature which can be answered only by careful differentiating researches. As a warning against complete reliance on total crime figures (*Blockzahlen*) I may cite the evidence presented by me over forty years ago and accepted by Oettingen according to which no parallelism between society and criminality exists."<sup>5</sup>

Tarde, whose brilliant mind frequently was occupied with criminal statistics due to the fact that for many years he was chief of the criminal statistics section of the French Ministry of Justice, once wrote: "It is possible, of course, that if, hypothetically speaking, the same number of offenses had been committed annually, the portion prosecuted may have arisen from year to year due to various causes; . . . for instance, . . . the greater density of the population . . . may have facilitated the discovery of certain crimes such as thefts, concealment of infants, etc., or our century may have seen a progressive weakening of certain prejudices or objections hindering the victims of certain crimes from reporting them, such as, betrayed husbands, the losers in fights, masters robbed by their servants, dupes of clever confidence men, and persons sexually outraged."<sup>6</sup>

In a recent British report on criminal statistics<sup>7</sup> we find the following sentences: "Certain factors may operate to increase the number of crimes that are reported and recorded quite independently of the number of crimes actually committed. . . . One such possible factor is . . . an increased willingness of victims, or of those interested in them, to report certain classes of

<sup>5</sup> von Mayr, Georg. *Statistik und Gesellschaftslehre*. Tübingen: Mohr. 3 vols. See Vol. III. 1917. Pp. viii + 1042. (Pp. 414, 418)

<sup>6</sup> Tarde, Gabriel. *La Criminalité Comparée*. Paris: Félix Alcan. 1886. Pp. 214 (pp. 68-69)

<sup>7</sup> *Criminal Statistics, England and Wales, 1923*. London: H. M. Stationery Office. 1930. Pp. ix-x

offenses. Thus, changes in the moral outlook of men and women, or the greater interest taken by women in all that concerns their sex, may lead to the more ready reporting of sexual offenses against women and the young; and the increased protection afforded by the courts and the press to victims of extortion, or blackmail, may lead to the more frequent reporting of offenses of that kind."

More recently Veli Verkko,<sup>8</sup> chief of the criminal statistics division of the Finnish Ministry of Justice, in a searching analysis concluded that: "Assaults causing little or no injury, which comprise relatively large groups of crime, belong to the type of crime which, according to [Finnish] law cannot be prosecuted by the State's Attorney unless the injured party brings a complaint. This legal provision is responsible for the fact that the discoveries of the offenses depend largely upon the attitude of the people concerning the punishable nature of the act. If this attitude undergoes a change, and, for instance, grows less condemnatory, the number of these crimes brought to the attention of the police or resulting in court action . . . may decrease year after year, although the real number of assaults may rise" (p. 116). This author mentions among crimes which "cannot serve as a basis for reflections concerning real criminality, adultery, crimes against morals, rape, perjury, certain property crimes such as frauds, forgeries, embezzlements, and fraudulent bankruptcies, as well as certain crimes of violence, such as disturbance of the peace, and resistance to public officials" (p. 118). He concludes that "the crimes which may be statistically used as a basis for conclusions regarding the trends of real criminality are no doubt few" (p. 119).

<sup>8</sup> Verkko, Veli. "Kriminalstatistiken och den verkliga brottsligheten." *Nordisk Tidsskrift for Strafferet*. 18:95-128. April 1930. See also Ekelund, Erik. "Om kriminalstatistikens möjligheter att mäta den faktiska brottsligheten." *Ibid.* 20:270-286. July 1932. Also Verkko's two volumes in the Finnish language on *Assault and Crimes against Life*. Helsinki. 1931

These opinions and facts make certain conclusions possible. Crime indexes should not be based on data which undergo from time to time artificial variations without corresponding changes in the real criminality of which these indexes are assumed to be the measurements. They must be based on offenses that are highly "reportable" or "detectable." Many offenses are not, because: (1) They may be of a private nature. In this group fall most sex offenses, blackmail, etc. Criminal abortion rarely reaches recorded form, unless death or injury to the mother as a result of malpractice leads to its discovery. Statutory rape, by its very character, renders recorded data on rape of no value for index purposes, etc. (2) The victim of the offense may not wish the offense discovered. Many sex offenses are not reported for this reason. In this class may also fall thefts by employees of banking institutions or mercantile concerns. Shoplifting, not of a professional character, is rarely reported, especially when restitution is made.<sup>9</sup> In general, offenses which by their nature may affect the reputation of the victim are rarely prosecuted. (3) The

<sup>9</sup> As an illustration, one may cite the results of an inquiry made into shoplifting in three large Philadelphia department stores, and covering the years 1928-1933. The table is self-explanatory. It illustrates not only the discrepancy between cases of theft known to store detectives, those arrested by these detectives, and those turned over to the public authorities, but it shows strikingly that the number of thefts "known to the police" must represent a very small portion indeed of all thefts committed. Note that in 1933, there were more thefts known to the three stores than thefts "known to the police" and covering all of Philadelphia.

SHOPLIFTING IN THREE PHILADELPHIA STORES, 1928-1933

YEAR	THEFTS KNOWN TO STORES	ARRESTS BY STORE DETECTIVES	PROSECUTED AND CONVICTED	THEFTS KNOWN TO POLICE <sup>a</sup>
1928	4,935	1,147	227	6,318
1929	4,828	1,035	223	6,429
1930	5,172	1,077	252	7,505
1931	5,381	1,180	226	7,088
1932	5,277	1,267	253	5,604
1933	5,314	1,432	230	4,402

<sup>a</sup> This includes data for the entire city excepting the number of persons "prosecuted and convicted." They should be added to get the official totals recorded by the city police.

inconveniences to the victim resulting from the lodging of a complaint, appearances in court, etc. are regarded by him as causing him greater injury or loss than that caused him by the offense. Many petty thefts and frauds, minor assaults, etc. probably fall into this class. (4) Public opinion considers the violation as trivial, in which case the law is not enforced. Lottery violations, gambling, etc. are instances in point. (5) The offense is of such a nature that it is hardly reportable except by the violator himself, and therefore becomes recorded only when arrests are made. The fluctuations in the recorded offenses of this type are dependent almost exclusively on changes in law enforcement activity, sporadic drives, enlarged police forces, etc. The repercussions of these changes are felt not only in arrest statistics but in judicial and penal data as well. Into this class of crimes fall most regulatory offenses, the carrying of concealed weapons, motor vehicle and traffic violations, disorderly conduct and vagrancy, most liquor and narcotic law violations, drunkenness, etc. They loom enormously large in the criminal statistics and therefore prove to be the tail that wags the dog. (6) Finally, we must consider that in a time of crisis there may occur special changes in public attitudes, reflected in law enforcement, which cause an increase or decrease in the degree of "reportability" or "detectability" possessed by certain types of illegal conduct. There is reason to believe that since the depression, recorded juvenile delinquency rates, vagrancy rates, etc., have been reduced, because of a sympathetic attitude on the part of the public.

We arrive then at a methodological principle which may be stated as follows: *Recorded data, suitable for the construction of crime indexes, can be furnished only by those offenses which are considered greatly injurious to the state, are of a public nature, and induce the fullest possible cooperation with the law enforcement agencies on the part of the victim or those interested in him.* Such indexes should be constructed for each offense class falling within this definition. A composite index to measure

the tide of serious criminality may conceivably be devised for use under certain conditions, but in correlations of the type discussed in this monograph, in which it has been shown that all offenses are not apparently affected in the same way by economic change, the necessity for *specific indexes* is obvious.

## II. THE BASIS OF SPECIFIC INDEXES

Are all kinds of specific crime rates equally suitable for index purposes? In other words, will prison commitments indicate the trend or fluctuations of criminality as well as crimes known to the police, arrests, prosecutions, or convictions?

Von Mayr answered this question categorically. When he set out to make the study in Bavaria to which reference has been made, he chose crimes known to the police for his index of criminality, on the ground that "if we wish really to form an exact picture of the moral condition of a people, we must first of all ask ourselves the question, how great is the number of the cases of crimes of different kinds that are of common notoriety, before we ask how great is the number of individuals who are convicted of these crimes. The immorality of a people is determined not by the number of individuals convicted, but by the number of crimes committed; else that people would be most moral in which no offender ever let himself be caught, even if more crimes were committed there than elsewhere."<sup>10</sup>

Other investigators now and then arrived at similar conclusions. Enrico Ferri, in a very able analysis of the French criminal statistics,<sup>11</sup> distinguished between *real* criminality and *apparent* criminality and *legal* criminality. Apparent criminality consisted, he said, of the offenses adjudicated and those denounced or reported, but not reaching conviction because they were filed

<sup>10</sup> von Mayr, Georg. (See notes 8 and 10, Chapter II.) P. 2. Quoted from Bonger, W. A. *Criminality and Economic Conditions*. Pp. 38-39

<sup>11</sup> *Studi sulla criminalità in Francia del 1826 al 1878*. Pp. 17-97 of his *Studi sulla criminalità ed altri saggi*. Turin: Fratelli Bocca. 1901. Pp. 542. The article was first published in 1881 in the *Annali di Statistica*.



or withdrawn for some reason or other. Among these he distinguished between (1) those which were eliminated because they were not in fact illegal, or were so trivial that prosecution was not deemed advisable; (2) those in which the occurrence of the crime could not be established or the offenders were not legally responsible; and (3) those which undoubtedly had occurred, but in which the offenders remained unknown or could not be convicted due to lack of evidence. Only the last group, which, in addition to the offenses resulting in convictions, he included in the *apparent* criminality, was assumed to remain in a constant proportionate relationship to the real criminality. He showed by various arguments the lack of complete concordance between legal and apparent criminality rates and placed his reliance on the latter in the construction of crime indexes.

Tarde, on more than one occasion, pointed to the need for the study of the unpunished crimes<sup>12</sup> in order to evaluate the trends in crime. Joly remarked that "It is wrong to assume that convictions are sufficient to measure exactly the extent of a country's criminality. Nevertheless, for a long time it has been assumed that they alone had probative value."<sup>13</sup> More recently Roux<sup>14</sup> echoed these opinions, urging the study of what he calls the "masked" criminality. Similar views have been expressed by other continental scholars who have at times, in contemplating the difficulties facing them in interpreting criminal statistics, arrived at the conclusions expressed by Mayo-Smith that it is futile to use such statistics for index purposes. However sympathetic one may feel with this point of view, it is undoubtedly too pessimistic, but it is an argument in favor of the demand for the utmost care in the selection of indexes and in the interpretation of statistical data.

<sup>12</sup> Cf. his "Les délits impoursuivis." Pp. 211-227 of his *Essais et mélanges sociologiques*. Paris: G. Masson. 1895. Pp. 429

<sup>13</sup> Joly, Henri. *Problèmes de Science Criminelle*. Paris: Librairie Hachette et Cie. 1910. Pp. 291 (pp. 11-12)

<sup>14</sup> *Op. cit.* Chapter I. Note 8

Since the war, the problem of crime indexes has received considerable attention and especially so in the last decade. In 1929, the Committee on Uniform Crime Records of the International Association of Chiefs of Police, stated in its report<sup>15</sup> that "most American crime statistics, as well as many of the foreign systems, begin with the number of persons arrested. Such as these entirely ignore those basic records which, properly compiled, may be made to show the number and nature of criminal offenses committed. Even the most elaborate systems for collecting and tabulating arrests, judicial dispositions, and prisoners cannot do that. The latter have their important uses in showing (1) the social characteristics of persons who are arrested, prosecuted, convicted, or imprisoned, and (2) the manner in which the machinery of criminal justice actually functions. Lack of any constant relation between the number of arrests, convictions, and prisoners, on the one hand, and criminal acts on the other, must always prevent measurement of the extent of crime by any such changing standards. Frequent efforts to draw such comparisons and conclusions have yielded conflicting results and done the cause of criminal statistics incalculable harm. A recurrence of such efforts can seemingly only be prevented by providing the underlying facts concerning the volume and incidence of criminal offenses" (pp. 3-4). The Committee then proceeded to select as its basic data "crimes known to the police," i.e., offenses reported to the police and the reports upon investigation discovered to be well founded, the unfounded reports being eliminated. A uniform classification of these offenses was set up based on a careful analysis of the legislation of the 48 states, and a system of collection of periodical data from police agencies was instituted.

An attempt to demonstrate the correctness of the Committee's attitude was made by the writer in the article published in 1931 and referred to earlier in this chapter. After an examination

<sup>15</sup> *Uniform Crime Reporting*. New York: Committee on Uniform Crime Records, International Association of Chiefs of Police. 1929. Pp. xvi + 464 (pp. 3-4)

of a variety of crime rates, a second methodological principle was formulated. "Due to a number of variable elements represented by changes in administrative policies and efficiency, *the value of a crime rate for index purposes decreases as the distance from the crime itself in terms of procedure increases*. In other words, police statistics, particularly those of 'crimes known to the police,' are most likely to furnish a good basis for a crime index. By crimes known to the police we mean, of course, that residue of crimes reported which, upon investigation, will prove well founded."<sup>16</sup>

That statistics of crimes known to the police afford the best basis for indexes to criminality has been fairly generally conceded by the students in this field, at least in the United States. Sam Bass Warner, who in his report to the National Commission on Law Observance and Enforcement in 1929 assumed that position, did, it is true, later argue for the use of "prosecutions." His severe critique of the data collected by the police<sup>17</sup> was in a large measure justified, but in the last analysis it was chiefly an argument against the use of poorly collected data. The fact that prosecutions were more accurately recorded induced him to argue the use of such data in preference. Accuracy is, of course, always essential, but accurately recorded data are not necessarily representative. Even though every prosecution for rape in a given state were recorded, it is impossible to use such records for crime index purposes. The most complete and accurate records of all, the prison commitments, yield data of very questionable value for the measurement of crime conditions. When "crimes known to the police" are accurately and conscientiously recorded, their superiority for the purpose under discussion needs little demonstration. In his recent book on *Crime and Criminal Sta-*

<sup>16</sup> Sellin, Thorsten. *Op. cit.* P. 346. Cf. also the article on "Crime," *Encyclopaedia of the Social Sciences*. 1935. IV:565

<sup>17</sup> "Crimes Known to the Police—an Index of Crime?". *Harvard Law Review*. 45:307-334. December 1931

*tistics in Boston*, Professor Warner admits that "if accurate statistics of crimes known to the police had been collected in Boston during the last fifty years, they would have given us fuller information concerning serious offenses, as to which figures of prosecutions and crimes known to the police differ materially" (p. 52). Elsewhere in the same work, he states that he is compelled to use prosecution statistics in his study of the influence of economic fluctuations on crime, since "there are no better figures available. Statistics of crimes known to the police, even assuming that they are a reliable index of crimes committed, go back in Boston only to 1928; nowhere in the United States do they go back more than a few years" (p. 30). And finally, he concludes that "the medical examiners' returns are a better indication of the number of murders and manslaughters committed each year in Boston than court figures of the number of persons prosecuted for murder or manslaughter" (p. 23), thereby subscribing to the proposition that the nearer to the crime in terms of procedure a record of that crime is made, the better it is for index purposes.

In 1931, Corrado Gini and A. Spallanzani presented a report to the International Institute of Statistics, meeting in Madrid, on the question of "the comparison of the data of criminal statistics of various states."<sup>18</sup> They stated that "the utility of criminal statistics, now that the subjective field has been largely explored [i.e. statistics of offenders and their characteristics] rests on their extension to the objective field, because only in this manner can the true state of criminality be deduced, independently of the various changes wrought in the subjective series by local conditions, judicial actions, the procedural system, amnesties, etc." (p. 6).

The "uniform objective statistics," the collection of which the authors urged upon the nations, would include not only offenses

<sup>18</sup> *Sulla comparazione dei dati di statistica criminale dei diversi stati*. Madrid. 1931. Pp. 16

followed by conviction, but also those "in which there occurred a filing of the case [déclaration de non-lieu] because the offender remained undiscovered or its withdrawal for reasons other than the nonexistence of the crime" (p. 6). They suggested, as a matter of fact, after an analysis of the reports made by earlier committees of the Institute with reference to comparative statistics, that if such statistics were to be achieved "it would be necessary to make a complete change in the approach to the problem," and they proposed a plan of action which appears to be very much the same as that which was followed by the committee of the International Association of Chiefs of Police, namely, the setting up of uniform classifications based on an analysis of the penal laws of various countries and limited to certain serious offense groups. This proposal seems not only practical, but practicable. Certainly the differences in law and procedure among most European states are no greater than among the states of the United States.

In view of the position taken by the authors just mentioned, it is surprising to find Mr. Spallanzani later taking such a definite stand against the use of "crimes known to the police" for index purposes.<sup>19</sup> In a long article published in 1933, he states that so far as indexes of "the movement of criminality" are concerned, any one "objective series," i.e., based on the offense as unit of tabulation, would be as good as any other, since they would all vary proportionately from year to year. This assumption has not been shared by the students of the problem who have been cited in previous pages, nor is it permissible to assume that because the vast majority of those who have used crime indexes have based them on practically any series available, they have analyzed the theoretical questions involved in their choices. The use of available, not adequate, statistical series is responsible for the fact that most of the studies in question are of doubtful value.

<sup>19</sup> *Sugli indici della criminalità*. Città di Castello. 1933. Pp. 27. Reprint from the *Giustizia Penale*. Pt. I. Nos. 4-5

An illustrative tabulation will be offered to show the divergence of rates based on data gathered at various steps in the administration of justice. Table III refers to rates of recorded criminality in Pennsylvania for selected years, 1875-1924, on a per 100,000 population basis. It is founded on trial court data and therefore excludes petty offenses. It is unfortunate that ar-

TABLE III  
CRIME RATES BASED ON PERSONS CHARGED WITH CRIME, CONVICTIONS, AND COMMITMENTS TO STATE PENAL INSTITUTIONS: PENNSYLVANIA, 1875-1924<sup>a</sup>

YEAR	RATES (PER 100,000 POPULATION)		
	PERSONS CHARGED WITH CRIME	CONVICTIONS	COMMITMENTS TO STATE PENAL INSTITUTIONS
1875	512.7	86.6	15.9
1880	404.1	71.0	16.6
1885	422.5	77.7	17.6
1890	373.8	66.5	19.8
1895	451.2	76.3	24.2
1900	373.3	66.4	14.9
1905	443.5	69.8	18.7
1910	356.2	66.1	15.6
1915	382.1	190.1	20.9
1920	357.7	139.7	25.7
1924	483.5	298.4	23.0

<sup>a</sup> Potter, Ellen C. "Spectacular Aspects of Crime in Relation to the Crime Wave." *The Annals of the American Academy of Political and Social Science*, 125:1-19. May 1926.

rest and "crimes known" rates can not be given for comparison, but they were unavailable to the compiler. Even though a large number of years is missing, it is obvious that an investigator, using *any one* of these rates for correlation purposes, would arrive at conclusions dissimilar to those of one employing another rate.

For a second illustration, let us draw on a German source. Professor Exner,<sup>20</sup> in studying the sentencing practices of German courts, arrived recently at the conclusion that, although relatively little change had occurred in the code of the Reich from 1886 to 1928, the prison sentences following convictions had gradu-

<sup>20</sup> Exner, Franz. *Studien über die Strafzumessungspraxis der deutschen Gerichte*. Leipzig: Wiegandt. 1931. Pp. 119 (P. 18)

ally declined from 75 to 30 per cent of all sentences. This would cause obvious divergences between conviction rates and prison commitment rates after sentence (p. 18).

Students of the administration of criminal justice in the United States have had ample opportunity through the various local and state surveys to observe the effect of changing administrative policies on criminal statistics. This experience lends weight to the argument that the movement of criminality is more likely to be made clear through adequate police statistics than through any other type of statistical data.<sup>21</sup>

Where rates based on records at different steps in the procedure show great internal consistency, where parallelisms occur both in long and short-term series and in periodic fluctuations, it is obvious that any one rate for the period studied may be utilized for index purposes with equal success. Such parallelism, however, is probably rare and where it exists it is most likely to occur perhaps in the case of offenses in which rates vary due to changes in law enforcement activity. It is likely, for instance, that motor vehicle or traffic violations "known to the police," arrest rates, and conviction rates for these offenses show close parallelism, but none of them is a safe index to total criminality of the type in question.

Another point raised by Mr. Spallanzani was that police statistics cannot offer data "nearest the crime in terms of procedure" because they do *not* include a large number of offenses which are brought to the attention of the judicial authorities, while they *do* include a number of acts which may at first have seemed criminal but later are found not to be in conflict with the law. This comment assumes that the term "crimes known to the police" is exclusive and must be taken literally. In Great Britain, Canada, and the United States, where the system

<sup>21</sup> For additional illustrations see the writer's article already referred to in this chapter, Note 3

of law enforcement places on the police authorities the chief duty of investigating crime, the practical effect is that the police, cooperating with the prosecutor's office, determine when arrests are to be made. The crimes in which the offender remains unknown ordinarily are not recorded anywhere except in the files of the police. It is different in countries like Italy, where the examining magistrate assumes all the duties of the American detective and where the filing of a case due to the failure to discover the criminal becomes a matter of judicial action. Under such conditions the rate "nearest the crime in terms of procedure" must obviously be based on the records of the judiciary.

Finally, the point is made by Mr. Spallanzani that only from judicial statistics is it possible to discover whether a crime has actually been committed, and the exact nature of the crime. This contention is based on the fact that the technical definition of a crime is a matter of law and depends not only upon the objective character of the act, but also upon the character of the person who performed it. For instance, a corpse is found. The victim has obviously met his death at the hands of another person. Is this homicide a criminal act? It may have been justifiable or excusable, but this cannot be determined without the arrest and examination of the suspect. Is it first or second degree murder, voluntary or involuntary manslaughter? That, too, cannot be determined unless the killer can be examined or testimony offered to show the presence or absence of malice, premeditation, etc. If the killer committed suicide before capture, the establishment of any definite classification for the offense would be impossible; and if the killer is never found, no one will ever know whether or not a "crime" was committed. That is obvious from the point of view of law.

But the body was found, let us say, under conditions which pointed to the likelihood that a crime had actually been committed. Mr. Spallanzani would probably not object to the study of criminal homicide rates based on the data including the cases

in which the criminal remained unknown (see his and Gini's paper). He would, however, insist that a judicial authority would have to determine the facts in the case and declare it to be a criminal homicide, even when the offender escaped justice. That brings up the question whether or not the *juge d'instruction* in Continental procedure is more capable than the police in Anglo-Saxon countries of determining whether or not an act in which no arrests are made, but which has been reported to the police authorities, is likely to be a crime or not.<sup>22</sup> While it is true that these examining judges are legally trained, they are usually young men, ordinarily lack special training in criminal investigation and often rely upon the police to gather evidence, etc. So far as the serious crimes are concerned, the kind which we have assumed to be the ones for which indexes can be set up, there is considerable reason to believe that the police authorities are as likely as are most examining magistrates to be able to determine whether or not a reported act did occur and whether it was illegal. Neither can do more than give a broad classification of the offense, a classification based on its objective character. This fact makes a highly detailed classification of offenses known to the police impossible, but their usefulness is not necessarily greatly reduced by this fact.

It seems clear to the writer that with all their limitations the crimes known to the police, or—if the formal legalistic attitude must be countered—the abnormal conduct regarded as punishable by the police, furnish the relatively best indexes for research purposes. The numerous variables inherent in administrative practices render the data based on successive procedural steps more and more difficult to interpret and decreasingly useful for index purposes. In the United States, for instance, the trial of

<sup>22</sup> See Morris Ploscowe's two articles: "The Development of Present-day Criminal Procedures in Europe and America." *Harvard Law Review*, 48:433-473. January 1935; "The Investigating Magistrate (*juge d'instruction*) in European Criminal Procedure." *Michigan Law Review*, 33:1010-1036. May 1935

criminal cases is rapidly disappearing in many jurisdictions. In 1933, in 24 states, out of 91,006 defendants found guilty of the offenses with which they were charged in courts of general criminal jurisdiction, 74,131 had pled guilty, while of 3,170 found guilty of lesser offenses than those charged against them, 2,153 pleaded guilty.<sup>23</sup> The abuse of the plea of guilty is well known to the American student. In some jurisdictions it is a device whereby prosecutors expedite the business of their departments and compromise justice, with the result that a prominent official connected with the prison system of the largest state in the Union recently was able to say that few of the prisoners received in the state penal institutions of that state were imprisoned for the crime they actually committed. Even if this statement is considerably exaggerated, it throws light on the necessity for avoiding, for crime index purposes, data which have suffered irreparable shifts due to administrative expediencies. This, furthermore, is not solely an American problem. French criminal statisticians have constantly pointed to the effect of the practice of "correctionalizing" crimes, i.e., prosecutions in the lower courts of offenses, which if properly classified should have gone to higher courts and thus have swelled the tables of *crimes* instead of those for *délits*.

One more question may be raised, because of its immediate importance for studies correlating fluctuations in crime and economic conditions. Is it not possible that in the study of long-time trends, in particular, crimes known to the police may be the best basis of a crime index, but that for the study of *fluctuations* other rates may be used with equal success? The answer to this problem is one for research. One illustration will be offered. For Baltimore, Maryland, there exist for 1924-1936 data<sup>24</sup> on the number of offenses known, arrests, indictments, and convictions

<sup>23</sup> *Judicial Criminal Statistics, 1933*. Washington: U. S. Bureau of the Census. 1936

<sup>24</sup> *Annual Reports*. Baltimore: Criminal Justice Commission

for 17 separate major offenses. Taking the annual totals for each four series, we find that they all fluctuated together in six out of twelve years, 1924 being used as the base. Three series showed concomitant fluctuations in 8 out of 12 years. In the case of aggravated assault, the annual totals moved concomitantly in 10 out of 12 years; in murder, 8 out of 12; in robbery, 6 out of 12; in burglary, 9 out of 12; and in rape, 8 out of 12. The extent of the fluctuations in any one series compared with any other does not appear from this simple statement, but in many instances a great percentage increase in one was accompanied by a very small increase in another. For all offenses, the fluctuations in the "crimes known" and the "guilty" series coincided in only 8 out of 12 years. The determination of which series is likely to furnish the most sensitive index is to a large measure a matter of a priori choice based on qualitative analysis. It is our contention that crimes known to the police would be the best, but it is conceivable that in the case of the type of serious criminality which we have assumed alone to be measurable in terms of indexes, high consistency in the trends and fluctuations of other series may be accorded significance. Even when police statistics alone are used, they cannot be accepted without question by the investigator. Crimes "reported" have in detailed tables been available for Philadelphia (though not in published form) for a great many years, but until the development of the Uniform Crime Reporting System the figures obviously referred only to the crimes in which arrests were made. Even the change in records made necessary to comply with the demands of the Department of Justice resulted in temporary administrative conflicts so that the data for "crimes known to the police" cannot be utilized for the period before 1933. It is doubtful whether even today the data on petty larcenies "known" in that city are recorded in an adequate manner by the police. Unless the student is familiar with the method of recording used and the changes which time has brought to the series he employs, the measuring instrument he devises will be more or less defective.

The necessity for knowledge concerning such matters naturally imposes limitations on scientific studies. The circumscribed local investigation is therefore likely to be more worthwhile than the one which has the nation or even the state for its playground. The latter may be more satisfying; it may yield more spectacular data and perhaps more publicity for its author, but the future of criminological research depends on better conceived, more detailed, and more controlled investigations.

We have so far been discussing indexes to criminality, i.e., to the extent of violations of the law without reference to the character of the violator. For this purpose it is obvious that records which permit tabulations on the basis of the offense as the unit are most suitable. Yet such tabulations are not common. Statistics of "crimes known, and crimes cleared by arrest" fall in this class (cities in the United States, Esthonia, Latvia, Denmark, England and Wales, Finland, etc.), as well as "crimes which have resulted in prosecution" (Sweden), but ordinarily in judicial statistics, the case is the unit of tabulation, or the defendant. Most tabulations are based on the offender as the unit, and we therefore face the question whether or not such tabulations are inferior for index purposes. They undoubtedly must be regarded as poor substitutes for offense statistics, if we are concerned with the measurement of specific forms of criminality; but they are, of course, the necessary foundation for measurements of the incidence of *offenders* in this or that geographic area, a social or economic class, a racial or biological group (age and sex groups), etc. and for studies of the characteristics of the mass of offenders, such as their education, religious status, and recidivism. The explanation of *why* certain correlations occur among crime and economic data must be sought in the study of the offender.

We may assume the possibility of working out indexes that would measure the criminality of social groups. Again, only very serious offenses of the kind discussed in connection with indexes to *criminality* would be likely to be of value for offender indexes; and the differential effect of law enforcement activity, which may

artificially raise, lower, or transform arrest and other rates affecting different social groups would have to be carefully weighed. Arrests resulting in charges (eliminating, therefore, the ill-considered arrests or those made merely on suspicion, etc.) would probably afford the best basis for offender indexes, simply because later procedural steps present an increasing number of disturbing variables, which are difficult to discount. Obviously, all offender statistics can be used in comparing the extent to which members of this or that sex, age, economic, religious, occupational, or race group get into contact with the law, but this is a different question from that of determining whether illegal conduct is becoming more or less prevalent and practiced by more or fewer members of such groups. *Specific* offender indexes, and indexes to law enforcement as it affects specific groups, are essential, since variations in the proportional strength of these groups within a given area may cause general rates to exhibit movements which are inexplicable without a knowledge of such variations. Heavy immigration increased the offender rates in general, but actually decreased the offender rate for males of punishable age.

It was observed that certain offense and offender statistics cannot be compiled except on the basis of a general classification. As soon as the judicial examination of the offender is made possible, the need for more detailed categories becomes important. The standard uniform classification adopted by the federal government in its publications concerning local and state criminal statistics, while it is of value for broad comparisons, is not sufficient for intensive local studies of the administration of justice. It is desirable, in such studies and in statistical reports on which they are based, that appropriate subclasses be used. Murder statistics should, when possible, be broken down into classes based upon degrees; felony murder should be separated from other kinds of murder, infanticide should be separately tabulated, etc. This is a problem which arises when criminal statistics are used for indexes of administrative justice. It will be discussed in the next chapter.

### Chapter V

## Administrative Agencies and Their Data

IN THE first chapter we discussed briefly the possible effects of the depression on the substantive law. The provisions of that law would remain inoperative were they not applied by the various agencies which government employs to put them into effect. These agencies are the police organizations, which investigate offenses and apprehend offenders; the courts, which determine guilt and fix penalties; and the agencies which execute penal treatment—prisons, probation departments, parole departments etc.<sup>1</sup> The organic laws creating them and the data which are assembled by all these agencies in the process of law enforcement make possible the study of the effects of the depression on (1) their organization, personnel, and equipment (2) their administrative policies (3) the distribution, character, and movement of the offenses which come to their attention and (4) the distribution and characteristics of the offenders with which they deal. None of these has received much attention from the point of view of the relationship stressed in this pamphlet, but (2) and (4) have been especially neglected. The few studies referred to in Chapter III have touched on the third point, and the first point has been dealt with in some isolated inquiries which will be mentioned in subsequent pages.

<sup>1</sup> There is no need to enter on a description of these agencies or their work. They can be found in current texts on criminology and penology, in crime surveys, etc. Consult Kuhlman, A. F. (editor). *A Guide to Material on Crime and Criminal Justice*. New York: H. W. Wilson Co. 1929. Pp. 633; and Culver, Dorothy C. *Bibliography of Crime and Criminal Justice, 1927-1931*. New York: H. W. Wilson Co. 1934. Pp. 413

## I. ORGANIZATION, PERSONNEL, AND EQUIPMENT

In a recent pamphlet, Bruce Smith<sup>2</sup> briefly commented on the effect of the depression on police service. (1) It brought the rise of police salaries to a halt "and in many instances started a counter movement which erased all the gains previously effected." (2) It resulted in the reduction of the numerical strength of police forces, the method used varying with the locality. (3) It caused a reduction in the average age of policemen, since the cuts in numerical strength ordinarily affected the older more than the younger men. (4) It did not apparently cause a lowering of standards of selection and training. (5) It did not apparently lower the morale of the police. (6) It forced police administrators chiefly because of reductions in the numerical strength of police departments, (a) "to review the disposition of the forces at their disposal," (b) "to consider the utility of many 'indoor' assignments in the light of the new conditions," (c) "to abandon as unnecessary various district stations which merely serve to absorb effective man power," and (d) "generally to improve existing systems of communications." (7) It hastened the mechanization of police service. (8) It did little to change the number and variety of activities performed by the police.

Altogether, Mr. Smith concluded that "it appears quite clear that the effects of the depression upon police have been generally favorable." His wide acquaintance with police administration in the United States gives weight to these conclusions, which are based on personal inquiry and on the consultation of municipal police documents, though their number and character are not divulged in the report.

A cursory survey of the literature discloses no study of the effect of the depression on judicial agencies. The legal profes-

<sup>2</sup> "Police Service." In Ridley, Clarence E. and Nolting, Orin F. (editors) *What the Depression Has Done in Cities*. Chicago: The International City Managers Association, 1935. Pp. v + 57 (Pp. 30-32)

sion, judging from the periodicals in that field, has not been concerned with this question.<sup>3</sup>

In the field of penal administration some data are available. In 1935 William J. Ellis made a "Survey of the Effects of the Financial Strain on Correctional Systems."<sup>4</sup> It was a cooperative undertaking in which a number of leading members of the Association shared. Questionnaires were sent to 233 institutions, of which 58 per cent replied. "Those replying were a representative group from a geographical standpoint, an adequate sampling of every section of the country. Furthermore, there were included all types of penal and correctional institutions, such as central prisons, men's reformatories, women's reformatories, institutions for defective delinquents, and institutions for the criminal insane. We obtained sufficient detailed information from 39 institutions representative of every type of state administration to get a reasonable picture of what has happened to populations and maintenance costs of our correctional systems as a result of the depression." (pp. 67-68). With an increase of 19.4 per cent in the number of persons cared for, there was a less than 1 per cent increase in expenditures, 1929-1934. The average per capita cost of these 39 institutions declined from \$333 to \$280. It must be remembered also that prices fell. Among further findings were the following:

a. Expenditures for new prison buildings increased (based on reports from 47 institutions); but 60 per cent of 125 institutions claimed that the building program had been retarded.

b. Expenditures for education and libraries rose until 1932 and then

<sup>3</sup> An article by Judge Joseph Siegler on "The Court and the Depression" (Year Book of the National Probation Association, 1932 and 1933:67-73) is merely a peroration, which opens with generalities regarding social disorganization caused by the depression, such as unemployment and demoralization, hence delinquency, and closes with what social legislation, social planning, and what research into causation by juvenile courts may do to throw light on treatment and prevention.

<sup>4</sup> *Proceedings . . . American Prison Association . . . 1935*. New York: American Prison Association, 1936. Pp. 67-79



declined rapidly (24 institutions reporting); 42 per cent of 114 institutions reported retardation due to the depression.

c. Expenditures for medical service steadily increased (25 institutions reporting); only 20 per cent of 115 institutions replied that the depression had affected such service.

d. Expenditures for mental hygiene rose from 1925 to 1931 and then declined (9 institutions reporting); 65 per cent of 102 institutions reported progress during the depression.

e. Salary cuts, some as high as one-third, were reported by 87 per cent of 107 institutions.

f. Many institutions received considerable aid from the Federal Works Program, in one instance resulting in the construction of a new prison.

g. A few institutions reported serious cuts in food allowances.

Mr. Ellis made a number of comments on these points. "The depression years," he said, "forced the prison administrator to survey his job more closely. Reduced funds made it necessary either to cut personnel or to practice offsetting economies. The results were both good and bad. There have been instances of the elimination or curtailment of such necessities as medical services, prisoner employment, and parole supervision, which may or may not have been necessary but which certainly are to be deplored. On the other hand, the decrease in appropriations in some instances has led to more effective organization, elimination of waste, and improved methods. . . . One important and beneficial long-time effect of the depression has been the resultant improvement in management" (p. 70). "Whether or not depression has seriously affected penal and correctional institutions has been largely a question of personnel and organization" (p. 71).

Two aspects of administration were found to have been considerably affected—prison employment and parole.<sup>5</sup> The effect

<sup>5</sup> In an article on "Depression and Delinquency," H. L. Miles (State of Iowa: *Bulletin of State Institutions*, 34:116-125, July 1932) state agent of the Iowa Training School for Boys, refers to the fact that early in 1931 it began to be difficult to find suitable homes for placement of parolees, but devotes most of his article to the general social effects of the economic crisis.

of the Hawes-Cooper Act was keenly felt by many institutions, and the drive against prison labor caused the removal of prisoners not only from shops but from construction work. Sixty per cent of 93 institutions reported retardation in parole work. "Even among those who have recorded progress, there are instances of what might be termed an unwholesome development. Several reported that more families are asking for the services of parolees, especially girls, who are employed at low rates of pay and who, apparently for this reason alone, are sought to perform domestic services. Other undesirable developments include the 'pauperizing' of inmates returned to families in dependent circumstances, the longer institutional residence which is sometimes the result of this condition, and the virtual impossibility of finding satisfactory employment for parolees. Some institutions have pursued a policy of paroling only those inmates for whom a job has been assured. During the depression period it has been necessary either to disregard employment plans or to keep inmates for a considerable time after they are ready for release. It is evident that the standards formerly maintained (which we know were in many instances inadequate) have often been relaxed. . . . Another direct result of the depression upon parolees is a greater degree of recidivism . . . [a] girls' industrial school [reported that] . . . 'inmate personnel has been reduced by granting paroles in shorter time,' while a penitentiary report stated that, due to overcrowding, every means had been utilized to reduce the number of inmates, with a consequent effect on pardon and parole policies. Whether the depression has necessitated such methods is indeed open to question." (p. 75). Some institutions reported that CCC camps had taken many of their parolees.

There has been a considerable literature produced about the prison labor question. The passage of the Hawes-Cooper Act antedated the depression, but the depression to a considerable degree made it difficult for the states most likely to be affected by that law to prepare for the execution of the state acts based

upon it and going into effect in 1934. Many states lost their contract industries.<sup>6</sup> Howard Gill, economic adviser to the Prison Labor Authority, estimated in 1935 that from about 72,000 prisoners employed in 1932, the figure had dropped in 1935 to about 10,000, "a generous guess."<sup>7</sup> The story of prison employment during this period lies buried in the hitherto unexplored document files of the Prison Labor Authority, the Association of States Signatories to the Prison Compact, and the Prison Industries Reorganization Administration. The last-mentioned agency has recently published surveys of the prison labor problem in a number of states, and others are forthcoming.<sup>8</sup> All of them throw light on the question under discussion.

The surveys mentioned have been of a general character. Further data on the effect of the economic crisis on organization can be secured only by intensive studies of institutions or agencies in local areas, covering the predepression period, the depression, and the years of recovery. Whether or not any generalizations

<sup>6</sup> Cf. James V. Bennett's report to the International Penal and Prison Congress in Berlin, 1935, on the question of the effect of industrial and agricultural unemployment on prison labor in times of economic crises. *Actes du Congrès Pénal et Pénitentiaire International . . . 1935*. 3:121-127. The same volume, pp. 128-205, contains similar reports for France, Norway, Switzerland, England, Hungary, Italy, Greece, Denmark, and Germany; and volume 1-a, pp. 152-168, a summarization and discussion by the reporter-general for this question on the program of the Congress, Dr. R. Marx, who concludes that in general (1) the complaints of free economy against prison labor increase in times of depression; (2) the unfavorable effect of the crisis is felt more keenly by contract industries in prisons than by industries run by the administration; (3) industrial and craft work is more affected than agricultural labor.

<sup>7</sup> "The Future of Prison Employment." *Proceedings American Prison Association*. 1935. New York: American Prison Association. 1936. Pp. 178-185

<sup>8</sup> *The Prison Labor Problem in Maryland*. Washington. 1936. Pp. 65; maps. *The Prison Labor Problem in Kentucky*. May 15, 1936. Pp. 80. *The Prison Labor Problem in Vermont*. August 29, 1936. Pp. 94. *The Prison Labor Problem in Arkansas*. November 25, 1936. Pp. 48. *The Prison Labor Problem in Delaware*. November 25, 1936. Pp. 88. *The Prison Labor Problem in Oklahoma*. January 13, 1937. Pp. 54. *The Prison Labor Problem in Texas*. March 1, 1937. Pp. vi + 115. All but the first are mimeographed.

can be secured can be determined only after a sufficient number of such local studies have been made. It is obvious, of course, that in addition to local case studies, surveys might be made on special aspects of organization, personnel, and equipment. What effect has the crisis had, for instance, on federal police, courts, and penal institutions? Did it hasten or delay the development of state police services? Did it result in an increase or decrease in private police protection? Did unemployment raise the standard of police recruiting? What happened to the organization, etc. of probation departments? Has the case load per probation officer risen, thereby rendering supervision poorer? Has the period of supervision decreased? Has the probation officer become increasingly engaged in the collection of fines? The same questions may be addressed to the study of parole. Other questions will suggest themselves to the student interested in this field of work.

## II. ADMINISTRATIVE POLICIES

The administrative policies of a public agency are determined in part by law but also in response to the task which the agency is called on to perform, to public opinion, and to the way in which the personnel of the agency conceives its function. We are not here concerned with such policies as they grow and operate in general over a long period of time, but with the possible changes in policy induced by the economic crisis. That is especially important since they are reflected in the criminal records and statistics, which we are compelled to utilize to such a great degree in our researches. Without a knowledge of these policy changes, the extent to which they cause shifts in the contents of the various categories of criminal statistics cannot be evaluated. The discussion of these policies will, however, be taken up in connection with the third and fourth points. Their study is rendered difficult by the fact that all these policies are not deliberate. Where administrative decrees are issued, such as

the recent one in an Eastern city, where the police commissioner issued an order to patrolmen to stop arresting men for corner loafing and instead to disperse them with a warning, such change in policy can be studied in relation to arrest rates; but where the policy is based merely on changing attitudes of law enforcement officers, only opinion evidence can be secured.

### III. THE DISTRIBUTION, CHARACTER, AND MOVEMENT OF OFFENSES DEALT WITH BY ADMINISTRATIVE AGENCIES

The studies which were referred to in Chapter III attempted to picture the distribution and movement of criminality for specific periods. We have already discussed in Chapter IV the difficulties involved in arriving at any index to crime conditons. In this section the discussion will center around the recorded data concerning the distribution and movement of offenses *dealt with* by administrative agencies, whether or not these data may be assumed to reflect criminality in a community.

We have in the United States extremely limited resources for the study of the problem in question.<sup>9</sup> They are chiefly limited to the records and tabulations of municipal police departments; other agencies, courts, penal institutions, etc. compile their data not on the basis of offenses but on cases or individuals. The national statistics compiled since 1930 by the Bureau of Investigation of the Department of Justice, deal chiefly with eight major crimes. They present data on such crimes "known" to the police and those cleared by arrest. These data are now given quarterly for towns and cities grouped into six categories by size of population. They are secured on uniform blanks filled out by the police departments willing to cooperate. In 1936 these coöperating departments represented communities with a total of over 60 million inhabitants.

While the national uniform police statistics have considerable

<sup>9</sup> See *Report on Criminal Statistics*. Washington: National Commission on Law Observance and Enforcement. 1931

value, especially since they are from time to time given for individual cities, they are too recent to permit much use in the investigation of the effects of the depression, even though their study may suggest important research questions. The student must needs fall back upon the records and reports of individual police departments, if he is to secure series covering the pre-depression period. Lack of uniformity in the annual reports would make this work difficult from the point of view of comparative research. A few police departments began as early as 1928 or 1929 the compilation of uniform annual reports on the basis of the model suggested by a Committee of the International Association of Chiefs of Police,<sup>10</sup> and with the passing of the years these reports will be of increasing value for research. No one has as yet compiled a complete list of the communities which publish these reports. Among the earliest were Detroit, Miami (Florida), Cleveland, Chicago, Cincinnati, and Buffalo.<sup>11</sup> Many of them exceed in detail the model mentioned.

The police files of most communities have never been explored. Even where no or inadequate annual reports are pub-

<sup>10</sup> *A Guide for Preparing Annual Police Reports*. Revised. Washington: United States Department of Justice. Division of Investigation. 1935. Pp. 37

<sup>11</sup> Through the kindness of Mr. Bruce Smith of the Institute of Public Administration of New York City, the following list of cities using the Guide has been compiled. The list is not complete and represents only those which have sent their reports to the Institute's library. The underscored names represent cities which make *substantial* use of the Guide: Austin, Texas; Boston, Mass.; Brookline, Mass.; Buffalo, N.Y.; Chicago, Ill.; Cincinnati, Ohio; Cleveland, Ohio; Dearborn, Mich.; Denver, Colo.; Detroit, Mich.; Elizabeth, N.J.; El Paso, Tex.; Englewood, N.J.; Fort Worth, Tex.; Hartford, Conn.; High Point, N.C.; Jacksonville, Fla.; Janesville, Wis.; Kalamazoo, Mich.; Kansas City, Kan.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New Bedford, Mass.; Norfolk, Va.; Oakland, Calif.; Pasadena, Calif.; Peoria, Ill.; Plainfield, N.J.; Pontiac, Mich.; Rochester, N.Y.; St. Joseph, Mo.; St. Louis, Mo.; St. Paul, Minn.; Scranton, Pa.; Seattle, Wash.; South Bend, Ind.; Springfield, Mass.; Springfield, Ohio; West Allis, Wis.; Wichita, Kan.; Wyandotte, Mich. New York City, Baltimore, and Philadelphia do not follow the Guide; the last-mentioned publishes no annual report at all.

lished, it is conceivable that an exploration of the data in the files of the police department might yield for the predepression as well as the depression period information on offenses known to the police or cleared by arrest that would be useful for research purposes.

In the study of these data, it is essential to know what changes have occurred in the practice of the police in recording complaints, not only from the point of view of completeness of records but also with reference to the classification of offenses. Such changes may in part be due to modifications in the law, but they are frequently due to administrative policies. In one large middle-Western city, robberies "known to the police" used to be enormously high but it was due merely to the fact that suspicious persons were detained and charged with that offense, while their activities were being investigated. Such policies point again to the importance of local investigations based on an understanding of all the variables which affect crime rates.

What is the picture of crimes known to the police before and during the depression?

a. *The offenses.* The classification of offenses known to the police has to be based on broad classes. (See Chapter IV.) Most police departments, in so far as they publish data on crimes known, do so only for the eight major classes of the standard classification, but some of them also give these data for the other seventeen classes. Where the information is secured directly from the police files, it would be wise to use the standard classification in the grouping of the offenses, each class being broken down in any manner suitable to the investigators. Even where published data alone are used, it may be possible to undertake some interesting inquiries of a comparative nature. The *Uniform Crime Reports* contain the number of each of the eight major offenses known to the police in all towns and cities reporting for 1930 and 1931 (Dec. 1930 and Dec. 1931 nos.); cities over 100,000 population, 1932, 1933 (special mimeo-

graphed bulletin issued by Division of Investigation, U. S. Department of Justice), 1934, and 1935 (Fourth Quarterly Bulletin, 1934 and 1935); and cities over 25,000 population in 1936 (Fourth Quarterly Bulletin, 1936). A grouping of these cities according to population, location, character of population, and dominant industry might reveal interesting comparisons, not only as to trends in various offenses but in divergences among similar communities which should stimulate the student to inquire into the reasons for these differences. Are they due in any degree to differences in methods of recording offenses "known," to fuller cooperation on the part of certain sources of complaints, such as business houses, etc.?

For an understanding of the trend of criminality it is also important to know to what extent special preventive activities on the part of the police<sup>12</sup> have affected this trend. The last quarterly report of the *Cincinnati Regional Crime Committee* (Third and Fourth quarters, 1936) contains some very interesting comments which are pertinent here. It is observed that over half of the "murders" and "aggravated assaults" occur in a relatively small area of the city. "During the year 1935, the number . . . [of these offenses] reached what might be called an 'all-time' low. Throughout that year, 1935, the Welfare Division of the Safety Department operated a 'Friendly Service Bureau' manned by colored investigators. The investigators were non-uniformed police selected for their work. They kept in constant contact with the lower West End area and as a part of their work reported

<sup>12</sup> According to the Lynds, *op. cit.*, the police attributed the decrease of robbery in Muncie, Ind., to the introduction of radio cars. The authors make the comment that "while increasing the police force is not ordinarily regarded by experts as a major deterrent to crime, the deterring effect of such mechanized policing in a small city like Middletown is probably real. . . . Most of Middletown's crimes against property are 'small-time' affairs, Negroes steal chickens, hungry men hold up groceries (sometimes, according to press reports, even apologizing to the owner for taking the \$30 from his till), and boys rob coal sheds. To people of this sort the possibility of having squad cars concentrated upon an isolated spot in five minutes by telephone probably represents a genuine deterrent." (Pp. 348-349)

instances from which serious crimes might develop among colored people, if conditions—either financial or social—were not relieved. It is difficult to measure the influence of such an organization in curbing crime. Whether or not this particular group was a factor in the reduction in the major offenses during 1935, is not known. Yet, the area in which they worked showed less crime" (pp. 3-4). The Crime Prevention Bureaus which in recent years have been installed in certain departments may also have had some effect on offense rates.

Many offenses are committed in a manner which seems to indicate that they are the work of professional or semi-professional groups—for instance, jewelry, fur, and silk thefts, confidence games, malicious destruction of property in connection with "racketeering," pick-pocketing, auto thefts, etc. The effect of the depression on some of these offenses as dealt with by the police should be considered. Auto thefts have shown a remarkable decrease since 1929, in spite of the relative immunity which attaches to the auto thief. In so far as they represented an illegal business, that business would seem to have had its market destroyed by the economic crisis.

Then there are offenses like embezzling and fraud, and breaches of trust, which appear to have become increasingly frequent since the World War in all countries. The crisis should presumably show a distinct rise in such offenses, as well as in arsons to collect insurance. Not only police data, but the data of insurance and bonding companies might yield information on these points.

The seasonal fluctuation of offenses may also be studied as a means of throwing light on the effect of economic hardship on offense rates.

b. *Clearances.* The uniform police reports referred to also show the extent to which offenses "known" have been "solved" by arrest. While such data must be used with discretion, it would be interesting to know if the depression has, generally speaking,

increased or decreased the ratios of clearances for specific offenses. This is bound up with organization and other questions, to be sure, and also with changes in the composition of the offender groups, the extent of organized or professional crime, and the attitude of the public toward specific offenses. If the depression has decreased the effectiveness of police work, and if professional crime has risen, clearance ratios will decline. On the other hand, if the public no longer reports other than the more serious of the offenses of a certain category, clearance ratios for that class may rise.

#### IV. THE CHARACTER OF THE OFFENDER

The offender as a unit of recording or tabulation appears in the records and statistics of all administrative agencies. In the police records, he is represented by the person arrested or charged with an offense or offenses. In the judicial statistics he appears as the person prosecuted, indicted, arraigned, pleading, tried, or sentenced. In probation statistics he is the probationer, in institutional statistics the inmate or prisoner, in parole statistics the parolee, and in clemency statistics the person pardoned.

We have already made reference to the sources of police statistics. Police departments generally keep records of persons arrested and charged. The data recorded about them no doubt vary both as to extent and accuracy. Ordinarily the residence, race, sex, age, and nativity are recorded, and frequently marital condition and perhaps occupation and religion. Economic status is not given, but may perhaps be inferred from the occupational status. Previous criminal record verified in so far as it is known through identification services is usually found. The last item is probably the only verified one and the relative accuracy of the others can only be estimated. It is known from a few studies<sup>13</sup> that in the case of information given by prisoners on admission

<sup>13</sup> Cf. Sutherland, E. H. and Van Vechten, C. C. "The Reliability of Criminal Statistics." *Proceedings American Prison Association*, 1933. New York: American Prison Association. 1934. Pp. 315-322

to prisons, a lack of *consistency* is found with regard to certain items, but no one has so far made the sorely needed studies regarding the *accuracy* of unverified items.

Published police reports, especially those using the *Guide*, contain tabulations of some of these personal items, but they are not always uniform. Detroit, in 1935, for instance, gives the following data for persons charged (not persons arrested) by *offense group and sex*: age (each year, 17-29; five-year groups, 30-69, 70+); social status (married, divorced, single, widowed), literacy, race, and nativity (for white group only—foreign-born white, native white of native parentage, of foreign parentage, of mixed parentage); by *offense*: country of birth of foreign-born white and foreign-born not white; by *offense and sex*: precinct "happened," and precinct of "officer"; by *sex and occupation*: number of persons charged.

Buffalo, in 1935, gives for persons charged by *offense and sex*: age (—16, 16, 17, 18-19, five-year periods 20-44, 44+); race and nativity (same as Detroit); by *sex and precinct*: number charged, marital status (married, single).

Chicago, in 1935, gives for the same category of persons by *offense and sex*: age (16-20, five-year periods, 21-60, 60+).

Cincinnati the same year gives for persons charged by *offense*: police district; by *offense and sex*: native white, foreign-born white, Negro, other foreign-born; age (—18, 18, 19, 20-25, 26-34, 35-44, 45-60, 61+) with separate tabulation of Negroes.

The foregoing cities publish some of the best annual reports available. It is obvious from the above comparison, which, if it were extended to other departments, would indicate a similar lack of uniformity, that more detailed studies will have to rely upon the police files of individual departments.

Investigations built upon the data available in police departments have to view the offender in the mass. The record data on each offender may be regarded as skeleton case histories which become significant only when they are subjected to statistical analysis. This analysis, when properly made, may reveal

changes in the composition and distribution of the persons arrested or charged, and if the same type of changes occur during all depressions and not at other periods, we may assume that factors are at work which are clearly associated with economic crises. What these factors are and the manner in which they affect specific individuals can be clarified only by clinical studies of offenders themselves. Claims like the following are made.

(1) Mentally subnormal persons are more likely in times of crises to become offenders than are the mentally normal, who presumably have more education and self-control. On this point police records can afford no possibility of verification.

(2) The vagrant and the homeless are more likely to become sex offenders or to commit offenses against the person. Unless police records contain data on whether or not the person arrested or charged was homeless or a vagrant at the time he committed the offense, they would not afford verification of this hypothesis.

(3) The average age of the offender rises. It would be possible to determine from police records whether or not this is true for persons arrested or charged, but to be of any value, the age distribution would have to be considered in connection with the nature of the offense, race, etc. A more important problem would be that of determining whether this or that age group in the population shows a rise in the ratio of persons arrested or charged.

(4) Persons in economic need are more likely than others to be arrested or charged, especially for property offenses and prostitution. Again, this is not verifiable from police records.

(5) Since economic need varies with the social group, persons who belong to groups most seriously affected by the crisis (Negroes,<sup>14</sup> foreign-born, unskilled workers, etc.) are especially likely to come into conflict with the law. This could perhaps

<sup>14</sup> Calling attention to the fact that in Muncie, Ind., the arrest rates for Negro males "rose slowly but steadily in percentage of arrests as the depression progressed," the Lynds (*op. cit.*) wonder if this does not suggest "an apparently

be verified at least for nativity and race groups, but again the investigation should be made for specific offense groups.

Any study aiming to answer these questions would, of course, have to consider the changes in the sizes of the population groups upon which ratios must be based. The results, furthermore, must be examined in terms of possible changes in public attitudes toward certain offenses during depression periods, and in detective efficiency and arrest policies. Whether such changes uniformly appear during such periods cannot be determined without research, but that they have been significant factors at work in recent years can be established. In Detroit, for instance, it is apparent that arrests have been greatly influenced by changes in clearance rates, although the reasons for these changes are obscure. The percentage of murder and non-negligent manslaughters known to the police cleared by arrest rose from 1930 to 1935 from 64 to 85; in the case of rape it fell from 62 to 37. It remained reasonably stable in the case of robbery, but rose for aggravated assault from 50 to 59; in burglary, from 23 to 46; in larceny (except auto theft) from 9 to 30; and in auto theft from 8 to 14.

In the report of the *Cincinnati Regional Crime Committee* already mentioned, the following observations are made. "The downward trends in 'Vagrancy,' 'Drunkness,' and 'Disorderly Conduct'<sup>15</sup> are the results of a slowly changing policy on the part of policemen. Where once all such violators found by the police were arrested and brought in, now some attempt is made in many instances to care for the offenders or offender in some other manner. Vagrants are often taken to or referred to the local Homeless, Salvation Army, or some similar agency. In the past a well-dressed person found drunk by the police was sent

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growing economic pressure in the case of those at the very bottom of the social and economic scale" (p. 348).

<sup>15</sup> These are arrests, 90-100 per cent made by police directly and not on complaint by private citizens.—Author's note.

home or somewhere 'to sleep it off,' but a raggedly dressed person tossed into jail and charged with 'drunkenness.' The police have begun to give the 'poor chap' the same break as the 'well-to-do' and are replacing 'drunkenness' charges with 'safe-keeping' or perhaps a helpful hint 'to hurry home'" (p. 13).

"The change in policy has taken a different turn in 'disorderly conduct' arrests. Police are learning to make their 'disorderly conduct' arrests more carefully, that is, with a view towards obtaining sufficient evidence for conviction" (p. 13).

It is the sort of problem indicated by these quotations that lends strength to the argument that arrest rates for many types of offenses must be regarded as affording a basis for indexes to *law enforcement activity* rather than for indexes to *criminality*.<sup>16</sup>

The police records would also make possible interesting studies regarding the extent to which crime in a depression is committed by first offenders. If it is true that economic necessity is an important factor in causation, we might assume that among the persons dealt with by the police, an increasing number would have no previous criminal record, and that this would be especially so for those arrested or charged with offenses having an economic motive.

The problem of juvenile delinquency has aroused great concern in recent years, yet the few studies available indicate a

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<sup>16</sup> The Lynds (*op. cit.*) in discussing arrest rates in Muncie, Ind., for the 1931-1934 period assume that their failure to find any close correlation of those arrests with economic change is due in part to the fact that the arrest rates fluctuate with changes in enforcement activity. "In a small neighborly city like Middletown where crime tends to be home grown rather than perpetuated by the type of roving criminal which congregates in large cities, there was possibly some tendency for the police to be lenient regarding certain types of small first offenses during the bad years 1932-1933; though the city was . . . intensely excited over the prospect of bank banditry in these years, and police pressure against certain more serious crimes probably increased" (pp. 345-346). Changes in local politics were also important. Generally speaking, arrests during 1931-1934 for sex offenses, gambling, and liquor charges "appear to corroborate this suggestion of sharp fluctuations in administrative zeal," and arrests for motor-vehicle offenses "suggest the same erratic shifts in police alertness."

decline in juvenile court cases.<sup>17</sup> Police records might be of value in more detailed investigation of changes in the number and characteristics of apprehended juveniles at various age levels and in determining possible changes in their geographic distribution. Special studies are needed of juvenile vagrancy.

#### V. THE OFFENDER IN COURT

Judicial statistics have a long history in the United States. In some of the states their collection began a hundred-odd years ago.<sup>18</sup> Today a considerable number of states issue annual or biennial reports through different state departments. Lack of uniformity renders comparative research difficult, but the series available in certain states have certainly not been sufficiently exploited by the student. Federal judicial statistics until 1935 have practically no value for research purposes, and national judicial statistics compiled on a uniform plan have been collected by the Bureau of the Census only since 1931, from a growing number of states and for courts of general trial jurisdiction. Uniform juvenile court statistics have been compiled by the United States Children's Bureau for nearly a decade, but are extremely incomplete in their geographic coverage. Statistics of lower courts, which are sociologically of conspicuous importance, are local in nature and are not found at all except in a few of our largest municipalities. Practically all American judicial sta-

<sup>17</sup> According to the Lynds (*op. cit.*), those in contact with the youth of Muncie, Ind., do not believe that the low juvenile arrest rates in 1931-1934 and the lack of significant fluctuations in these arrests reflect the incidence of delinquency. A school principal was quoted as saying that "our boys at the — Junior High School did a good deal of stealing during last winter [1934-1935] and the ominous thing has been the increasing extent to which they seem to feel that it is O.K. if they can get away with it." The authors suggest that "despite the fall in petit larceny arrests in 1934 and the standstill of juvenile arrests over the four years, there may be in process a subtle shift in morale among the young not revealed by the figures for juvenile arrests" (p. 347).

<sup>18</sup> Cf. Robinson, Louis N. *History and Organization of Criminal Statistics in the United States*. Boston and New York: Houghton Mifflin Co. 1911. Pp. x + 104

tistics except juvenile court and probation statistics fall into the category of administrative statistics. They yield no information worth mentioning concerning the defendants. Even when the defendant is the unit of tabulation, he appears incognito, so to speak, and merely as the symbol of the case which he represents. What is stressed is what happens to this "case" in the process of justice.

Studies of the effects of the depression on the number and distribution of the offenders brought into the courts of justice are therefore, in so far as they are based on published statistics, necessarily limited in range. Even when case studies are made of specific courts, it may be impossible, except in rare instances, to secure much information from the court records about the defendant. The police records are more likely to yield such data and may actually be of great value in the study of judicial administration, since the police are usually interested in knowing how the persons charged by them are disposed of, and note the outstanding facts in their records. Studies of relationships between judicial actions and the characteristics of the offender will therefore in most communities have to be based on police, probation, or prison records.

Judicial statistics can be used to answer the question of whether or not the depression caused an increase or decrease in the number of persons indicted, prosecuted, convicted, etc. of specific offenses in this or that community or state. But, whether or not the increase in defendants came from certain population, economic, age, race, or nativity groups—that is a question which cannot be answered by reference to judicial statistics in the United States. The same is true of questions concerning the differential applications of administrative policies to persons of different personal or social characteristics, and without the knowledge of these characteristics it is difficult to evaluate these policies. It would be interesting, for instance, to know if jury trials decline in periods of depression because it is cheaper for



the state to accept pleas of guilty. Most interesting would perhaps be the study of what effect the depression has had on the disposition of defendants.<sup>19</sup> Are defendants accused of certain crimes more or less likely to have their cases dismissed before trial? Are they more or less likely to be acquitted? Are they more or less likely to receive fines, probation, or prison sentences? Are the sentences likely to be more or less severe?<sup>20</sup> Answers to these questions may reveal relationships common to all economic crises. Not only the character of the offense, but the characteristics of the offender must be known in order to arrive at the

<sup>19</sup> The Lynds (*op. cit.*) point out that under fear of a "crime wave" and the realization of greater economic pressure on the unemployed in the depression, the courts of Muncie, Ind., have tended to waver in their sentences. "Sentences have tended to be heavy . . . but this tendency . . . has been offset occasionally by judicial waverings in the other direction. Thus we see the judge in one case sentencing an unemployed father of six children to a \$20 fine and thirty days in jail for stealing coal in midwinter, and then stepping out of character to express . . . his regret that the sentence had to be imposed. As the state institutions become more and more crowded during the depression and taxpayers more clamorous over costs, the local judge of the juvenile court hit upon the plan of taking juvenile offenders on a threat tour of the reformatory and then turning them loose on probation. The press announced that the judge had 'saved \$11,000 of taxpayers' money on thirty-one such cases by this procedure in 1931'" (p. 549). The authors note that the tendency toward high sentences for adults has met resistance from juries.

<sup>20</sup> Wirschubski, Gregor. ("Polnische Kriminalstatistik in den Jahren 1923-1931," *Monats. f. Kriminalpsychologie u. Strafrechtsreform.* 25:37-42, February, 1934) notes that "to the economic improvement of the years 1926-1928 there corresponds [in Poland] a regression in death sentences and their execution. This regression extends beyond the years of prosperity. In 1930 the trial courts take a rest although the unemployed increase enormously. But the year after, the economic crisis makes the state engage in firmer repression and the 'tendency to severity' continues in 1932. The economic crisis is at a measurable distance followed by the executioner, although the execution figures do not reach the height of the inflation years" (pp. 41-42). *Cf.* Rusche's argument stated in ch. I. Edith Abbott ("The Civil War and the Crime Wave of 1865-1870," *Soc. Service Rev.* 1:212-234, June, 1927) quotes (p. 229) a report from the Eastern State Penitentiary of Pennsylvania which calls attention to a rise in criminality after the Civil War and states that "to punish the guilty and deter others, the courts have resorted to long terms of imprisonment as a terror and a penalty."

answers. Increased severity in prison sentences, for instance, may be due to the fact that more defendants with previous criminal records come before the court, or that changes in the racial composition of the defendant group put into play race bias which may operate regardless of economic changes. Furthermore, it may be due to a more liberal use of fines, suspended sentences, and probation, leaving only the more serious offenders for prison commitments.

One possible source of data which might be explored to advantage, would be the records of legal aid societies who deal with indigent defendants. Here the economic factor may be regarded as a constant. By comparing the predepression with the depression period, it may be possible, on the basis of such records, to discover whether judicial attitudes change toward offenders from the underprivileged classes.

Juvenile and domestic relations courts present special problems, as do the courts of first instance, especially in our urban centers. The reasons for the observed decline in juvenile court activity (see the Maller and the Sanders and Ezell studies discussed in an earlier chapter) require clarification, and the effect of the depression on treatment activities, probation services, the conduct of probation, etc., needs considerable study. As for the magistrate's courts, their activity during the crisis period should well repay study, for their close relationship to political party control in our cities should be reflected in their administration.

## VI. THE OFFENDER UNDERGOING TREATMENT

The possible effect of the economic crisis on the choice of penal treatment by the court in connection with this or that offense or this or that type of offender has already been referred to. The financial pressure on the local community may have resulted, for instance, either in an increase in the use of fines, if in that locality fines when paid go to support some public institution or agency; or in a reduction of fines, in order to

permit their payment by defendants whose earnings have been cut by the depression. As a matter of fact, we know extremely little about the whole question of fines as a means of punishment and studies in this field, whether they are specifically directed to the depression period and its effects or not, are needed. Fines, if not paid, result in commitment to jail. Has the depression hastened the use of installment fines in order to cut down such commitments? Since in most states such installment payments are possible only through probation, has the latter device been used more frequently than before? Has the inability to pay fines caused an increase in the use of jail sentences as original sentences? Or have suspended sentences, when fines alone were the penalty, grown in proportion to the march of economic events? The answers to these and similar questions can be secured only through the study of the records of local courts, although it is possible that the best of our state judicial statistics may be of some utility in such researches. Where probation departments are attached to courts for adults, there is a possibility of securing some data on the defendants without having to rely on police or prison records. The probation investigation is, however, in most courts, either through law or administrative policy, limited to specific types of defendants and is, as a rule, confined to those whose guilt has been established. At any rate, the case records of the best probation departments are likely to contain a great deal of information about the defendants dealt with, and since their social data are frequently verified, they may be considered as more nearly accurate than prison records. They would permit studies of changing judicial policies toward probation and the effect of the depression on the conduct of probationers of various categories.

The penal and correctional institutions proper, especially juvenile institutions and prisons and reformatories, contain detailed data about prisoners. It is unlikely that depressions are reflected in the number of prisoners sent to these institutions, although it is conceivable that such a relationship might be

found in the case of certain types of offenses or offenders, in which case the commitments probably reflect changes in law or judicial practice related to economic crises. The prison records would enable one to determine whether sentences for specific types of persons who have committed certain offenses tend to be longer in hard times than in good times, and the extent to which economic, religious, or nativity bias operates in the fixing of such sentences. Changing attitudes toward offenders attributable to the depression may also perhaps be revealed by studies of the length of time spent in prison, the method of discharge, etc. Here, parole and pardon policies become important subjects for investigation as well as the effect of the depression on the conduct of parolees, the violation of paroles, etc.

#### VII. THE CASE STUDY OF THE OFFENDER

In preceding pages we have been considering the offender in the mass. It is obvious, however, that if we are to learn more about the specific effects of the depression as a causative factor in delinquency, we must study the offender himself by all the techniques available in a clinical approach.

In a recent article, Bohan Zawadzki and Paul Lazarsfeld<sup>21</sup> discussed the data in 57 autobiographies so far published (out of 774), submitted in a prize contest conducted by the Institute of Social Economy of Warsaw. They were written by unemployed persons. "The resisted temptation to steal and its rejection on principle are mentioned in eight cases. Theft is admitted, however, in seven cases. Also, among those who reject stealing as a solution for themselves personally, there are some who express their apprehension that their resistance will not last long. Besides, there are also some who, although they do not steal themselves, understand and justify those who do. 'People break the law in order to live and that is their only crime.' Criminality does not stimulate indignation any longer; it is regarded

<sup>21</sup> Zawadzki, Bohan and Lazarsfeld, Paul F. "The Psychological Consequences of Unemployment." *Journal of Social Psychology*. 6:224-251. No. 2. May 1935

as unavoidable and obvious. The distinction between 'legal' and 'moral' becomes especially clear for the unemployed" (p. 247).

"In periods of economic or social disorder," say Richard T. Lapiere and Paul R. Farnsworth,<sup>22</sup> "large numbers of people are forcibly uprooted and turned out to shift for themselves. At such times, children especially are inclined to form life-adjustment patterns which make them orthodox itinerants. Our economic depression following 1929 forced thousands of boys and girls to shift for themselves. The fact that we have an extensive highway and railroad system made it possible for many of them to become migratory. They did not, therefore, form criminal gangs in the cities but scattered and tended to form their own loose organization, peculiar customs, and methods of securing a livelihood. Perhaps for the first time in our own history, there has developed a group of habitual itinerants who have among their membership a considerable proportion of girls" (p. 332).<sup>23</sup>

The case records of many agencies, not only correctional and penal institutions or juvenile courts and probation departments but child guidance clinics, family case work organizations, etc., should yield some information of the sort we are seeking. In families or individuals who, for a longer period, beginning before the depression, have been under observation by social agencies, did the economic crisis suddenly or gradually produce the sort of social degeneration noted in some of the autobiographies just mentioned? What factors or combination of factors made some more resistant than others? There are no limits to such questions, since in the whole nexus of causal relationships economic forces must be considered. Ultimately, it is on the basis of the findings of carefully conceived and executed studies of individual offenders that we may hope to build a more adequate science of conduct.

<sup>22</sup> *Social Psychology*. New York: McGraw-Hill Book Co. 1936. Pp. xii + 504

<sup>23</sup> See Minehan, T. B. *Girl and Boy Tramps of America*. New York: Farrar & Rinehart, Inc. 1934

## Chapter VI

### Next Steps in Research

IN PRECEDING chapters an attempt has been made to evaluate the studies made on the relation between economic crises and criminality. Considerable attention has also been paid to the methodological problems involved in the interpretation of data and their utilization. In this final chapter, a number of questions will be raised, the answers to which may be secured by research which will throw more light on the relationships mentioned. Undoubtedly, many aspects of the problem have been neglected. The list of questions does not pretend to be more than suggestive. Those interested will find gaps which can be filled by still more questions.

Considering the character of the preceding materials, little attention will be paid below to methodological problems. Earlier chapters should be read by anyone who would like to attack the questions given. For convenience, these are arranged under main propositions in the nature of hypotheses which require testing or retesting.

I. *When a severe crisis occurs in the economic life of a state, the need for control results in the expansion of the substantive criminal law.*

(1) Do depressions cause special modifications in the conduct content of the substantive law of crimes? Predepression and depression periods would have to be studied in sufficient number and in many jurisdictions in order to establish safe generalizations. The penalizing of previously legal conduct, changes

in the classification of offenses, the penalizing of conduct created de novo by the very law which punishes it would have to be investigated. The interpretation of statutes by courts would require consideration, but not their enforcement, since that raises a different question of conflict between legislative and administrative bodies. The question suggested above merely aims to discover the effect of economic crises on legislative opinion. Comparisons may be made between states with similar and those with different economic structure, between those most severely and those least affected by the crisis, etc.

II. *When a severe crisis occurs in the economic life of a state, the substantive criminal law is made more severe, on the assumption that threats of increased punishment will be needed to counteract the increased temptation to commit crime, or the expected rise in criminality.*

- (2) Have amendments to the substantive law concerning penalties tended to increase such penalties by raising minima and maxima, or both, by enlarging the scope of the death penalty, by raising misdemeanors to felonies, etc.?
- (3) Have new offenses—i.e., conduct previously legal or nonexistent—been furnished with more severe sanctions than analogous offenses already defined in the statutes?
- (4) Have limitations been placed on the use of suspended sentences, placement on probation, etc.?
- (5) Have restrictions been placed on the exercise of the pardoning power?
- (6) Have restrictions been placed on the use of parole, "good-time" commutations, etc.?
- (a) In connection with any one of the above questions, has the law tended to become more

severe with recidivists than with first offenders?

- (b) Also, have offenses or offenders with economic motives been more severely dealt with in the law than other types of offenses or offenders?
- (7) Do economic crises lead to legislation which tries to safeguard the state against disorder, such as riots and other conflicts threatening its security?

In connection with the study of legislation for the purpose of answering these questions, the same observations regarding comparisons between states and the need for investigating a sufficient number of time periods may be made as under I. Otherwise it will be impossible to determine whether or not the phenomena observed merely exhibit a secular trend.

III. *An economic crisis develops or intensifies conflicts between legal norms of conduct and the conduct norms of certain social groups or communities within the state.*

- (8) The growth of "coal-bootlegging" in certain areas of Pennsylvania should be studied together with concomitant changes in community attitudes in these areas.

IV. *Given a specific administrative jurisdiction—village, town, city, county, state—which through an economic crisis finds its inhabitants to a greater or less degree deprived of the means of livelihood, an increase in criminality may be expected during the crisis period.*

This hypothesis involves a consideration of preventive means, since if the needs which may increase criminality are at least partially filled by special administrative measures, a decrease in criminality should occur when these measures become effective to a considerable degree in the area studied.

- (9) Did seasonal fluctuations in specific crimes during the depression period exceed such fluctuations in normal times? Crimes with economic motives would presumably be most likely to undergo such fluctua-

tions, especially in areas where the winter season is most severe. Classification of areas should therefore take into consideration the temperature level.

- (10) Was the depression accompanied by an increase in offenses against property, such as simple thefts, burglary, robbery, auto thefts?
- (a) While the fluctuations of these crimes may best be studied on the basis of the "crimes known to the police," other data may be helpful. In the case of burglary, for instance, burglary insurance rates for a large number of communities may be studied in comparison with the rates for burglaries "known" in those communities and reported in *Uniform Crime Reports*, beginning in 1930. Where close correlation is found during the depression period, it may be legitimate to assume that such insurance rates for the same communities for the predepression period would be acceptable as substitutes for police statistics and therefore would serve as basis for comparison of predepression with depression burglary rates.
- (b) The general decline of auto thefts observed in *Uniform Crime Reports* requires investigation in terms of the changing market for stolen cars. In this, as in many other offenses, especially those of a professional nature, the experience of detective bureaus, whose members are in touch with underworld conditions, should be drawn upon.
- (c) There is a singular lack of shoplifting studies. Business houses have been found reluctant to give information. Yet such studies should prove valuable from several points of view.

1. Department stores, in particular, are victimized by shoplifters. They frequently record observed cases, as well as arrests made by store detectives, and prosecutions (that is, such arrests followed by booking in a public police station). For those arrested they possess certain data, such as age, sex, color, nature of goods stolen, value of such goods, etc. It would be interesting to know whether shoplifting cases increase in a depression period, and whether or not any change is observed in the character of goods stolen and in the character of the offender. For instance, if there is an increase, is it chiefly one of nonprofessional shoplifters? Of juveniles? Of married women with dependents? etc.
  2. A comparison of the observed cases of shoplifting, the arrests by store detectives, and prosecutions, with the figures of thefts known to the police of that community would make the interpretation of official theft statistics easier.
  3. Furthermore, it would be interesting to know if business houses change their policy of dealing with shoplifters, or certain types of shoplifters, during depression periods. Are prosecutions proportionately more frequent than in normal times? Is there a tendency to be more lenient in view of the recognition that with greater needs may come greater temptations?
- (d) In the case of both thefts and burglaries the character of the offense may well be considered

in relationship to economic crises. If the crisis drives new and inexperienced offenders into the commitment of such crimes, they would probably try to secure goods for direct consumption and would not engage in property offenses requiring the sort of skill developed by the professional criminal. For instance, petty thefts and burglaries in unoccupied dwellings should rise.

- (11) Did frauds increase during the depression?
- (a) Fraudulent arsons could be studied. They should presumably increase in time of economic stress, especially in warehouses, and business establishments seriously embarrassed by the depression. Fire underwriters possess data on this problem which are usually more detailed than those found in municipal fire bureaus.
  - (b) Fraudulent bankruptcies should increase in depression periods.
  - (c) Embezzlement of trust funds should show an increase. The records of bonding companies are likely to throw some light on this question since embezzlements are probably rarely prosecuted, at least where substantial restitution is made. It is of course possible that a personal canvass of the banking and similar institutions in a given community might yield an answer for that particular community.
  - (d) The records of Better Business Bureaus should be studied for evidence that in crisis business morality weakens. Do usurious loan "rackets," "blue-sky" stock promotions, etc. flourish in depression times?

- (12) Did offenses against the person increase during the depression?
- (a) It may be assumed that negligent manslaughter would decline in periods of economic crises, due to decline in industrial employment, automobiles in operation, etc. Is this the case?
  - (b) Murder and nonnegligent manslaughter rates have been found by some students of the problem to decline in depression periods. Is this true of the recent depression? Mortality statistics could be utilized, as well as police statistics, since the cause or the means of nonaccidental deaths is ascertainable from them.

Where police statistics are used there is strong support for the merging of nonnegligent manslaughter and aggravated assault figures, since the division line between these two offenses is merely one based on the effects of the assault.

- (13) What happens to infanticide in economic crises? It may be assumed for a variety of reasons that sex contacts increase in hard times and that (barring rapid spread of birth control propaganda) more undesired births occur, with greater temptations to infanticide.
- (14) The press has frequently featured mass murders (the killing of their children by parents who commit suicide, etc.). Do such offenses tend to rise in crisis periods?
- (15) The present depression appears to have fostered the rapid rise or spread of gambling. Is this really so, and is it characteristic of all depressions that games of chance, lotteries, etc. gain in popularity, indicating that more people hope for a lucky break? Compare the apparently widespread craze for "contests" of all kinds, the chain letter episodes, etc.

- (16) The *Uniform Crime Reports* contain data for cities, of certain sizes, which could be utilized. Cities of the same approximate size, industrial character, population characteristics, and cultural level (geographical propinquity) might be grouped and their crime rates compared for specific offenses. Unexpected divergences within groups, as well as wide divergences among groups should stimulate local inquiry in order to explain adequately such divergences.
- (17) Most offenses are of such a nature that their incidence cannot be studied (see Chapter IV). Nevertheless, it would be of interest to know what police departments believe to be the relationship between economic crises and narcotic law violations; whether or not the illegal use of dope in any form increased during the present depression might be tentatively ascertained from the records of clinics and hospitals treating cases of addiction. The differential costs of drugs may also produce shifts in the type of drug used in hard times.
- (18) Does professional criminality increase in times of economic crisis? This question is undoubtedly difficult to answer. The experience of detective bureaus, the modus operandi files of the police departments, etc. may yield some clues. Since receivers of stolen goods play such an important rôle in professional gainful crime, it would be of importance to know whether a depression, always and for all types of stolen goods, is accompanied by a shrinkage or an expansion in the activities of the "fence." The influence of large scale organized crime makes this whole problem intricate and may prevent conclusions with reference to the relationships in question.

- (19) Economic crises are presumably attended by public disorders to some degree. Do offenses against public order or security, such as riots, assaults upon officers, etc. rise in depression periods?
- (20) Do depressions cause an increase in vagrancy? Police statistics are unreliable and should be supplemented by data from shelters for vagrants, railway police departments, etc.
- (21) Public activities designed to relieve the wants of the population in the area investigated or specifically to reduce crime, should be studied and their effectiveness evaluated, in order that their influence on the crime rates of the community may be assessed.

V. *Given a specific population group, which through an economic crisis finds its means of livelihood removed or greatly reduced, members of this group will commit more crimes or more members of this group will commit crimes during the crisis period than before or after.*

What was said about preventive programs under IV applies here as well. It should be remembered that we are here dealing with persons arrested, etc. and that there are many difficulties in the way of using such recorded data in studying the problems implicit in the proposition stated above.

- (22) Those groups presumably hardest hit by the economic crisis were those in which the proportion of unskilled and semi-skilled workers is high; who had the least chance for re-employment; who had most dependents and the smallest resources.
- (a) In terms of ratios based on the size of a given population group in the population, did crime—especially for property offenses of a non-professional character—show the greatest increase in the depression period for—
1. the foreign-born group

2. the Negro
  3. the age groups above 45
  4. the 16-25 age group
  5. the married and especially those with children of school age or below
  6. the unskilled and semi-skilled, etc.?
- (b) The proposition could best be tested perhaps if it were possible to segregate arrest rates, etc. of population groups classified on the basis of several of the factors mentioned, such as color or nativity *and* age *and* number of dependents *and* degree of skill, etc.
- (23) In the case of the population groups most severely affected by the depression one would assume that the ratio of arrests of persons without previous record of arrests, etc. (first offenders from the legal point of view) would rise more quickly than the ratio for recidivists, especially in the early years of the depression and that the latter ratio would show a delayed increase. Is this true?
- (24) Did the depression show a rise in the mentally defective delinquent group? If the mentally subnormal are more affected by the depression than the normal, one would expect that the former group should contribute relatively more offenders than the latter. The nature of the problem renders it perhaps insoluble on the basis of data available, but where good probation departments have data on the mental age of those convicted over a sufficient period of years, a tentative answer may be found. The fluctuations in the modal mental age of offenders of certain categories may for instance coincide with economic fluctuations.
- (25) Was the depression accompanied by an increase in

- the ratios of juvenile delinquency?
- (a) Such an increase would be logical but is challenged by investigators. Data on juvenile arrests and court appearances would have to be utilized for specific offense groups, and related to school census data. The geographic distribution of delinquents by census tracts and for both predepression and depression years may be of interest to show whether or not those areas containing the population most severely affected by the depression give any evidence of that fact in the delinquency statistics.
- (b) The annual juvenile court statistics issued by the Children's Bureau might well be examined for such cities as have consistently reported them since before the depression.
- (c) Child guidance clinics and child welfare agencies of other types may possess case history material which could be utilized in inquiries on the psychological effect of the depression on children and their conduct.
- (26) Juvenile vagrancy apparently increased greatly during the depression. Is this true of previous economic crises? Police statistics will be of less value than data secured from social agencies.
- (27) The modal age of the offender has, it is claimed, risen during the depression. Whether this is true or not, is not so significant as the ascertainment of whether or not the delinquency ratios have risen in particular age groups. What are the facts?
- (28) What effect did the depression have on truancy? Can changes in truancy rates be related to economic fluctuations?
- (29) Family welfare agencies may possess sufficiently full



records for certain families or groups to permit analysis of the psychological effect of the depression on conduct. Such material should be utilized.

- (30) Where specific preventive programs have been instituted to counteract the trends toward delinquency in special groups, such as the Negro group, the juvenile group, the youth group, etc. the character and effectiveness of such programs should be carefully analyzed when effects of the depression on delinquency ratios of groups in question are studied.

VI. *Economic crises are accompanied by a decline in the efficiency of all agencies dealing with the offender—police, courts, penal institutions—and by modifications in the policies employed by these agencies in the enforcement of the law. Efficiency must of course be considered in the light of the ability of these agencies to cope with their work in the light of changes in crime rates, case load, etc.*<sup>1</sup>

- (31) Do economic crises, for instance, reflect themselves in the ratios of crimes solved or cleared, such ratios rising in good and falling in hard times? What offenses are involved?
- (32) Do crises stimulate reforms in the organization and administration of public agencies dealing with offenders, because of the demand for greater efficiency in view of real or expected rise in criminality and declines in budgets?
- (33) Did changes in the number of police per capita show any relationship to changes in crime or enforcement rates in selected cities?
- (34) Did the introduction of motorized patrol result in a reduction of robberies and burglaries?

<sup>1</sup> For a discussion of measurements of police activities see Ridley, Clarence E. and Simon, Herbert A. "Measuring Police Activities." *Public Management*. 19:134-139 May 1937

- (35) Was the depression accompanied by a rise in private police protection?
- (36) In considering the relationship of law enforcement to economic crises
- (a) Are such crises regularly accompanied by positive or negative fluctuations in the arrest, prosecution, conviction, or commitment rates of specific offenses?
- (b) Not only serious offenses should be studied, but such offenses as nonsupport or desertion, contributing to the delinquency of minors, violations of licensing acts, vagrancy, disorderly conduct, etc.
- (37) Do prosecutors accept pleas of guilty more frequently during depression periods?
- (38) Is probation used more frequently as a means of collecting installment fines?
- (39) Does the case load per probation or parole officer rise?
- (40) Do probation or parole violations increase?
- (41) Did the period of effective probation or parole supervision tend to get shorter?
- (42) What effect did changes in the labor market have on parole policy?
- (43) Do prisons become more overcrowded?
- (44) Are prison commitments influenced by economic crises?
- (a) Do poor counties tend to use imprisonment less during the depression because of its cost?
- (b) Do poor counties tend to use the death penalty more because of the cost of imprisonment for life?

VII. *Economic crises are accompanied by an increase in the severity of repression, tending to greater harshness in the treatment of prisoners.*

- (45) Is depression accompanied by a tendency on the part of law enforcement officers to violate civil rights?
- (46) Do dismissals before conviction tend to decline in hard times?
- (47) Are acquittals less likely to occur during economic crises?
- (48) Does the use of the fine as a penalty increase or decrease for specific offenses? They may increase due to need for revenues or decrease due to inability to pay.
- (49) Did commitments for nonpayment of fines rise?
- (50) Was probation used less extensively as a substitute penalty for specific offenses?
- (51) Did prison sentences tend to become longer?—
  - (a) For all offenders or for certain offender groups such as recidivists, or offenders against property?
  - (b) In areas severely hit by the depression as compared with others?
- (52) Did death penalties rise in number out of proportion to changes in murder rates?
- (53) Did prison disciplinary penalties tend to become more severe?
- (54) Did the term served in prison for specific offenses tend to grow longer or shorter?
- (55) Did the use of the lash (in Delaware and Maryland) tend to increase or decrease?
- (56) Was parole used less sparingly for specific offenses or offender groups?
- (57) What effect did the depression have on the use of executive clemency?

In the study of the above questions it is necessary to keep in mind the existence of differential treatment. If an economic crisis increases group antagonisms, one may assume that possible

increases in severity will be greatest when the offender belongs to the dominated groups or to those who challenge most strongly the vested rights of the dominant groups. The so-called political offender, the property offender, the wage earner, the Negro, and the foreign-born and foreign-parentage groups, should therefore be expected to bear the brunt of increased severity. Is this a fact?

VIII. *Some methodological questions.*

- (58) Since statistical data on the characteristics of prisoners are so frequently unverified, studies are needed which aim to evaluate the relative accuracy (not consistency) of the information given about themselves by prisoners. This is important since researchers so strongly depend on such data in their studies.
- (59) Studies are needed to show the extent of consistency in the fluctuations and the trend of various rates (crimes known, arrest, prosecution, conviction, etc.) for specific offenses. Such investigations would be valuable for the light they would throw on the "index" question.

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