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The history of papers on criminal statistics is rather discouraging. The basis for pessimism lies not in the papers themselves, for there have been many useful, clearly formulated analyses. I need point only to the num-ber and range of contributions by Sellin,¹ the recent work by Sellin and Wolfgang,² to Wolfgang's own systematic critique of uniform crime reports,³ to Ronald Beattie's review of the uses of criminal statistics in the United States, and to discussions by Donald Cressey,⁵ Dan Glaser,⁶ and many others, not to mention important contributors from other countries. Many relevant problems in the use and interpretation of criminal statistics have been raised, so that we are aware of the shortcomings, the unreliability and lack of uniformity, and hence of the hazards in making valid inferences about crime from the criminal statistics.

The cause for pessimism, therefore, does not lie with the absence of intelligent critical work. Rather, there is an absence of any follow-through that attempts to solve the problems pointed to in the various critiques. Many of the criticisms have been known for a long time, as a recent detailed historical review of the literature of criminal statistics shows. In this paper I want to suggest that our inability to utilize and interpret criminal statistics is a result not of the technical deficiencies that have been pointed to before, but rather is a result of the way in which the original problem has been put. My suggestion is that we need a reformulation of the problem, rather than further refinements in the technology of crime reporting.

The problem has to do with the underlying conception of crime, and therefore with the nature of the materials that are gathered as a result of this underlying conception. Put briefly, the underlying conception is that the data of criminal statistics are mere records of response to the actions of criminals. A person commits an act that is defined as illegal by statute. When the police department is notified of the act we have an offense known to police. If the department also finds someone and arrests him for the act we have a unit that enters arrest statistics. In either case the assumption is that the units reflect the passive responses of officials to the active behavior of criminals. Differential tendencies to report crimes, or failures to catch offenders, are seen as mere unreliability and efforts may be made to stamp out such problems, since unreliability is bad. Efforts are made to achieve uniformity in crime reporting, to assure that all officials are handling the acts in similar ways. And efforts are made to improve the efficiency and reliability of the actual coding and classifying operations themselves, through the work of the research bureau of the police department, of those processing the data at the FBI or elsewhere.

But is it feasible to sustain this conception of the nature of criminal statistics? The assumptions hold true only in very important but extremely rare limiting cases. We can treat the record of criminal acts as the record of criminals only when we have indeed achieved a precise uniformity in the reporting of such acts to the police, and in the processing of such acts by the police. Now of course we approach this ideal more or less closely with differing types of crime, as the early classification into part 1 and part 2 offenses by what the FBI suggests. But the important point is that there is still great room for variability in reporting and processing, and the ideal is only rarely approached. Thus the conception of criminal statistics solely as records of response to the actions of criminals may not be the most useful way to conceive of the underlying problem.

The alternative is to conceive of three elements as <u>inherently</u> a part of the rate producing process, and of the resulting rate as an interaction of all three. The three categories include: 1) the offender who commits an act specified by statute to be illegal, 2) a pool of citizens who may be either victims or reporters of the acts of the offenders, and 3) officers of the law who are formally charged with the obligation to respond to the action. We would then express offenses as a function of the interaction of these three elements, any one of which might be more or less important in a particular instance.

It should be noted immediately that this is no way a radical reformulation of the problem. All who work with criminal statistics are aware of the great sources of variability that lie in differential values of the community and in differential police actions. This proposed change simply introduces these concerns as a legitimate and inherent part of the model of criminal statistics, rather than conceiving of them as external and unwanted sources of error and unreliability. The principal gain from making this transition is that variations in citizen and police actions become important events to be explained, just as we make efforts to explain why some commit crimes and some do not.

Each of these three categories can be looked at both individually and collectively. Thus we have single criminals, or in some cases criminal organizations. We can conceive of the police system as a whole as the responding agency, where variation in police policies, technology, and so forth are the relevant aspects. Or we could concentrate on individual officers, relating their characteristics to their arrest behavior just as we now relate the offender's characteristics to his criminal behavior. Finally, we can think of the community as a pool of separate residents or as an organized whole with shared sentiments in response to crime. But before passing to several specific consequences that would flow from such a reformulation, more should be said by way of an operational and theoretical justification for this shift.

The Operational Justification. Consider how the records of crime are in fact produced. In most cases they do indeed begin with an act of an offender, but they never end there. As is obviously the case, they must be reported by someone or they never end up in our statistics. We have usually assumed, as indicated in a quote by Sellin which is perhaps the most oftquoted remark about criminal statistics; that "the value of a crime rate for index purposes decreases as the distance from the crime itself, in terms of procedure, increases."⁷ But as that very wording suggests, even the immediate reports themselves may be subject to great error, and it is that error which is so troublesome to those who wish to use official data to test theories of crime causation. While there is certainly no reason to quarrel with the general wisdom of Sellin's statement, neither should we let it hide the fact that the greatest gap of all is likely to occur between the crime itself and the initiating procedure.

There are very few detailed accounts of the actual procedures used by police agencies in the processing of cases and the reporting of crime statistics. Where there are really full and detailed statements, (as in the recent Sellin and Wolfgang volume where a full chapter is devoted to the method of reporting delinquency by a division of the Philadelphia police,)⁸ two things seem abundantly clear.

First, standardizing decision-making at the initial stage, particularly in areas such as delinquency, is very difficult and requires a great deal of effort and attention to detail. For example, cases may come to the attention of a juvenile bureau either directly in the course of the juvenile officer's duties, or indirectly by referral. In addition to possible effects of these differences, there are different criteria used in the decision to arrest or report. In Philadelphia, these include the juvenile's previous contacts with police, the type of offense, the attitude of the complainant, the offender's family situation, and potential community sources. It seems quite evident that individual officers might resolve these matters in somewhat different ways, despite a good deal of training.

But the second point is more important. These are procedures worked out by the Philadelphia department for the processing of Philadelphia cases. Quite clearly other principles may be utilized in other cities. How, then, are we to compare the figures in any sensible way? Even though each department may end up with reasonably uniform data for its area, comparability across towns, cities, or regions will be missing, as will comparability over time in the same jurisdiction if any further changes occur. The operational justification, then, is that these sources of variability appear built into the problem. It seems a wise course of action to attempt to understand them, since we are unlikely to get rid of them.

The Theoretical Justification. The theojustification for treating crime statistics as a result of three-way interaction between an offender, victims or citizens, and official agents, is that deviation itself is increasingly recognized as a social process that depends heavily on social definition.⁹ Acts become deviant when they are so defined by members of the collectivities in which they occur. Whether a given pattern of behavior will be labelled deviant is itself problematic, and is likely to vary from community to community, or from policeman to policeman, at least within certain fairly broad limits. Why emphasize only the person who might commit an act, and not those who might label it as deviant, or those who might officially respond?

The concept here is close to that suggested decades ago by VanVechten: The tolerance quotient of a community.¹⁰ This has to do with how much "trouble" the community will put up with before it acts, or in other words how much deviant behavior it will permit before either citizens or official agents take offense and respond in some systematic way.

Evidence in support of this orientation is found increasingly in the study of forms of deviation close to but not identical with criminality. Consider for example mental retardation. A recent study shows that the mentally retarded from families with lower educational background spend a shorter time in institutions and are released more readily than are those from higher educational background.¹¹ This is true even when they are matched carefully by IQ. The suggested explanation is that families of lower educational level are less likely to define their offspring as mentally retarded, and are therefore more ready to accept them back into the home. A related study shows that families of higher socio-economic status are able to get their children accepted into institutions for the mentally retarded more quickly than are those of lower socio-economic status, and this appears in part to be because they are more insistent about the need of the child in ques-tion.¹² In other words, they think of this behavior as more deviant than do those of lower socio-economic levels. It appears likely that both entry and release from the hospital are functions of the social characteristics of those who are attempting to get them in or out, and are not mere reflections of intelligence as measured by standardized tests.

Consider further some of the evidence regarding mental illness. Several recent studies suggest that rates of commitment bear a close correspondence to the paths of entry to hospitals. In one instance, that of a child guidance clinic where the concern is for which children are accepted among all those referred, the evidence is that those referred by doctors are more likely to be accepted than those referred by family members.¹³ The further evidence is that acceptance is more closely related to the source of referral than to the nature of the symptoms of the individual who is being referred.

Thus in these areas of social deviation, it makes good sense to think of the deviation itself as a social process involving not only the person who commits deviant acts, but also those who choose to label them as deviant and those who are officially charged with acting upon them as such. Indeed, a full understanding of rates of institutionalization or rates of retardation and illness, seems to require that we consider more than simply the mental or intellectual status of the person in question.

The Special Case of Crime. It can be argued that a mistake is made in attempting to treat crime in the same category with the forms of deviance reviewed above. The criminal law is primarily statute law, and the specification of conditions necessary to convict one of the commission of the crime is certainly more detailed and specific than is the case for mental subnormality or mental illness. Criminal statutes typically specify in some detail the nature of the offense, and we have well worked out techniques which, in the case of pleas of not guilty, may be utilized by juries to assess guilt or innocence. Therefore we might expect somewhat more objectivity in the collection and analysis of data on crime than is true for other forms of deviation.

This argument is certainly true to a point, and it would be a mistake to equate crime overly readily with other forms of deviation. There is a sizeable difference between the behavioral specification of acts, for example, of burglary or arson, and the much more general, abstract, and judgmental character of the process of diagnosis of a person as psychotic. But again, two features of crime remain important to note in this context. First, enforcement of all statutes is not attempted. Diligence in some areas is matched by negligence in others. In fact, our policing and detection policies introduce new sources of variation that are not encompassed in the definition of the statutes, as Daniel Bell's article on the myths of crime waves reminds us.¹⁴ Policies to "crack down" on all narcotics users or pushers, while "tolerating" organized prostitution, are likely to be found within the same police jurisdiction. This simply indicates that the clarity of the specification of law violating behavior in the statutes is often not repeated by the policies in fact enforced by the policing agencies.

Even more important than this, however, is the fact that some of the forms of crime that are becoming increasingly important no longer have the clear-cut statutory form of definition. A principal case of course is delinquency. Most legal definitions of delinquency are so broad and vague as to make it roughly synonymous with juvenile trouble making. In addition to including offenses that also hold for adults, there are such things as being truant, willful disobeying of parental commands, and staying out after curfew. The lack of specification in these instances approaches that of the case of mental illness, which of course is not surprisin that many see forms of delinquency and forms of mental illness as synonymous.

For these reasons, I think it can be effectively argued that a model stressing the social definition of crime, and especially the actions of other social agents as well as those of presumed offenders, is pragmatically useful as well as being highly realistic.

Some Practical Consequences

The most immediate effect that would flow from adoption of this rationale is that we might be able to learn something more about systematic variations in the crime rate than we learn by examination of the characteristics of criminals. Consider each of the following four consequences.

1. Improved Understanding of Police and Official Agents. Remembering the distinction between the collective and individual forms, and beginning with the collective, we might ask: What are the characteristics of police systems where high crime or arrest prevail? Here is a problem eminently worthy of study, and we might almost refer to it, especially in the context of recent events, as the Los Angeles police problem. Some years ago Ronald Beattie wanted to argue that the high rate of offenses known to the police in Los Angeles was a result, not of the law-violating behavior of Angelenos, but of the good deeds of Chief Parker and his force. The Los Angeles police department, he argued, was a superior force in terms of efficiency and dedication. The high rate of arrests was a result of efficiency, rather than the result of a high rate of offenses. This example at least suggests that we should be able to find some stable and reliable differences between police departments that report high rates of offenses and those that report relatively low rates. What are those differences? Suppose we introduce controls for the nature of the social composition of the community, would we still find stable differentials based upon differences in the police function?

Clearly, to answer these questions requires that we work hard to establish differential degrees of police efficiency in crime reporting, and differentials in types of police organization. Conceivably the arrest rate is a function of the number of motorcycles versus police cars on the road, a function of the proportion of the total police force that is civilian, a function of the average educational attainment of the individual officers, a function of whether or not there is a police academy that serves to train policemen for this particular department, and so on. The whole point is that introducing the official actions of the police, not as mere passive response to the criminal, but rather as an inherent part of the production of a crime rate, forces us to ask these questions, and hence ultimately to understand better the workings of police organization.

I shall cite two studies, of radically different styles, where this sort of contribution seems to be forthcoming. One is interesting work by the political scientist James Q. Wilson.¹⁵ Wilson has compared a relatively non-professionalized police force in an Eastern city with a highly professionalized force in a West Coast city. His interest was in seeing whether the nature of professional organization of the police is related to modes of handling delinquents and to the rate of arrest of juvenile offenders, and his findings suggest that it is indeed. The old-line force, fraternal in organization, recruits its members largely on grounds of locale, provides little training for them, and little professional esprit. The result is that while they are punitive toward youthful offenders, there is no strong sense of urgency about police work and hence relatively low rates of official actions with regard to youthful offenders. The force in the West Coast city, in contrast, is one that is recruited nationwide, places a high premium on education, pays better, and in other ways appears to fit the model of a professional as distinguished from a fraternal system. In the West Coast city youths are more likely to be picked up for minor offenses, minor offenses are more likely to be treated as major infractions, and the arrest rate tends to be much higher than in the East Coast city. This example merely serves to illustrate that the crime rate may vary in close correspondence with the nature of police organization, and conceivably quite independently from the nature of delinquent activity.

The second example comes from an ecological study by Mr. Greenhalgh of the British Home Office.¹⁶ He had the wisdom to include as a relevant variable in his analysis the number of police per capita in various social units. He finds that the number of officers is related to the number of offenses reported, and while this of course raises a neat problem as to cause and effect, it serves to emphasize the potential role of the structure of the police systems themselves.

We may also find important sources of variation in individual differences <u>within</u> police departments. There is certainly good reason to imagine that there are sizeable differences in policemen in terms of the number of individuals they arrest or take official action upon. A police officer who has had many years of experience once related to me an experience from one of his early days on the force. He was in a squad car when they received a radio call from central headquarters to proceed rapidly to the scene of a particular offense. He was driving the car with his partner in the automobile, a much older and wiser policeman, sitting next to him. As my young, gung ho friend roared to the scene of the crime with the siren wailing, his older colleague turned to him and said "For crying out loud, slow down and turn off the siren. You're makin me noivous." The point is fairly clear: there is little more reason to expect age, training, ethnic background, and other characteristics to be irrelevant in this context than there is to expect them to disappear when we consider offenders.

The necessary first step is to begin collecting data on policemen and police departments similar in form if not in content with what we gather on criminals. This is already done to some extent by the FBI, which annually publishes, for example, the list of the number of uniformed and civilian police employees for every reporting city over 2,500 population. But because this is thought to be relevant for policing but not for crime, there have been no analyses, to my knowledge, of the possible correlation between number of police and either the number of criminals, or the number of offenses cleared by arrest.

The chief practical consequence of adopting a new rationale is that we would begin to understand the dynamics of police systems in relation to offenders. So long as we treat the police as mere reactors to the actions of criminals, this whole area will remain hidden from our view. My argument is simply that if we transform the degree of police efficiency into a variable to be explained, rather than one to be eliminated by the production of uniformity in procedure, we will enhance our understanding of crime.

2. Improved Understanding of Citizens and Social Control. The pool of conventional persons in the community, either victims of crimes or citizens who observe them, often initiate the production of crime rates by being the first reporters of criminal events. There appear to be relatively vast community-wide differences in the rate at which persons call the police for help with problems. In Nathan Goldman's study of differential selection of juvenile offenders for court appearance, he suggests that official agents are highly responsive to the definition of deviation on the part of the citizens of the community, and that some of his communities have high rates of delinquency because the officials feel that the citizens will complain if they don't take official action, whereas other ones have low rates because the citizens simply don't complain.¹⁷

Another example of the possibilities here is provided in a study by Eleanor Maccoby and others.¹⁸ They interviewed members of two communities, one of which had a high rate of delinquency and the other a low rate, where socioeconomic characteristics were held constant insofar as possible. One of the things they found is that the community that had a low rate of official offenses had a high rate of community cohesion. That is, friends, neighbors and others would intervene when they saw kids getting into trouble. In the community with the high official delinquency, there was very little interaction among members, and little intervention at these early stages. The strong suggestion here is that informal social controls operated effectively in one community to obviate the need for official actions, whereas in the other they did not. The low official rates were due to prompt intervention in cases of incipient deviation; in the other community incipient deviation was not responded to at all, and it grew in seriousness until official actions occurred.

Although the evidence in these two cases is not entirely clear, the general point is certainly not to be debated: different types of neighborhoods and communities may respond to deviant behavior in radically different ways, and their responses become the initiation of the official reporting system. Unless we understand them we will not be led to a full understanding of the rate production process.

As in the case of police systems, we may find individual variation within the neighborhood or community, just as we find systematic variations between them. Either as victim or as observer, we are likely to find many important differences in the role of the citizenry in the production of crime rates. There are of course several studies focusing on the victim, but usually these have been separate investigations that have little relation to routine police reporting. And there is folk knowledge, though little systematic evidence, of individual differences in willingness to report offenses to the police. Older single women living alone are thought by some to be inordinately observant of potential criminal situations. One police captain once told me that the rate of telephone calls reporting crimes in progress dropped substantially with the growth of television. The implication was that people who used to mind other's business, and hence keep their eyes on the street below, were now absorbed watching crime dramas on TV and didn't see the real thing anymore.

Although these examples may be of dubious validity, they serve to illustrate the main point: whether a person gets treated officially as an offender depends on which citizen he happened to meet and which community he happened to be in when the act occurred, and our explanation of variations in crime rates will have to do in part with area variations in the nature of communities and their law-abiding citizens.

3. The Development of Consumer-Oriented Crime Statistics. A third practical consequence is that we could begin to express crime rates in ways that would have more meaning for the public. The police system itself exists for the protection of the community, but so far we have done extremely little to provide data that is directly relevant to community members. This is apparent by examining the denominators that typically are used in construction of crime rates. If one is diligent, one can find arrest rates for Negroes, for Puerto Ricans, for whites. Or one can find age-specific rates of offense. In a handful of cases, one can find cohort analysis tables indicating the probability that a person will ever be arrested between, say, ages 7 to 18.

All of these figures have a curious cast. They tell us much more about who commits the offense than about the person against whom it is committed. Yet if we think now as citizens, and not as persons interested solely in offenders or policing, it seems that we might ask rather different questions. Personally, the risk that my wife or children are assaulted at all matters more to me than whether they are assaulted by a Caucasian, a Puerto Rican, or a Negro. Yet I can find figures on the latter topic but not on the former. Similarly, one may wonder what New York City residents would make of the fact that the reportedly rising crime rate in the City could be explained as a function of the increased number of persons of juvenile age, which is of course the age at which most crimes are committed (so far as we can tell from official statistics). Certainly it is important theoretically to understand that the rising rate does not appear to be a response to new forces and fears in mass society, but rather can be explained fairly directly as a function of the age structure of the population. But for the typical resident, the important question would seem to be whether or not the rate has gone up for victims in his category.

This is simply to suggest that a useful way of reporting crime data would be to use as a denominator not some characteristic that might describe offenders, but one that will describe their victims. Apartment dwellers might well want to know what the probability is that their apartment will be burgled within the next five years. Others might want to know what the probability is that they will be robbed. In principle, it should not be difficult to prepare such statistics. We take the number of offenses appearing in a particular area against a particular type of victim, and express it as a proportion of all persons who have the social characteristics that the victim happens to hold. In this way we have victim-specific rather than offender-specific crime rates--in effect, a box score which the citizen can use to keep tabs on differing areas in his community, and hopefully on differing communities. It would become abundantly clear, for example, which areas of the city are most dangerous at night, and for what categories of persons they are most dangerous. Such consumer-oriented statistics would seem to be more important as a public service than are offender-oriented statistics such as those we now produce.

The issues are clearly more complicated than suggested here. One problem is the necessity of correcting for the daytime and nighttime populations of the areas. And in order to get detailed victim-specific rates, we would have to learn more now than we normally do about the nature of the victim. In the latest <u>Uniform</u> <u>Crime Report</u> available to me (for the year 1963) only one out of some 49 tables tells us anything about the victim. This one has to do with the victims of homicides, and classifies the victims according to their age, sex, and race.¹⁹ At least, I would argue, it is an effort in a much needed direction.

4. <u>Improved Understanding of Criminals and</u> <u>Criminal Acts</u>. The fourth and final consequence is that adopting the frame of reference outlined here might enable us to approach what we have always traditionally desired, namely, better descriptive and explanatory accounts of the actions of criminals. Paradoxically, it is only by first directing our attention to the citizens and the police that we can begin making headway on the initial problem of sources of variation in crime rates.

At the moment, any community-wide comparisons of crime data are subject to possible unreliability, and certainly debate as to the interpretation of meaning, because of possible differentials in the functioning of the citizens and the police. A higher rate of crime for community a than for community b cannot be guaranteed to tell us something about the actual level of law violations in the two communities, for all the reasons we have already reviewed. Any efforts aimed at assessing the actual rate of legal violations, or differentials in the rate that are related to differential characteristics of the offenders, must of necessity take into account the variation due to citizens and policing. We can do so, of course, only if we have studied such variations and have evidence with regard to them.

The Necessary First Step. The most essential first step is that there must be new sources of input to the official collections of data. If the position argued here is correct, it will no longer be enough for the established reporting agencies such as the FBI to collect data simply on the number of crimes reported in the various jurisdictions. It will be essential that they also collect systematic data on a) the complaining witnesses, b) the social characteristics of the community, c) the reporting or arresting officer, and d) the nature of the police system as a whole. Just as there is a reporting form for crime, there must be a reporting form for complainants, for the community, for officers, and for police departments. This would enable us to gather systematic data on the other possible sources of variation in crime rates. The details for such reporting forms would of course have to be worked out, and problems of uniformity would be sure to arise. But there is no reason why they should be any more severe than those now plaguing the reporting of crimes. Also, it would be necessary for us to think about more creative denominators for crime rates, along the lines suggested above. But

here too, the technical task is not overwhelming, and much of the work has already been done by the Bureau of the Census.

If prestigious organizations such as the FBI were to begin collecting such data routinely, we could begin to close in on the haunting problems of biases in criminal statistics. We could at least compare jurisdictions whose police procedures were roughly similar, and where the types of complaining witnesses were not simply a function of the demographic structure of the community. More importantly, we could begin to examine the interactions between the three major sources of variation: the offender, the citizenry, and the police system.

Conclusion. Most of the questions raised here concern the uses of crime rate data. Implicit throughout is the question: what is a useful rate? Assuming that crimes or arrests enter the numerators, the question concerns the sorts of denominators that are most important and relevant. The suggestion is that the received wisdom, so far, leads us to construct denominators reflecting the nature of the crime-committing person. The principal suggestion of this paper is that we ought to broaden the conception of the relevant denominators to include characteristics of the police system and the nature of victims or the citizen population. To adopt such a view systematically would, I feel, greatly broaden the richness and relevance of our understanding of crime and its control, and would have the further advantage of making more meaningful the very data we now complain about in our critiques of criminal statistics.

Footnotes

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