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STATISTICS CONCERNING RACE AND CRIME

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Present statistics which pretend to report the criminal behavior of minority ethnic and racial groups both reflect and perpetrate a large number of errors and myths, the result of which in their most innocent form can be misleading and in their least innocent form can be and are both vicious and malevolent.

It is traditional among persons who have taken the time for even a cursory examination of the source and the meaning of the rather elaborate statistical documents periodically issued by the Nation's police to deplore them as indicators of criminal activity. At the same time, it is also traditional for the mass media, as well as other agencies and commentators, to ignore the patent inadequacies of such numerical data, to publicize the released figures widely, to moralize about their presumed meaning, and then to act upon them as if they were reliable. "After at least a quarter-century of articles (deploring this condition)," one writer has noted, "we are aware that the general statistics on crime are among the most unsatisfactory of all social statistics."[1] It has also been observed that "if a private firm attempted to function on the basis of an audit as inaccurate as that which we regularly make of criminal behavior it probably could not long remain in business,"[2] while a third scholar has employed a readily understood metaphor to convey his ideas on the same subject. "Crime statistics," he writes, "are as reliable as a woman giving her 'correct' age."[3] And even this last observation, it might be said, errs on the side of generosity toward the crime statistics.

The reasons for this state of affairs are not difficult to locate. They exist whether the reporting agency is sinister and self-serving or whether it is pure in heart, pairfully accurate in its reporting procedures and meticulously fair in its enforcement program.

The most basic shortcoming in criminal statistics is that they can never hope to represent with accuracy the behavior that they and we are really interested in; that is, they cannot tell us the amount of criminal behavior taking place within a given jurisdiction. This point cannot be overemphasized: We do not know the real extent of crime and there is little chance that we will soon come to know it; the various indexes of criminal activity relied upon in statistical reports need not and do not bear any discernible relationship to this most basic item, to the volume of criminal behavior itself.

Our best measure of actual criminal behavior is a category usually labelled crimes known to the police. Innumerable crimes, however, never become known to the police, and the numerical relationship between these and those which do come to the attention of the police has never been established beyond the point of sheer guesswork: Possibly one out of ten crimes committed becomes known to the police; maybe one out of twenty; perhaps one out of a hundred; or, if you would care to, you could easily defend the view that for each hundred thousand criminal acts committed only one such act becomes known to the police. The New Jersey Commission on Habitual Sex Offenders once decided that there are twenty convictions for every 60 million homosexual acts performed,[4] which probably surprises no one, but even in so overt a behavior as homicide, it has been variously estimated that one out of every four or five such offenses never comes to the attention of the police and thus, obviously, never shows up in the statistics concerning crime.

The reasons for these numerical gaps can be grouped under the major headings of invisibility of the act and unwillingness to report it. Crimes such as those involving concealed weapons will, almost by definition, become known to the police only with extreme infrequency; in the same fashion, sex and family offenses very rarely are reported to or discerned by law enforcement agencies. Many of these crimes, of course, are differentially engaged in by various racial and ethnic groups, and whether or not the acts enter into the official awareness of the police will have considerable bearing on the numerical portrait of these groups' criminal activity. Thus, white-collar crimes, such as embezzlement, are severely underreported as are, as well, several types of criminal acts which appear to be disproportionately committed by members of minority groups. It would be absurb, of course, to presume that these gross discrepancies in any way ultimately balance out or even up; just as it is irresponsible to assume that those statistics which we do have represent a meaningful residue of the total or of the more important aspects of criminal activity.

Offenses known to the police may also be influenced by operating definitions, by the exercise of official discretion, and by the vagaries of the human animal. Thus, for example, two Ohio cities (Zanesville and Toledo, if I remember correctly), once employed quite different definitions of "auto theft." Zanesville recorded an offense when it was reported by the victim; Toledo waited 24

before taking official notice of the absent vehicle. As might be expected, Zanesville's official statistical reports showed many more instances of auto theft there than in Toledo, including, it might be noted, a not inconsiderable number of "thefts" which were nothing more sinister than the inability of Saturday night revelers to locate their automobiles until the sobering influence of Sunday morning had set in. So, too, the official exercise of discretion by the police, on grounds of overriding social importance or merely on the basis of momentary caprice, will be reflected in criminal statistics as will, also, the sometimes curious and always statistically variable tendencies of persons and social groups to report crimes. Some crimes in fact, as we have noted, may become known to the police though they never took place; rape, for example, is notorious for possessing this quixotic little statistical quirk.

Crimes known to the police cannot, of course, be broken down by age, sex, or religious or ethnic identification of the perpetrators unless and until these individuals are discovered. Thus, originally inadequate and inaccurate conglomerations of statistics become further distorted, as we shall see, by numerous idiosyncratic procedures. Before this stage, however, attempts can be made, and sometimes are undertaken, to establish some sort of rough indicator of criminal activities of divergent groups on the basis of the crimes known to the police category.

An illustration of one such approach may be found in the current Statistical Digest prepared by the Analysis Section of the Planning and Research Division of the Los Angeles Police Department. On Page 12 of this report we find a rather singular chart which for five specified offenses (Robbery, Theft from Person, Murder, Aggravated Assault, and Rape) lists the sex and the "descent" (i.e., Caucasian, Negro, Latin, Japanese and Chinese, and Others) of what are called, in the title of the table, "suspects observed." The report itself offers no help in overcoming the vagueness of the designation "suspects observed," though it is readily apparent that, if nothing else, these suspects are not routinely arrested: In regard to aggravated assault, for instance, there were 12,891 suspects observed during 1961, while another section of the same report (page 38) indicates a total of 4,243 persons arrested for aggravated assault during the same year - or about one arrest for each three "suspects observed."* For robbery, the proportion of arrests to "suspects observed" is about one out of two, or 5,130 arrests for 10,270 observed suspects, while for rape, the proportion shows a quite different tendency, with three out of five observed suspects (843 of 1,232, or 69 percent) being arrested. The two other suspect-observed crimes for which we have breakdown in terms of "descent" cannot be followed through to the

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*We will have to assume here that all of almost all persons arrested are counted earlier as "suspects observed"; otherwise, the "suspects observed" table would be totally without meaning.

arrest stage since the arrest reports use the broader classifications of homicide, under which murder is subsumed, and larceny.

It is rather difficult to understand just what constitutes an "observed suspect" in regard to, say, the offense of rape, and to comprehend readily the broad discrepancies existing between the arrest rates for the various offenses once suspects have been observed. May we presume that all or most observed suspects are probably guilty, but escape arrest because of items such as inadequate evidence or the failure of the complaining witness to persist in his complaint? Or do observed suspects constitute the contents of a rather indiscriminate dragnet, holding guilty and innocent alike, from which the guilty are eventually filtered and arrested? How much is the table influenced by factors such as the temper of a neighborhood and the intensity of policing which it receives?

Most statistical reports which attempt to convey a picture of the illegal behavior of different segments within a society employ arrest statistics for this purpose. We have seen earlier that there is a vast and almost totally unknown and unknowable gap between the reality of crimes committed and the residue involving those which come to the attention of the police. Patent statistical fallacies inevitably arise because of this gap (that is, because of the total inadequacy of any numerical attempt to report the amount of criminal behavior taking place and the characteristics of the criminals making it take place) and these fallacies become even more exaggerated as we move farther away, in terms of procedure, from the behavior which we are trying to measure. Arrest statistics may indicate the efficiency or inefficiency of a police department as much as they may indicate the quantity of crime or the type of criminals within its borders. Arrest statistics do not, however, unless we resort to the most reckless kind of extrapolation, tell us very much about the criminal activity among minority groups.

This point is worth repetition: Arrest statistics and the detailed characteristics of persons arrested in terms of such items as race, sex and age mean no more than that they describe for us the persons who, for a veritably endless array of reasons, many of which are beyond our knowledge, are subjected to arrest. Arrested persons represent with accuracy only arrested persons and nothing else. If we find, for example, that twenty percent of the persons arrested in California are females, this cannot be taken to mean that twenty percent of the state's criminals are female or that twenty percent of the offenses known to the police are committed by females, or that twenty percent of any particular offense, even if this is the figure for arrested females in regard to that offense, is committed by females. It may be that females are more or less readily apprehended than males in regard to some offenses; in homicide cases, for example, it has been claimed that males are detected more often than females because of the cruder methods they employ to kill.[5] On the same point, it has been observed that were all the females arrested who submitted to abortions, a crime in California, then female crime rates would more

nearly approximate male crime rates, but the same might be said in regard to numerous undetected forms of male criminal activity or in regard to forms which do not eventuate in arrest. All that can be concluded with safety, it seems apparent, is that a certain percentage of females have been arrested, and that these females represent with accuracy only the number and percentage of arrested females. If you want to know about the criminal behavior of females, you will not find out about it from the statistical reports of the Nation's law enforcement agencies.

Arrest statistics then can be said to reflect in a myriad number of ways procedures, paradoxes, and numerous idiosyncracies involved in the business of law enforcement. So, for instance, as we have noted briefly, an efficient police force will often become aware of a greater number of offenses and will arrest a larger number of persons than a less efficient police organization. Summary statistical reports, taken at face value (which is the way such reports are almost always taken), imply that a better agency is less effective in reducing crime than a more inefficient agency, a curious juxtaposition of the facts of the situation.

The same observation may apply in a different fashion to procedures involving minority groups. A belief, based on real or imagined information, that a particular minority group commits more crimes than other groups will often lead to a greater saturation of this group's neighborhoods by police patrol. Such saturation will likely turn up more crime and produce a larger number of arrests of persons belonging to the group, though it will often inhibit some kind of criminal activity as well because of the increased likelihood of apprehension. But it is the police activity and not the behavior of the group itself which is conditioning the crimes rates for the group as these eventually appear in printed statistics.

We might use more direct illustrations of this point. I was once walking downtown on Main Street when a patrolman stopped a Mexican boy, nudged him toward the side of the street, and requested that he roll up his sleeves so that it could be determined whether or not his arms had needle marks. The policeman may have recognized the boy as a possible addict, either through experience, or perhaps even by the way he walked, since addicts will often swing one arm and hold the other arm, the one into which they have shot the drug, taut, because moving it is painful. Or it may have been that the policeman was operating on the assumption that a Mexican boy, so dressed, and on this street, was, much more likely to be a narcotic addict then, say, I was, with my suit, tie, and shined shoes. His assumption may not be incorrect, but it is obvious how readily it becomes self-fulfilling and inflates the Latin crime rate through procedural tactics. In the same manner, young Negro boys, and I have listened to them discuss this matter at length in college classes, apparently expect as a matter of course, if they are driving a relatively new and expensive car in an area not populated with Negroes, to be stopped by the police as potential auto thieves a number of times each year.

For whatever reason the law enforcement agencies have come to the conclusion that young Negroes in expensive cars are more likely than similarly situated whites to be thieves, or that, at least, they can more readily and with greater impunity be stopped to determine the ownership of the cars they drive. The procedure obviously serves to increase the number of apprehended and reported Negro car thieves, just as the road blockades during the Christmas season inevitably tend to inflate greatly the total of drunken drivers discovered and arrested.

Many other items serve in similar fashion to cast suspicion on the validity of statistics which might be and are taken to represent the real pattern of criminal activity among different segments of the society. One of the few detailed studies of the nature of such distortion documented clearly how it might operate in the instance of an offense such as shoplifting. Examining the figures for three department stores in Philadelphia, Sellin found that the detectives there had knowledge of shoplifting offenses which exceeded in number the total of all thefts of all types for the entire city of Philadelphia; the shoplifting thefts were simply not reported, except occasionally, to the authorities.[6] And it is worth noting, further, that there was a distinct tendency for the detectives to report offenders to the police when they were Negroes and not to report them when they were not, possibly because they felt that Negro offenders were the more dargerous, or that they were less likely to initiate suits for false arrest, or possibly because the store detectives were prejudiced against Negroes. The impact of their policy on the racial components of the larceny statistics in Philadelphia is clear.

It is probably important to note in regard to all the foregoing material that nothing is meant to indicate either that minority groups are overrepresented or that they are underrepresented in current statistics in regard to their criminal activity. It is only that they are misrepresented, and that the figures attributed to them tell us little of value concerning an issue surrounded by much emotion and deeply involved in matters of social conscience and social policy. It would certainly be of more value, for example, if we had available statistics controlled for socio-economic status as part of the subcategory of "descent" so that we could determine if we were really talking about minority group behavior or about the behavior of persons similarly situated in regard to income, housing conditions and related items. We might speculate that Negro school teachers, Negro doctors, and similar minority group members of the middle class commit as little or less crime of the type recorded in police statistics than Caucasians with the same social standing, but the available statistics shed no light at all that advances us beyond the realm of speculation into the realm of knowledge.

The adult arrest statistics issued by the Los Angeles Police Department may be employed as a basis for closer examination of the deficiencies of such material. We have seen that somewhere in the vicinity of half of the suspects observed are eventually arrested,

with fewer minority group members being so handled than other persons. Again employing the offenses of aggravated assault, rape, and robbery for our calculations, we find a rather low proportion of arrests eventuating in the filing of complaints. For rape, 56 percent of the arrests ultimately result in the filing of complaints and for robbery only about 20 percent. For the three offenses together, then, about one out of every four or five persons arrested - and described in the statistics in regard to age, sex, and descent - has a complaint filed against him. This tells us nothing, of course, about the outcome of the filed complaints, about whether the charge is prosecuted successfully or whether there is an eventual dismissal or acquittal. It can readily be seen, therefore, that to the extent that no complaint is filed against them an overwhelming majority of the persons arrested for the crimes we have considered can hardly, in fairness, be labelled "guilty offenders" or "criminals." For some other offenses complaints are filed in a much larger percentage of arrests, but these offenses are found in the Part II category, which includes what are considered to be the less serious forms of criminal behavior. In vagrancy cases, for instance, more than 90 percent of the arrests lead to the filing of complaints and in cases involving the violation of traffic motor vehicles laws almost every arrest leads to a filed complaint.

Unfortunately, there is no way of determining on the basis of printed statistics the differential percentage of complaints filed in terms of the category of "descent" since this category is not reported in connection with complaints filed. It might be thought that a breakdown of the latter category would come closer to presenting a useful (though not very useful) summary of criminal activity, since here at least we might learn about criminal behavior serious enough and certain enough to warrant the filing of a complaint, a somewhat more formal process than arrest. It is not the purpose of this survey, it might be noted, to discuss in detail the general problem of the striking gap between the number of arrests and the number of complaints filed. Many persons have fluently argued all sides of this issue; I would be inclined to agree with Professor Remington who has asked for open discussion of the rules by which the society expects the police to operate and evaluation of the precise implications of these rules.[7]

Conclusion

Statistical tabulations of the work of a public agency, like all reporting procedures, are undertaken to provide a reckoning for the examination of the citizen tax-payer and to aid the agency itself in performing its job more effectively. Criminal statistics, as they now exist, fulfill neither of these tasks. The information they supply, I have tried to demonstrate, is misleading and readily subject to misinterpretation. As guides to the most expeditious deployment of police resources, the figures hardly seem to be worth much, and even if they could be shown to be of some slight importance, an intramural awareness of their general content in contrast to a public report, would more than satisfy this requirement.

There are other matters of public ethics which should be considered. It seemed worthwhile to social scientists, for example, prior to the past federal decennial census that they be able to acquire information about the religious preferences and performances of our people. The Government, however, declined to gather such material on the ground that there were considerations of more importance than the needs and interests of social scientists. I think a parallel situation exists in regard to the matter under consideration here: Statistics purporting to tell us something about the criminal activities of persons of divergent "descent," whatever dubious value they may possess as an item of social inventory, contain many deleterious aspects that render them of strong potential social harm. Law enforcement agencies may make use of such figures, for instance, with all their shortcomings, to defend themselves against charges of over-policing certain groups, though the figures themselves really neither lend support to nor contradict the necessity for such enforcement decisions

The presence of such statistics also covertly indicates and reinforces a splintering of the society into the so-called "descent" groups which are established. Males and females will not likely find it discriminatory if their crime rates are singled out for attention, but minority groups have historically sound reasons to believe, correctly or incorrectly, that something invidious is intended by such distinctions, and these fears probably should not be fed unless there are compelling reasons for doing so. Why, for instance, do we not indicate the arrest rates of Baptists or of Republicans or of migrants from the South? Any one of these tabulations might well provide us data of some value, but presumably not of enough value to make it desirable to so differentiate human beings by singling out particular types for special statistical attention.

The elimination of racial classification from public criminal statistical reports would probably do much good and little harm. It might allow issues between law enforcement agencies and minority groups to be resolved on grounds more substantial than those provided by a recital of what are rather specious statistics concerning criminal activity. I recall that the University of Oklahoma, when it integrated its student body, was besieged with requests for a numerical statement on the percentage of Negroes enrolled at the University. "We simply do not have such material," those seeking it were told. "We do not request this information at registration and thus have no way of determining the percentage." In this simple fashion much of the latent hostility to integration at the school, finding little numerical fuel upon which to feed its prejudices, collapsed.

There is already enough antagonism between law enforcement agencies and minority groups. In a recent book, currently high on the best-seller list, James Baldwin expresses an attitude that is all too prevalent among minority groups when he describes a person as "the white policeman who had taught him how to hate."[8] Some of this antagonism may be unavoidable, while other parts of it are

unfortunate, but it will not do, it seems, to play into its hands - and the statistics we have been examining seem to tend toward this end - unless strong reasons exist for such a policy. We should not, I would note in conclusion, imitate the ways of the person once described by a Scottish writer, Andrew Lang: "He uses statistics," Lang observed, "as a drunken man uses lamp-posts - for support rather than for illumination."

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Note: More copies are available at the Citizens Interracial Committee office, 520 "E" Street, Room 609, San Diego, California 92101, telephone number 239-0871.

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[1]Donald R. Cressey, "The State of Criminal Statistics, "NPPA Journal, 3 (July 1957) 230-241 at 230.

[2]Herbert A. Bloch and Gilberg Geis, Man, Crime, and Society (New York: Random House, 1962), p. 142.

[3]Daniel Bell, "The Myth of Crime Waves," in The End of Ideology (Glencoe, Ill.: The Free Press, 1960), 137-158 at 138.

[4]Paul Tappan, ed., The New Jersey Commission on Habitual Sex Offenders, Report (1949), pp. 18-19

[5]Otto Pollak, The Criminality of Woman (Philadelphia: University of Pennsylvania Press, 1950), p. 82.

[6]Thorsten Sellin, Research Memorandum on Crime in the Depression (New York: Social Science Research Council, 1937), p. 69.

[7]Frank J. Remington, "The Law Relating to 'On the Street' Detontion, Questioning and Frisking of Suspected Persons and Police Arrest Privileges in General," Journal of Criminal Law, Criminology, and Police Science, 51 (November-December 1960), 386-394.

[8]James Baldwin, Another Country (New York: The Dial Press, 1962), p. 6.

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