

CHAPTER XII
CRIME RECORD SYSTEMS

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CONTENTS OF CHAPTER XII

	<i>Page</i>
1. General Lack of Record Systems	579
2. Records of Complaints of Offenses	579
3. Records of Criminal Proceedings	579
4. Lack of Uniformity and Centralized System: (1) Outside of Cook County	580
5. Same: (2) Cook County	582
6. Requirements of an Adequate System	582
7. Identification Records	585
8. Recommendations	586

CHAPTER XII

CRIME RECORD SYSTEMS

- 1. General Lack of Record Systems.* Before any intelligible analyses can be made of the functioning of the agencies concerned with crime, it is necessary to have accurate information.

In Illinois, as in other state criminal surveys, the survey has demonstrated the need for more adequate crime statistics. In Illinois, Missouri and New York where state-wide surveys have been made, the commissions found it necessary to make detailed statistical compilations before they could proceed with their work. Such compilations are expensive proceedings and of necessity are limited to selected areas. While the geographical limitations do not of themselves affect seriously the reliability of the conclusions drawn, yet it is obvious that definite information from every county in the state would afford a more complete, if not more reliable, factual basis.

- 2. Records of Complaints of Offenses.* The first serious defect in the statistics is that there are not available data as to the actual number of crimes reported to have been committed. In Chicago there is admittedly a wide discrepancy in the crimes reported to the police and the figures issued by the police department. Estimates of the number of reports of crimes not given out by the police run as high as fifty per cent. Chicago, however, is not unique among cities in this respect; the practice is general. And as a rule, in the rural counties, no attempt whatever is made to record the number of criminal complaints.

Under these circumstances the crime commissions have had to start in the police departments after the arrest is made, or in the courts after a prosecution has been started, and their statistics, therefore, deal almost exclusively with the administration of criminal justice.

It is submitted that before an adequate plan for the control of crime is possible, something must be learned of the actual amount of crime. How many crimes are committed each year and of what nature? Where are they most numerous? No one knows with certainty, for no data are available.

- 3. Records of Criminal Proceedings.* Judicial statistics likewise, until very recently, were practically non-existent and even now are available only for comparatively small areas. In 1922 the American Institute of Criminal Law and Criminology said:

"The annual reports of the Committee on Statistics of the Institute have shown that no city nor state in our Country now publishes adequate criminal statistics for the guidance of the public, the legislature and executive officials. The contrast between our ignorance or loose guesses and the instructive statistics issued in England and on the Continent is discreditable, and our lack of knowledge retards intelligent and efficient progress. The police, the public prosecutor, the judiciary and the general public alike suffer and are all, particularly the public, subject to being misled by self-deceived or unscrupulous individuals or news-

Illinois Crime Survey

papers. We believe that the dilatoriness, inefficiency and costliness of the Criminal Courts could not have continued had their defects been clearly revealed by proper, annually-published records."

In late years crime commissions have undertaken surveys of the administration of criminal justice in several cities and states. Chicago, Cleveland and Baltimore, among other cities, maintain crime commissions, which from day to day collect and compile data on conditions in their respective communities. Missouri led the way in crime surveys on a comprehensive state-wide basis and was followed by New York and Illinois. Some states have crime surveys in progress and contemplation, and in others commissions have been, and are, engaged in a recodification of criminal laws.

These commissions have proceeded upon the theory that the people desire to establish an effective control of crime and criminals. Each has recommended various changes in laws and administrative methods, and each has also recognized the fact that one fundamental need is an adequate body of statistics compiled annually for each state, that would truly reflect crime conditions within the state. With that information at hand the whole problem could be envisaged and adequate remedies applied.

It has been recognized that three things would have to be known; namely—

1. The volume of crime.
2. Who commits these crimes?
3. How are the offenders being dealt with?

The problem is succinctly stated in the Tentative Program of the Committee on Uniform Crime Records of the International Association of Chiefs of Police, as follows:

"In general, it may be said that criminal records and statistics have three major phases. These are concerned with the collection, compilation, and distribution of (1) facts relating to the crime itself, (2) facts relating to the offender, (3) facts relating to the functioning of the agencies of criminal justice."

4. *Lack of Uniformity
and Centralized System:*
(1) *Outside of Cook County.*

It should be recognized at once that such information is not easily obtained. In Illinois, for criminal law enforcement each county is a unit.

Within the county function justices of the peace, coroners, sheriffs, constables, city police, county courts, circuit courts, and state's attorneys. In some counties the situation is further complicated by the establishment of city courts, and in addition the State Highway Police operate over the entire State.

Each of the agencies enumerated functions independently of the other. Occasionally we find wholehearted cooperation among all officials, but more often we encounter a feeling of indifference, if not of active opposition. Each official has his own set of records. Usually they have no relation whatever to the records of other officials. Such a condition is perfectly natural, because there is no one officer to supervise and control these related agencies. Each county is in much the same situation as would be a department store without a head, or a corporation with branch offices in several cities with no controlling and supervising main office. It does not take

Crime Record Systems

much imagination to visualize the confusion that would exist in such a department store or corporation. Nor does it require any imagination to visualize the confusion of records in most counties.

In the counties surveyed, there was no uniformity in record systems save those kept by *justices of the peace*. In each instance we found the justice kept a bound docket book, alphabetically indexed, in which was recorded the name of the defendant, the charge, and the disposition of the case. If the case was dismissed the reason appeared, and if the defendant was bound over to the grand jury a transcript was filed with the circuit clerk. In some cases we found the justices' dockets incomplete in that they failed to indicate the final disposition of the cases. Further investigation disclosed that in the majority of these cases the state's attorney had taken the case to the grand jury and had indictments or "no bills" voted and then did not have a formal entry made to clear the docket in the justice court.

As a class the *state's attorneys* are lax in keeping their records. Replies to a questionnaire indicate that about fifty per cent keep a docket. This percentage was not sustained in the counties surveyed, as we found only five, or about twenty-five per cent, kept any adequate office docket of the progress of cases. All keep some sort of a case file, but usually it contains only copies of pleadings, motions, and miscellaneous papers, and does not show the progress of the case through the courts. The state's attorneys also are negligent in failing to see that the action of the grand jury in each case is reported to the clerk. Indictments are, of course, so reported, but the "no bills" occasionally are not.

There is another class of cases that is not recorded. We refer to those cases which are bound over in the preliminary hearing and which, for some reason, the state's attorney does not present to the grand jury.

In making our statistical compilations these cases are shown as "never presented to the grand jury" or as "no record." In the first instance we were able to determine from the state's attorney that he had not presented these cases to the grand jury; in the second, we could obtain no information whatever as to the disposition of the case after the bind-over by the court of preliminary hearing. Here is a weakness that should at once be corrected. It is too easy to lose a case under these conditions. In the group of eight "more urban counties," 6.52 per cent of all cases coming up from the preliminary hearing were "never presented," while the "no record" group ran as high as 12.77 per cent in Franklin-Williamson, and 6.00 per cent in the group of seven "less urban counties."

The *circuit clerks* use a variety of methods to record their criminal cases. In the fifteen downstate counties on which we have complete reports, ten have a separate index for civil and criminal cases; five do not. Ten file the civil and criminal case papers separately, and five do not. But of the latter, all use a different colored wrapper to distinguish the civil and criminal cases. This use of vari-colored wrappers is frequent, even where the civil and criminal cases are filed separately. All keep dockets. Some are bound; some use loose leaf. Some are kept in alphabetical order; some are numerically arranged by the case number. In most instances we could get from the docket the charge, the pleas, dates of continuances, dates of trial, the judge presiding, the final disposition, and the name of the sureties if the

Illinois Crime Survey

defendant was on bond. In some instances this information had to be obtained through other records. That the records, even though they may be scattered, are complete is evidenced by the fact that we obtained the status of every case recorded in our study that reached the trial court. The case papers in the counties surveyed are given a permanent number and filed accordingly. Upon the wrapper usually appears the defendant's name and the charge only.

In the collection of *fin*es there is a variety of procedure. In eleven of the fifteen counties the clerk collects the fines; in two, the state's attorney; and in two others, the sheriff or clerk, or the state's attorney or clerk.

It is usually a difficult matter to trace *bail bonds* and, if forfeited, the subsequent proceedings. In some counties the bonds were found in bundles in the safe of the clerk. Some, not many, kept a separate recognizance and bond record. In some instances the bonds were filed with the case papers and in others the state's attorneys had them. When forfeitures occurred some clerks indexed and docketed the case in the civil index and dockets; others used the criminal index and docket. In most cases it was necessary to go through the minutes of the court in order to trace the record.

The *sheriffs and jailers* keep their prison record usually in a bound book. In about half the counties surveyed it was not indexed. In the book appear the names of the prisoners; the charges against them; the sentence, if any; the date confined and the date released.

5. *Same: (2) Cook County.* In Cook County the record system is so involved that a detailed discussion is prohibited by lack of space.

The vast majority of the cases arises in the municipal court, and a detailed statement of their handling of the records appears in the chapter of this Survey on "The Municipal Court of Chicago as a Criminal Court." Cases bound over by the municipal court and cases initiated by the state's attorney on direct presentment to the grand jury are recorded in a grand jury docket. They also appear in the regular criminal docket, alphabetically indexed, of the clerk of the criminal court. The "no bills" are indexed separately. Tracing cases would be greatly expedited by a further subdivision of the indexes now in use.

What is needed in Cook County is a simplification and unification of the records used. There seems to be a quite unnecessary number of books to search through in order to trace cases to their final conclusion.

6. *Requirements of an Adequate System.* In accumulating crime statistics on a state-wide basis, the "facts relating to the crime itself" will be most difficult to obtain, for the reason that crimes may be, and are, reported to several different officials. The complaint may be lodged before a justice of the peace with a request for the issuance of a warrant; it may be made directly to the prosecutor, who, if no warrant is issued, usually does not notify the sheriff or police; it may go to the sheriff; or to the chief of police. In some instances these several officials make an adequate record; in most cases they do not. Even where records are made, there is no uniformity in the description of the crime or the suspect, and rarely is the information communicated to other county officials.

Crime Record Systems

"Facts relating to the offender" are on a more adequate basis in many counties of Illinois. Police departments in many cities have worked out very comprehensive systems for the recording of facts on arrests; such as the color, sex, nativity, age, and occupations of persons arrested. Many are using the finger print system and taking advantage of the facilities afforded by the Division of Identification and Information maintained by the Department of Justice at Washington, to obtain the previous criminal history of the one arrested. There is a lack of uniformity in the records kept, however, that should be remedied.

In counties largely rural in character very little information is obtainable and adequate provision for detailed records is necessary.

"Facts relating to the functioning of the agencies of criminal justice" are more easily obtained. The problem resolves itself into the methods to be employed for the collection and compilation of data obtainable from existing records in courts and the offices of the state's attorneys, and a standardization of records.

The need for complete and standardized records cannot too strongly be emphasized. Practically every county has a different recording system. In many we find a multiplicity and confusion of records with a resultant increase in the amount of time employed in making repetitive entries. In others, the records are so incomplete that the tracing of the progress of a case through the courts becomes a matter of difficulty. It is recognized that more complete records are required in some counties than in others, and that it would be a mistake to attempt to prescribe rigid regulations for all counties. However, certain basic information is required, which may be summarized as follows:

General Scheme for Crime Records

1. Number and nature of crimes reported.
2. Number of arrests made.
3. Data as to persons arrested.
 - a. Nativity.
 - b. Color.
 - c. Sex.
 - d. Age.
 - e. Married or single.
 - f. Residence.
 - g. Previous criminal record.
4. Number of warrants applied for.
 - a. Number of warrants refused.
 - b. Number of warrants issued.
5. Number of misdemeanors tried.
 - a. Number of cases dismissed by prosecutor.
 - b. Number of cases dismissed by court.
 - c. Number of cases punished.
 - d. Nature of punishment.
 - e. Execution of such punishment.
6. Number of preliminary hearings held.
 - a. Number of cases dismissed by prosecutor.

Illinois Crime Survey

- b. Number of cases dismissed by court.
- c. Number of cases punished as misdemeanors.
 - (1) Nature of punishment.
 - (2) Execution of such punishment.
- d. Number of cases bound over.
- 7. Number of cases bound over in preliminary hearings and
 - a. Presented to grand jury "no true bill" returned.
 - b. Number of indictments returned by grand jury and filed in circuit court.
- 8. Dispositions in circuit court.
 - a. Change of venue.
 - b. Dismissed by prosecutor.
 - c. Dismissed by court.
 - d. Acquitted by jury.
 - e. Bond forfeited defendant at large.
 - f. Other dispositions freeing defendant without punishment.
 - g. Punished.
 - (1) After trial by jury.
 - (2) On pleas of guilty.
 - (3) Number of cases in which felony counts were waived or charges reduced.
 - h. Nature of punishment.
 - i. Mitigations of punishments by trial courts.
 - j. Execution of punishment.
 - k. Number appeals allowed.
- 9. Disposition of cases appealed.
 - a. Number affirmed.
 - b. Number reversed.
 - c. Number reversed and remanded.
- 10. Facts concerning prisoners.
 - a. Nationality.
 - b. Color.
 - c. Age.
 - d. Sex.
 - e. Family status.
 - f. Education.
 - g. Occupation.
 - h. Residence.
 - i. Previous criminal record.
 - j. Crime committed.
 - k. Length of sentence.
 - l. Date admitted.
 - m. Date released.
 - n. Manner of release.

With these data available the question of compiling them on a state-wide basis arises. This would probably be most easily effected by providing a state officer to whom the county law enforcement officials, the clerks of the appellate and the supreme courts, and the heads of the penal institutions

Crime Record Systems

would report at stated intervals. Such an officer should be a statistician eminent in his profession, and he should be appointed by and be responsible to the Governor.

7. *Identification Records.* Adequate means of criminal identification should also be provided in Illinois. In this State there is no central bureau from which police officers, sheriffs, and the heads of our penal institutions may obtain information in regard to persons held in their custody. Many of the apprehending officials make use of the Division of Identification and Information of the United States, but the majority do not.

Identification and apprehension of criminals is not a matter of local concern. The criminal today moves rapidly from point to point of attack, and his apprehension should not be left solely to the officers of the county in which the crime has been committed. Experience in other states has demonstrated that state bureaus of identification have a deterrent effect upon the operations of the professional criminal. The professionals are not inclined to operate in states where they are reasonably sure to be apprehended, identified, their previous records brought to light, and adequate punishment assessed. A state bureau also aids in the more rapid apprehension of those who violate the law and brings the law enforcement officials into closer and more effective cooperation.

If such a bureau is established, it should be organized under an executive responsible to the Governor of the State. It should be empowered to adopt and use the most complete and systematic methods of identification of criminals, including the Bertillon method, finger print system, modus operandi system, or such other system or systems as it might adopt from time to time. At this bureau should be filed records containing information concerning persons confined in the state penal institutions; persons who have been, or who may hereafter be, convicted within the state for felony or attempted felony, or for the violation of any laws of the State of Illinois; all persons in prison for the violation of any military, naval, or criminal laws of the United States of America, and all well-known and habitual criminals, whenever procurable.

Sheriffs, chiefs of police, and police officers in authority in incorporated villages or towns should be required to furnish the bureau daily copies of finger and thumb prints on standardized cards, and photographs when deemed essential, and comprehensive descriptions of all persons arrested who, in the best judgment of such officers, might be wanted for serious crimes or who might be fugitives from justice, or in whose possession might be found property reasonably believed by such officers to have been stolen by them, or who might possess burglar's tools, burglar's keys, or explosives reasonably believed to be used for unlawful purposes. They should in like manner furnish such information for those persons arrested who, at the time of arrest, have in their possession concealed firearms or other deadly weapons, or paraphernalia used in the counterfeiting of money or bank notes. These provisions should not apply to persons arrested for the violation of city or county ordinances or other trivial offenses.

Illinois Crime Survey

8. *Recommendations.* The Illinois Association for Criminal Justice believes (1) that for the proper control of crime and criminals a fundamental need exists for continuing accumulation of state-wide criminal statistical data; (2) that eventually there should be established by legislative act a state bureau of criminal statistics and identification, which should be empowered to standardize all records having to do with criminal law enforcement and to collect, compile, and periodically publish all data concerning the volume of crime, the criminal, and the administration of justice; (3) pending the establishment of such a bureau, the Illinois Association for Criminal Justice and the Chicago Crime Commission, in collaboration with sheriffs, chiefs of police, state highway police, circuit clerks, state's attorneys, the attorney general, judges of the municipal, county, city, circuit, appellate and supreme courts, and the Department of Public Welfare, should devise ways and means for the collection, compilation, and distribution semi-annually of the data set forth above.

It likewise believes that any effort to prescribe by statute what record forms shall be used in each county would be unwise. It, therefore, recommends:

A meeting should be called to which should be invited the officers set forth above. At this meeting a representative committee or committees should be designated to consider and make recommendations for—

- a. A uniform method and forms for the reporting of criminal complaints in each county.
- b. A uniform method and forms for recording arrests made on such complaints, and all essential facts as to the offender so arrested.
- c. A uniform method and forms for recording the facts as to the disposition of criminal prosecutions by—
 - (1) Justices of the peace,
 - (2) County courts,
 - (3) Municipal Courts of Chicago,
 - (4) City courts,
 - (5) Circuit and Superior courts,
 - (6) Appellate courts,
 - (7) Supreme Court,
 - (8) State's attorneys.
- d. A uniform method and forms for recording the treatment of convicts confined in state institutions.
- e. A method for collecting and compiling these data so recorded in a form suitable for distribution throughout the state semi-annually.
- f. A system of state criminal identification.