A reader's guide
to the
Crime Commission
reports
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Despite the widespread popular concern with "crime in the streets," the report of the President's Crime Commission — officially, the President's Commission on Law Enforcement and Administration of Justice — is not likely to be a best-seller. In this, it will be no different from the report of most other blue-ribbon commissions, and for the same reasons: it offers no "solution" to the problem and it provides no convenient answers to the question of what we might do short of solving it. Even if it were possible (which it is not) to give clear, simple answers to popular questions about crime, the political problems of the Commission — the need to adapt its work to the interests of existing institutions now managing the crime problem, to the professional specialties of the staff recruited to write the report, to the diverse persuasions of the Commission members charged with agreeing on recommendations, and to the urgent deadlines of a White House eager for "results" — would have made either clarity or simplicity unlikely.

That famous but anonymous person — the "reasonable man" or the "intelligent layman" — would, I suppose, have some rather obvious questions about crime in America. He would want to know how much crime there is, whether there is more or less today than twenty years ago, what could be done to reduce or prevent it, and how criminals could best be handled to reduce the chance of their causing more mischief. In getting the answers to those questions, he would expect to be told whether we need more policemen; whether foot patrolmen are (as he supposes) better than motorized officers; whether the laws should not be changed to make arrests and interrogations easier.
for the police; whether the probation and parole system is working and, if it is not or if the issue is in doubt, whether “tougher sentences” should be handed out; how much police “brutality” there is and what can be done about it; whether capital punishment is of value; and how we can get rid of the drug addicts. These, at least, are the subjects of most editorial and political speeches on the subject of crime, and they comprise, I would guess, a reasonable sampling of dinner-table conversation on the issue.

The reader will have to search diligently for the answers to some of these questions. The reports — one general volume and nine task force reports, plus research studies and selected consultants’ papers — are organized, by and large, not around the questions our intelligent layman would ask but around the existing institutional machinery for handling criminals (the police, courts, corrections) or around special problems in law enforcement (juveniles, drunks, drug addicts, racketeers). Only two volumes are analytical: one, on the “assessment of crime,” tries to discover how much crime we have and why; the other, on science and technology, tries to find ways in which brainpower and gadgetry can assist law enforcement agencies. And the summary “Table of Recommendations” is not much help — it lists over 200 “specific recommendations,” but the great majority seem rather obvious and not very illuminating (hire better people, pay higher salaries, require more training, collect more information, develop better statistics, and — above all — “coordinate” everybody’s activities). The lay reader might respond, “yes, of course, but what do we do tomorrow morning that will reduce the chance of my wife having her purse snatched by some punk on the way to the supermarket?”

Delinquency

Not much, it appears. Take the section on juvenile delinquency. It contains forty recommendations. Seventeen of these are really not recommendations at all but observations on how we must improve society before we can reduce delinquency. For example, one is to “develop activities that involve the whole family together”; another is to develop better means in our schools “for dealing with behavior problems”; a third is, “reduce racial and economic segregation.” Fourteen recommendations are quite specific, referring to the operations of the system of juvenile justice. But of the fourteen, ten are devoted to protecting the juvenile from unjust treatment at the hands of the police and the courts; none is obviously intended to protect society from the delinquent (four will have general benefits, perhaps, to both society and the juvenile).

At this point the reader may well throw down the report and ask, “Whose side are they on, anyway?” In fact, some law enforce-
ment officials have taken exactly that attitude. This would not be quite fair, however. In the first place, how do you stop purse snatchers? We cannot put a police officer on every street corner, twenty-four hours a day. And suppose we catch a kid in the act — what is the best way to reduce the chance that he will snatch another purse next month? Put him in a reformatory? Turn him over to a probation officer? Give him a psychiatric examination? Or administer a swift kick? Answering these questions turns out to be a bit harder than one might imagine — we really don't have, strange as it may seem, very good studies of what mode of treatment or punishment will produce the smallest recidivism rate for a given cost, or a given rate for the least cost. (And cost is a very important consideration — not only are most methods of handling criminals and delinquents very expensive, but the voters, despite their well-advertised anxiety about crime, have shown themselves most reluctant to permit more than trifling sums to be spent on police salaries, jails, courts, probation officers, or treatment centers. It is even hard to get legislatures to finance a decent maximum-security prison, to say nothing of a rehabilitation center.)

Furthermore, there are some ideas about reducing purse snatching by delinquents, but they don't happen to appear in the report on delinquency. There are some in the report on the police (for example, clarify the right of policemen to stop and question a suspicious person on the streets) and some in the report on science and technology (for example, develop methods of shortening the time it takes the police to respond to a citizen call for help, better ways to allocate patrol forces within a city, and technologically feasible — but again, very expensive — citizen alarm and crime detection systems). The report on corrections also has something to say on the subject. It claims that controlled experiments in California and elsewhere have shown that intensive juvenile treatment programs — involving remedial education, work training, very low caseloads for probation or parole officers, and doing a full day's work on useful community projects over a period of weeks or months — have produced lower recidivism rates than the conventional correctional programs, which involve (for a small percentage) being locked up in a reformatory or (for most) being assigned to a probation officer whose caseload is so high and whose resources so limited that he rarely sees his nominal charges.

Thus, one reason why the average reader may find the Commission's report so unhelpful is that it is, from his point of view, badly organized. Another reason is that any new ideas the Commission could find were often just that — new ideas, for the most part untried and untested or, where tested, very costly in terms of either money or able personnel or both. But most importantly, the reader will be
puzzled because the Commission was puzzled: it either could not obtain the necessary facts, or it could not figure out what to do about those facts it did obtain, or it could not get agreement among its members on what it thought should be done. Nobody knows how to prevent crime and nobody is very optimistic that the underlying social forces that cause crime are going to show much improvement over the next generation or two. If anyone should think he could do a better job than the Commission, he should first read the methodological appendices to the Report. The closer you get to the facts, the harder it is to offer confident generalization.

The best way to make clear all of these points is to reorganize the findings and recommendations of the Commission so that they are responsive to some of the common-sense questions of laymen rather than to the occupational concerns of the staff and consultants of the Commission.

1. How much crime is there in America?

Quite a lot, and quite a lot more than the official statistics show. One of the few major pieces of original research undertaken by the Commission was the household survey conducted by the National Opinion Research Center to discover how many families have been the victims of certain major crimes, and to compare that “victimization rate” with the “crime rate” reported by citizens to local police departments and through them to the FBI. There appear to be about half again as many robberies, twice as many serious assaults and thefts, three times as many burglaries, and four times as many rapes as the FBI reports have indicated. (The rates for murder and auto theft, on the other hand, seem to be quite accurate — murder because it is serious, because a dead body is hard to conceal, and because the police solve most homicides; auto theft because cars are heavily insured and because most are recovered by the police.) Matters are even worse in the central cities, where the true crime rates for certain offenses may be as much as ten times greater than the reported rate. Why is so much crime unreported? The survey suggests that the explanation is quite rational, from the point of view of the victim. Assaults are not reported because they so often involve persons known or related to each other who do not wish to “make matters worse” by turning the other fellow in to the police. Crimes against property — thefts and burglaries — are under-reported because the victims believe the chances are slight of ever getting the stolen item back; and they are quite right.

2. Is there more crime today than in the past?

It depends on the kind of crime you have in mind and the sort of evidence you are willing to trust. Of the two crimes about which
available data are probably most accurate—murder and auto theft—the answer is yes and no. The murder rate is not increasing; in fact it has decreased to a point about a third less than what it was in 1933. The auto theft rate is increasing, but not very dramatically—today it is not much higher than it was in the 1930's. For other crimes, especially thefts and burglaries, there appears to have been a significant increase, but we cannot tell whether that is because more crimes are being committed or more once-unreported crimes are now being reported. Reported robberies declined from 1933 to the end of World War II and then started back up again. How much of that change is due to reporting error? Nobody knows, but it could be a great deal. In the early 1950's, when the New York City police changed their reporting system, the number of robberies reported there increased 400 percent in one year! And this is no isolated phenomenon—cities which have made significant changes in their reporting systems since 1959, account, according to the Commission, for 25 percent of all crimes against the person committed in the country. The Commission agonized over the problem of making a reasonable estimate of crime trends, given these imponderables. After taking into account reporting errors, migration to the city, the changing age structure of the population, and all other reasons offered to explain away the apparent increase in crime, it concluded that the apparent increase could not be explained away. Its Task Force on Assessment, one of the most competently staffed and intelligently directed of the nine which served the Commission, said in its report:

The number of offenses... has been increasing.... Most forms of crime are increasing faster than population growth. This means that the risk of victimization to the individual citizen for these crimes is increasing, although it is not possible to ascertain precisely the extent of the increase.... Age, urbanization, and other shifts in the population already under way will likely operate over the next 5 to 10 years to increase the volume of offenses faster than population growth.

In other words, things are getting worse and they will continue to get worse. Saying this is not, however, the same thing as saying that Americans are, man for man, more "criminal" or less law-abiding today than they once were. A fifteen-year-old Negro boy may be no more criminal today than ten years ago but, since he is more likely to commit a crime than a fifty-year-old white woman and since he and his peers now make up a larger fraction of the population than ever before, the total number of crimes being produced (and, of course, the total number of victims being produced) is now greater than in recent history. Thus, the Commission finds no reason (yet) for inferring moral decay from increasing crime, and one lesson I am sure it would like people to learn is that they should stop confusing the two
issues. The crime problem is bad enough, and will almost certainly get worse, without our also worrying that our souls are lost.

3. Why do we have so much crime?

The reader will have a harder time getting from the Commission a clear answer to this question than to almost any other. Partly this is because the causes of crime are so complex that they are difficult to specify theoretically or to test empirically. Despite this, we can list factors which increase the chances that a person will be arrested for a crime and thereby draw up a composite profile of what constitutes a "high risk" status — for example, a low-income Negro who is uneducated or mentally retarded, who comes from a broken family, whose brothers have already become criminals, and who lives in the central city behind a pool hall is almost certain to be arrested. In fact, one of the most startling calculations made by the Commission staff is that 90 per cent of all urban Negro males will be arrested for something more serious than a traffic offense sometime during their lives.

The rejoinder to such a calculation, and one about which sociologists have fretted for many years, is the possibility that those who are arrested for crimes are quite unrepresentative of those who have committed crimes. Obviously, we have to catch them before we can study them, and some scholars, who apparently would like to believe that the lower classes and the Negroes are no more criminal than middle-class suburbanites, have gone to considerable lengths to try to show that this is the case. One method has been to ask a random sample of persons, rather than just those who get arrested, what crimes they have committed. The results usually show no relationship between social class and the commission of offenses. From this, the conclusion is drawn or implied that there is much "hidden crime" and many "hidden criminals" and that the only reason the poor and the racial minorities get arrested is that prejudiced police officers single them out and because, lacking lawyers or influential friends, they cannot avoid arrest and conviction.

This, in my opinion, is nonsense. The motivation behind this nonsense is both comprehensible and laudable. At one time, public opinion held that Negroes (or Italians, or whatever) were congenitally criminal and that the lower classes were lazy, shiftless, and immoral. There was no point in trying to change what was the product of bad genes or wicked souls, so only the most repressive law enforcement could keep the streets safe for decent people. Criminologists have struggled valiantly to disprove such notions — but unfortunately some of them have disproved too much. It is one thing to show that criminality is not an attribute of race, genetically speaking; it is quite another thing to imply that we have no reason for
believing that Negroes (because they have been poor and badly educated, because they experience discrimination, or whatever) commit more crimes than whites, or that the poor commit more crimes than the rich.

The Task Force on Assessment of the Commission does not support the we-are-all-criminals-but-only-some-of-us-get-picked-on hypothesis. In the section where it reviews studies of high-crime areas (the so-called ecological studies) it states explicitly that these studies all point in the same direction — to the coincidence of high crime rates with low incomes, broken families, mental disorder, infant mortality, being on relief, Negro concentrations, poor education, and the like.

"Hidden" crimes

But what of those surveys that show people of all walks of life confessing to hidden crimes? Most of them were done with juveniles and in the form of self-administered questionnaires. I remember filling out one myself when I was in high school. At a time when one is desperately preoccupied with proving one's masculinity, with being one of the boys, with showing that one is really grown up, you can imagine how I reacted (and everybody else I knew reacted) to the chance to make check marks on a form to show that, yes, we had stolen and fought and fornicated and generally raised all kinds of hell, especially when the question asked (typically) whether you have "ever" done that sort of thing. In a footnote, the Task Force observes that interviews, as opposed to self-administered anonymous questionnaires, produce less of this over-reporting, especially when the interview data are checked against the observations of others about the subject's delinquent tendencies.

Perhaps the best test of the proposition that "we are all criminal but some of us are unlucky enough to get caught" is to live in a low-income, central city neighborhood and then move to a middle-class residential area and ask yourself where you felt safer on the streets, where you were most willing to leave your car unlocked, and where your peace and security seemed least threatened. The Commission's household survey confirms the common-sense judgment in this matter. It provides a careful analysis of the victims of crime. For all major crimes except homicide, "the highest rates of victimization occur in the lower income groups." It is the poor, and especially the nonwhite poor, who are the victims of rapes, robberies, and burglaries. Only for larceny (taking things by stealth rather than by force or by surreptitious entry) are affluent whites more frequently victimized; interestingly enough, however, the value of the items lost was greater for Negroes than for whites and, among whites, slightly greater for low-income than for higher-income persons. Auto thieves are also
no respecter of income — not surprisingly, since the rich have better cars to be stolen and since they park them downtown while shopping or working.

In short, since the poor are more often the victims of most serious crimes and since there is little reason to believe that the rich, whatever their criminal instincts, would burgle or rob lower-income persons (the rich may be larcenous, but they are not usually stupid), the victimization study, in my opinion, strengthens the impression that crime (other than white-collar or business crime) is primarily a lower-class phenomenon. Indeed, since the lower-income and Negro groups are more often the victims of crime, and especially of crimes that are unreported to the police, there is as much reason to believe that the police *under*-arrest lower-income persons as to believe that they *over*-arrest them. To say that crime is primarily a lower-class phenomenon is, of course, to say a bit too much — not all lower class people are criminal, and one nice question is why so many persons of lower-class origins avoid becoming so.

4. How can we eliminate the underlying causes of crime?

Strictly speaking, the Commission undertook no study of how to eliminate the causes of crime. It identified the characteristics of criminals and of crime-prone areas, but it was most reluctant — or at least the Task Force on Assessment was most reluctant — to be very categorical about causality. Though it was prepared to draw a composite profile of a social status in which the likelihood of becoming a criminal was very high (it did not call that status “lower class,” but I will), it did not — because it could not, given the inadequate information at its disposal — try to estimate the most strategic factors in that status. We know that *everything* is wrong with the most criminal element — but since we cannot change everything, what one or few things should we try hardest to change? The Task Force, being cautious and statistical, does not say, and it might have been foolhardy for it to try.

The Task Force on Juvenile Delinquency and Youth Crime, by contrast, supplied the Commission with a report very different in tone and style. It draws heavily on anecdotes about individual delinquents, on autobiographical accounts (such as Claude Brown’s *Manchild in the Promised Land*), and on long, undocumented passages about the “materialism” and “sensualism” of “teenage culture” in America. It did little new research on the problem (there was neither money nor time for that) but it did pull together both the available empirical studies and several rather speculative essays on the “powerlessness” of youth and “subcultural value systems.” The appendices by consultants account for three-fourths of the pages in this Task Force report, and the consultants are often in disagreement. In some
ways this report is among the most interesting because it is so graphic and close to its subject; in other ways, it is among the most disappointing because it offers so little systematic evidence to support its generalizations and recommendations.

Those recommendations, essentially, are that we must make a "massive attack" against the conditions of slum life and that we must strengthen the family, improve the schools, provide more jobs, involve youths in community life, and eliminate the "injustices" of the juvenile court system. If delinquency, like crime generally, is primarily a lower-class phenomenon, then a "massive attack" on the conditions that create lower-class life certainly seems in order. But what conditions do create it? The Task Force doesn't know, and so it offers a long list of plausible but mostly untested and unproved suggestions for fixing up everything at once. "Develop methods to provide a minimum income." (But is it the receipt of money or the holding of a steady job that is most likely to get a person out of the lower class? And if just money is offered, what evidence is there that we will not thereby create a new form of dependency?) "Develop activities that involve the whole family together." (Such as?) "Involve youths in community activities." (How?) "Develop better means for dealing with behavior problems." (?) "Expand counseling and therapy." (Are there enough counselors and therapists to go around even now? And if we had more, do we know what to tell them to do?) "Reduce racial segregation." (Why? Not why generally — morality requires ending discrimination wherever it is found — but why end separateness in order to reduce crime? Could not a plausible argument be made, as indeed Black Nationalists are making it, that stable, homogeneous neighborhoods and communities with their own institutions are better able to exercise social control than mixed or integrated neighborhoods? I do not assert that this proposition is true, I only assert that there is as yet no less evidence for accepting it than for accepting the contrary.)

More of the same?

Indeed, this is a rather vital point. There is to some extent a trade-off between programs to end segregation and programs to end poverty. To end the latter, we may prefer more jobs (even if in all-Negro work forces), more decent housing (even if in all-Negro neighborhoods), and more suitable training programs (even if in all-Negro schools). If we prefer integration, we may be willing to give up some material gains (at least in the short run) for wider opportunities. The Chinese and Japanese have crime rates among the lowest in the nation, and they have — at least until very recently — been quite segregated, on the basis of color, from the rest of the community.

What does this mean in practical terms? We are never likely to
have adequate scientific grounds for choosing one anti-crime strategy over another; a judgment — indeed, a leap of faith — will always be necessary. But given the rather strong evidence linking economic class and family status with crime and delinquency, and the weak or nonexistent evidence on the efficacy of counseling, youth activities, residential integration, up-to-date schools, and youth bureaus, the Commission's report would have had more force and point if it had come down squarely and emphatically for job-creation and family-maintenance programs and left the invention of new "services" and "activities" and "centers" to those willing to test seriously their value. On this point, the testimony of Stanton Wheeler, Leonard S. Cottrell, Jr., and Anne Romasco of the Russell Sage Foundation deserves to be quoted in full. Writing of the various prevention and rehabilitation programs undertaken thus far, they conclude:

As of now, there are no demonstrable and proven methods for reducing the incidence of serious delinquent acts through preventive or rehabilitative procedures. Either the descriptive knowledge has not been translated into feasible action programs, or the programs have not been successfully implemented; or if implemented, they have lacked evaluation; or if evaluated, the results have usually been negative; and in the few cases of reported positive results, replications have been lacking.

These are hardly grounds for urging more of the same, if the focus is to be — as the Task Force on Delinquency assumes it is to be — on reaching the "underlying causes" through "community efforts."

5. What can be done to prevent specific crimes?

What, in short, can we do tomorrow morning to make the streets safer? Granting that only large-scale and necessarily slow social changes will produce a reduction in the number of potential criminals, surely — the reader will think — there is something we can do in the meantime to keep the criminal away from his victim.

There was no task force on crime prevention and there is no chapter or section of the Commission's report on how to prevent crime. The "Table of Recommendations" has thirteen subheads, but none refers to crime prevention. Only in the summary of the report is there a statement on preventing crime, but it contains only six specific recommendations — having more police callboxes available to citizens, developing a single phone number by which to reach the police, experimenting with computers to reduce police response time, changing auto ignition locks so that keys are not left in them when they are not in use, and enacting stricter laws governing the sale and interstate shipment of guns.

Can that be all? Is it possible that a Commission that labored for two years, with nine task forces, a large staff, and scores of con-
sultants and advisers, and that was created in large part because the 1964 presidential campaign had revealed how widespread and deep was the popular concern over "crime in the streets," could have only six things to say about making the streets safer? By contrast, there are at least twenty-five recommendations specifically intended to insure that the suspected criminal is treated fairly by the police and the courts, and many more intended to provide him with maximum opportunities for rehabilitation in the correctional system.

In fact, it is not as silly as it sounds. In the first place, the whole report is a study of "crime prevention," and this goal cannot be attained by listing gadgets that might be built. Perhaps the major conclusion of the Commission — and, given its conservative membership, certainly its most remarkable one — is that basically crime can only be reduced by fundamental social changes. Furthermore, I was a member of the advisory committee to the task force (on science and technology) that produced five of the six explicitly crime-prevention recommendations, and I am satisfied that a very considerable effort was made to devise reasonable measures for deterring criminals by either increasing the risk of apprehension (alarm and surveillance systems, quick police response, etc.) or by "hardening the target" (theft-proof auto locks or parking meters, for example). The problem is twofold: first, many plausible crime prevention measures either have not proved their value or, if proved, cost too much; second, for certain kinds of crimes no one can think of a plausible deterrent, proved or not.

Street lighting is a good example of the first problem. Many people think that brightly-lit streets are safer streets. Whether they are in fact safer, or only make people feel safer, it is thus far impossible to say. There have been tests — in New York, St. Louis, Flint, and other cities — in which crime rates are measured before and after improved street lighting. In each case the rate seems to go down, but in each case there was no effort to discover what happens to the crime rate in adjoining darkly-lit areas, or to eliminate the influence of other changes (such as increased police patrol) which have often accompanied the lighting changes, or to measure the effect on crime over a long term. Or take citizen alarms. It is fairly easy to install devices on every street and in every housing project and apartment elevator by which victims could call the police when attacked — by yelling a code word, for example, or by pushing a button or triggering a transmitter carried in one's pocket. The difficulty with such measures is that they might cost a great deal (up to $400,000 per square mile) and they would probably have a very high false alarm rate (the conventional burglar alarms in use in Washington, D. C., for example, sound alarms that prove false in 98 percent of all cases). Nonetheless, no one can be sure that alarms are not worth the cost
until some city tries them, and hopefully some city will, under circumstances that permit a careful test of the results.

But for many crimes, there is almost nothing one can do. Murder occurs in private or semi-private places among (mostly) people known or related to each other. So do most rapes and serious assaults. Liquor and sex are often at the root of both crimes. If a policeman were on every corner, they would still occur. With respect to eliminating their causes, we have not had much luck in this country with banning the use of alcohol, and far from legislating against sex, the trend of the most advanced thinking is to encourage its practice as much as possible.

Burglary, larceny, robbery, auto theft

Burglary is a crime of stealth involving surreptitious entry. Burglar alarms are still quite unreliable, though in the few cases where they send a true alarm the chance of catching the burglar is so good as to make their continued use worthwhile. A policeman who can patrol noiselessly (on a bicycle or in an electric car) the back alleys has some chance of catching a burglar in the act, and thus there should be increased attention to diversifying the means of police mobility. But even then it will be a rare (and lucky) policeman who catches a burglar red-handed. The clearance rate for burglaries is only about 25 percent, and though that figure is sometimes subject to a good deal of jiggery-pokery, it is impressive (and depressing) that it has remained about constant for many years despite all the innovations in law enforcement. Simple expedients such as locking doors and windows and leaving buildings illuminated at night are still the best deterrents to burglary.

Larceny is also a crime of stealth and therefore also hard to prevent without unacceptable invasions of privacy. One of the most common forms is shoplifting, and everybody seems to agree that it is on the increase. But that is about the same thing as saying that the amount of merchandise temptingly displayed in stores is on the increase. Some stores employ security guards, others do not. Some stores prosecute shoplifters, others consider it “bad public relations.” Since most cases of shoplifting are misdemeanors, a deterrence system requires that the thief be seen stealing the goods by somebody willing to arrest and prosecute him. Many stores think the cost of catching shoplifters is not worth the price; many police departments feel they are simply being used as collection agencies by stores anxious to get the goods back but not anxious to prosecute. Hardening the target by locking up the merchandise in sturdy glass cases or putting it out of reach behind counters would undoubtedly reduce thefts substantially, but this is directly contrary to currently fashionable merchandising methods.
This leaves, among the major crimes, robbery and auto theft. Auto thefts can be reduced by installing locks on the steering wheel or the transmission as well as on the ignition, by installing alarms, and by making it impossible to jump the ignition or leave the keys in the car. These innovations have been resisted by the auto industry in the past on the grounds that the consumer would not find them attractive and that extra sales would not compensate the manufacturer for the extra costs. This may be true, though anybody who has had his car taken by kids going on a joyride knows there are some inconveniences more serious than a pop-out ignition lock. In order to deal with the competitive problem, it may be necessary to encourage or require the industry to work out an agreement on anti-theft measures so that no one firm will suffer by being the innovator and thus bearing the whole cost and risk. Of course, no conceivable security system will stop a determined professional auto thief, but most cars are not stolen by professionals and thus a little deterrence may go a long way. Since stealing cars is a common way for kids to get into crime, making it harder for them to succumb to temptation may serve everyone’s interests.

Robbery probably concerns people more than any other crime because (unlike murder, rape, or assault) it occurs among strangers and (unlike burglary or larceny) it involves the use or threat of force. A mugging and a purse snatch are street crimes; a hold-up usually occurs in a place of business, such as a bar, a service station, or a liquor store. Thus, robbery may be one of the few crimes which can be reduced by having more police officers on the street. We cannot be sure of this because very few police departments have ever tried to figure out, systematically, what strategy will best reduce any kind of crime. But intensive police patrols, hiring enough police, installing sufficient communications equipment, and giving the police a carefully-defined right to stop and frisk suspicious persons in high-crime areas will probably reduce the robbery rate. And we do know, from Commission studies, that the quicker the police get to the scene of a crime the greater the chance of catching the criminal. It is not the detective sifting physical evidence, tracking down clues, and solving mental puzzles who catches most of the crooks — it is the patrolman who is clever enough or lucky enough to get to the scene fast who makes the pinch.

6. Should we have more police officers, especially on foot?

“Putting the cop back on the beat” is the favorite popular remedy for rising crime rates, but the Commission has little to say about how many police officers are needed or how best they can be used; it has a great deal to say, however, about police department organization and staffing. The report of the Task Force on the Police, to put it suc-
cinctly, is oriented to managerial rather than to operational problems. About half the report is written from the point of view of police administrators concerned with recruitment, staff services, and training, while the other half is written from the point of view of citizens concerned with "police brutality" and corruption. Patrol techniques, including the relative merits of foot and motor patrolmen, get one page. No major field study was apparently carried out by the Commission on this problem and the data reported are culled from other — mostly inadequate — sources.

The state of affairs is not entirely its fault. A few computer experiments were tried on how to allocate police patrols, and one or two "real-world" experiments were discovered and evaluated, but so far there is little to report primarily because we do not know what we are trying to achieve. An experiment must have an objective, and right now we have no clear objective. More patrols with flexible beat boundaries are desirable if quick response time to citizen calls is the objective; foot patrols in small, fixed beats are desirable if the police are to get to know a neighborhood and its people in other than a combat relationship. Saturation patrols by tactical squads are useful ways of catching and disarming suspicious persons and recovering contraband; making the police inconspicuous and more passive is the best way of avoiding the charges of "harassment" and "brutality." Putting the cops into high-crime areas may reduce crime but it may also trigger complaints that more affluent areas are not being given adequate service. A police chief knows that a computer is not much help in choosing among these objectives (though it may be of some help in learning the consequences of one strategy over another), and thus the chief is not going to find the reports of the Commission very helpful in these matters.

7. Should criminals spend more time in jail?

As enlightened people, we like to think of our correctional objective as being the reformation and rehabilitation of the criminal. But there is one very strong argument in favor of detention — a person is not likely to commit a crime if he is behind bars with a guard watching him. The crucial issue, thus, is whether the cost of a convicted criminal committing another crime while on probation or parole outweighs the gain of rehabilitating other criminals undergoing the same program.

Though there are many persons — over 400,000 on an average day — in jail or prison, there are many more on probation or parole. One might think that this is because the benefits of probation had been clearly established by careful research. It is not. There are people (often with more than one conviction and, in the case of juveniles especially, more than one conviction for a serious offense) on proba-
tion because the prisons are full, because many judges feel that prison often makes matters worse, and because a judge typically sees a con-
trite and deferential man while the previous night the police officer saw the same person as a drunk and dangerous assaulter. As a result, the police — and an increasing number of citizens — complain that men arrested are back out on the street before the officer finishes writing his report, and that persons convicted of crimes, unless they are very serious indeed, are almost certain to get a suspended sen-
tence or probation. Having observed over a period of years several police courts in various cities, I can testify that this is true. Indeed, I have gone so far as to state it in the form of Wilson’s Law: Other than drunks, the average criminal or delinquent will so rarely be sent to jail that the large number of inmates can be explained only by assuming that they were born there or wandered in by mistake.

The alternatives are bleak indeed: either being locked up in an overcrowded, under-manned prison where the only meaningful edu-
cational experiences are in coerced homosexuality and lock-picking, or being referred to a harassed probation officer who can see you for fifteen minutes every two weeks and whose rehabilitative resources are limited to a lecture on the importance of avoiding bad companions.

There have been some studies that suggest that there is a middle road. The evidence developed by the Vera Institute and others shows quite convincingly that at the time of arrest a quick check of a man’s background (employers, place of residence, friends) is sufficient to make a judgment as to whether he can be released without bail pending his trial; when such a release is made, the overwhelming number return for their hearing on schedule. Such methods can greatly reduce the number of people waiting in jail for a trial because they cannot afford bail. (One minor problem with this procedure concerns prostitutes. To release them is to send them back to earn the price of a lawyer.)

It also seems that if, after trial and conviction, we screen the guilty persons carefully enough and if we invest sufficient resources in probation supervision and in community work programs, some results can be achieved. In California, a group of delinquents (screened to eliminate those for whom confinement was essential) were randomly assigned to a special community treatment center and to regular training camps. After five years, those who had gone to the special center were much less likely to have had their probation revoked for having committed new offenses than those who went to the regular camp.

Why did the experimental group do better? One reason was that there was one worker to every ten or twelve youths, as compared to the one officer for every forty, sixty, or a hundred children in a normal situation. Another was that the program was carried out in the com-
munity, where the boys were put to work, rather than in isolation from it. (Other studies have shown that special training programs run inside a correctional institution have little effect on the subjects.) And, of course still another is that the program was experimental — the delinquents got special treatment and knew it, and anybody who gets special treatment is likely to react simply because it is special. (Social psychologists call it the "Hawthorne Effect.")

The Commission strongly recommends that other states emulate these pilot projects undertaken in California and elsewhere. But that will be no easy task, for the same reason that improving public education is no easy task. The changes that must be made in the institution to show any improvement in the subject are huge. Minor variations have no appreciable effect. The number of probation officers in the country would have to be quadrupled to achieve the ratio in the California experiment. A large number of communities would have to accept the idea of delinquents living and working in their midst rather than out in an isolated training camp or reformatory. Efforts to appropriate that kind of money or obtain that kind of acceptance would face the usual arguments about the dangers of "coddling criminals."

But if the money and forbearance required by these new programs will be hard for conservatives to swallow, the restrictions they impose on the freedom of the juveniles will be hard for some liberals to accept. Probation was always thought to be intrinsically better than the reformatory because nobody got locked up. But though most probationers do not become repeaters, a substantial fraction do, and conventional probation methods are not reducing this fraction. The best chance for changing those likely to repeat is to take them halfway out of the community — not to reformatories but to closely-supervised, full-time work and study programs where, though they will not be put in solitary, neither will they be free to come and go as they please. Meaningful probation requires at least as much loss of liberty as the schools impose.

8. Have court decisions really handcuffed the police?

The Commission does not say and did not try to find out. It does say that those decisions requiring that defense counsel be provided, free if necessary, to every person facing a significant penalty should be implemented. With respect to whether the police should have the right to interrogate a suspect briefly without a lawyer being present, the Commission is silent.

9. How much "police brutality" is there?

Nobody will ever know — it depends on what you think brutality is (certainly the police have the right to use force under some cir-
cumstances) and on the (impossible) task of observing a large number of police-citizen contacts in many cities both objectively and in ways that do not alter police behavior. Nevertheless, the Commission added significantly to our knowledge of what happens between the police and the citizen, though not in ways that can settle once and for all the question asked above. First, it surveyed the attitudes of whites and Negroes toward the police; second, it commissioned a study in which 5,339 police-citizen contacts in the inner precincts of three large cities were observed. The attitude survey showed that Negroes were much less trustful of the police than whites, that lower-income Negroes were less trustful than middle-income Negroes, and that many Negroes reported having seen or experienced police discourtesy, abuse, and unnecessary force. The police behavior study, however, showed almost exactly the opposite! Done, as was the attitude survey, by reputable and highly-competent university scholars, it found that race made little or no difference in how the police behaved toward citizens in most routine street encounters. The police, if anything, were more correct toward Negroes (though less often downright friendly), even when provoked — an anti-cop white citizen was more likely to be treated in a hostile manner by the police than an anti-cop Negro. Twenty cases of police use of excessive force were observed; “most did not appear to be based upon racial prejudice.” Most of the victims were white.

How does the Commission reconcile these contradictory findings? It doesn’t. They are stated, side by side, and the reader is left to his own devices to decide what they mean. Predictably, different readers have drawn different conclusions — Negroes point to the “crisis of confidence” in law enforcement, the police (or at least the very few who have ever glanced at the reports) to the finding that they behave reasonably well on the street. About all the Commission can conclude is that “better communication” is needed between the police and citizens, especially in minority-group and low-income neighborhoods. Clearly it is, since somebody is wrong about what is going on, but there is not yet much reason to believe that more communication will convince either side that it is mistaken.

One thing that does seem clear is that there is no necessary connection between the attitudes and the behavior of the police. By the tests therein employed, the survey showed that police officers — including Negro officers in a large percentage of the cases — expressed strongly anti-Negro or “prejudiced” attitudes. Whatever may have been the errors in their methods, the researchers would surely not have found blatantly hostile attitudes and reasonably correct behavior coexisting among the police if behavior were simply a reflex of attitude. This is encouraging, as it suggests that here as elsewhere behavior can be changed without having first to change attitudes.
10. What does the Commission think we should do about crime?

Or more bluntly: if you say that all our reasonable questions are either unanswered or unanswerable, and if all our pet ideas either won't work or are untested or the Commission did not take them seriously, what is left?

A great deal, it turns out, but not much that anybody expects will produce quick or dramatic results. Whatever else law enforcement may need, it needs money. The police are now getting a smaller share of the local budget than they were sixty years ago. State and federal aid programs have been developed for almost every program — schools, welfare, highways, health — but not for the police. Most police departments are below authorized strength and are finding recruiting increasingly difficult. Police salaries in many places have not kept up with prevailing wage rates in manufacturing and construction jobs. The large number of police officers who joined right after World War II (perhaps because they expected a depression which never came) are about ready for retirement and, accordingly, there will be increasing numbers of vacancies on local forces. And judges and prosecutors in larger jurisdictions are overworked and unable to give more than a few minutes — or a few seconds — to each case. There are not even enough probation officers or prison guards to run the present system, to say nothing of a better one.

The Commission's emphasis on money and manpower may be obvious but it is not trivial. Crime control, like any other effort to grapple with a fundamental social problem, is not amenable to "solutions." We cannot "solve" the crime problem any more than we can "solve" the problem of mental illness, or poverty, or urban ugliness. We can only cope with it. We cope best with it if we hire able people to do the coping. There is no question in my mind or in the minds of most law enforcement officials that the quality of manpower entering the field — especially the police — has been going down over the last twenty years.

The objective is not to make every cop a college graduate. The Commission says it should be, but I do not see why. Any group faced with a problem tends to recommend that the problem-solvers should all be college graduates — which is nonsense, since the supply can never equal the demand unless quality is allowed to deteriorate and since there are not that many occupations for which college offers any meaningful preparation. But the motive is understandable enough: the challenges facing the police are now so difficult that a great strain is being placed on the officers' civility, and one is tempted to reach for any expedient that seems likely to increase the availability of that resource.

There are many other recommendations of the Commission that
are important though undramatic. It turns out, for example, that the police in many big cities face a critical shortage of communications facilities — not because they lack the equipment but because they lack enough radio frequencies to get all their messages on the air without unconscionable delays. Politicians agitating about “crime in the streets” are not likely to seize upon the reallocation of frequencies as a major program, but in fact they could do a lot worse. (Hopefully, nobody will promise that if elected he will expand the electromagnetic spectrum.) Creating new institutions that can handle chronic drunks, thereby easing the load on police, courts, and jails (which now are inundated with men arrested for public intoxication) would be a substantial gain — and one sought by the police themselves, who are not at all eager to spend their time locking up bums. Here again, the lawmakers are likely to do things backwards. Persuaded by liberal sentiment that drunkenness is not a crime, they are likely to enact laws or hand down judicial decisions denying the police the right to jail such persons without at the same time approving alternative facilities to keep derelicts from freezing to death on the sidewalk during winter. (New York’s new penal law is a step in just that direction.)

But the major accomplishment of the President’s Commission is that it existed. Citizens today expect leadership from the federal government in helping local law enforcement to deal with crime on the streets, just as they expected the Wickersham Commission in 1931 to help deal with racketeers and bank robbers. The fact that the Wickersham Commission provided almost no real help at all, and that its major accomplishment was less to improve the police than to set in motion events that led to the elimination or reduction of “third degree” interrogations, should remind us that we must never expect too much from commissions and that we are more likely to get unintended than intended results. Nevertheless, such efforts can have great symbolic value by reducing the chance that the deeply-emotional issue of crime will be allowed by default to polarize public opinion. By producing a unanimous report, despite the very different political and legal philosophies of its members, the Commission served that function well. To do this required compromise, ambiguity, and the ducking of a few issues, but that is a small price to pay. Beyond that, the Commission led the way toward putting federal money into local law enforcement. Though it has taken a few riots to prod Congress into acting on the bill, there is no doubt in my mind that this will be money well spent — not so much because it will buy more protection for citizens on the streets as because it will show to local judges, police, and correctional authorities that they are not being left alone and unaided while they cope with society’s most refractory problems.