

Improving Our Conceptualization and Measurement of Crime

Charles F. Wellford

University of Maryland—College Park

Although the Judiciary Act of 1789 (ch. 20, § 35, 1 Stat. 73, 92–93) created the position of the attorney general, it would be more than 80 years before the Department of Justice was established. After the Civil War, a group of Congressmen led an effort to address Reconstruction by passing legislation creating a Department of Justice. Once Ulysses Grant was president, the executive branch joined Congress in this effort. Grant was particularly interested in eliminating the influence of the Ku Klux Klan and saw a new government agency focusing on justice as the best way to do this (White, 2016).

As a result, when in 1870 Congress passed the Act to Establish the Department of Justice (ch. 150, 16 Stat. 162 (1870)), it assigned to that new agency many more functions than those that had been associated with the position of attorney general. This new agency was to handle not only all criminal and civil litigation, but it also was to direct all federal law enforcement activities. Furthermore, in Section 12 of the Act, the attorney general was required to

make an annual report to Congress, in January of each year, of the business of the said Department of Justice, and any other matters appertaining thereto that he may deem proper, including the statistics of crime under the laws of the United States, and, in so far as practicable, under the laws of the several states.

The attorney general was also required to produce a report on crime in the United States. Three years later, Attorney General George Henry Williams informed Congress that in his opinion, this was an impossible task and requested that this section of the Act be amended to eliminate the reference to “under the laws of the several states.” Later, Congress passed, and the president signed, amendments to the Act, in which the attorney general was

Direct correspondence to Charles F. Wellford, University of Maryland—College Park, 2220 LeFrak Hall, College Park, MD 20742-8235 (e-mail: wellford@umd.edu).

required only to report statistics on violations of federal law and on proceedings in federal courts. A hope of a national crime report by the federal government was dead.

As we know, it would be more than 50 years before the federal government, under pressure from police leaders, would agree to be involved in collecting and publishing national statistics on crimes known to police. Through lobbying by the International Association of Chiefs of Police, legislation (28 U.S.C. § 534) was passed that granted to the attorney general the authority to “acquire, collect, classify and preserve criminal identification, crime and other records.” The attorney general promptly delegated this authority to the Federal Bureau of Investigation (FBI). The system the FBI managed was designed to include voluntary reporting and be overseen by a strong advisory structure consisting almost exclusively of police leaders. The resulting Uniform Crime Reports (UCR) Program remained our only national crime statistics system from 1930 until the 1970s. Until today, it was the only national source of supposedly comparable local crime data. Yet recently, these data have been of unknown accuracy and value.

In the 1970s, with leadership from the predecessor agency of the National Institute of Justice, a new measure of crime in the United States began to be developed, now called the National Crime Victimization Survey (NCVS). This survey was rigorously developed and provided reliable and valid measures of crime through the use of survey sampling and careful attention to data collection and measurement. Unfortunately, given their costs, these data could only be generated for national estimates—no subnational estimates could be generated on a yearly basis. In addition, these data were often published 2 or 3 years after collection. Although there have been efforts to reduce or even eliminate the NCVS, the victimization surveys now are a vital part of our approach to measuring crime.

Also in the 1970s, the attorney general tasked a group to recommend how crime and justice statistics could be improved. This group, led by Ronald Gainer (a career attorney) and Harry Scarr (who became the first director of the Bureau of Justice Statistics and later deputy director of the Census), held discussions throughout the agency and came to the conclusion that an important step would be the creation of a Bureau of Justice Statistics (BJS) that would be responsible for the collection and reporting of all crime and criminal justice statistics using standards established in other respected federal statistics.¹ Since then, BJS has made significant strides in achieving that mission in all areas of crime and criminal justice, with the exception of crimes known to police. Even in that part of the system,

1. In 1976, after the group had been working for about 9 months, I was brought in to draft a report reflecting their work and thinking. The result was a plan for BJS that formed the foundation for the legislation that passed in 1979 creating BJS. As I worked on this document, I was struck by the absence of the UCR Program in any of the ideas for the new bureau. I was told that this issue had been raised by the attorney general with the FBI director and that it had been decided that UCR would remain with the FBI (I did not directly confirm this, but it was a constraint that was reflected in the report and subsequent legislation). A year later when the Carter administration used zero based budgeting for all agencies, the FBI listed the UCR Program at the very bottom of its priorities.

BJS encouraged and facilitated the development of an expansion on crimes known by police—the incident-based crime reporting system.

Today the NCVS provides national estimates of crime and can be aggregated to focus on specific offenses, but it does not provide subnational estimates and is still published 2 or 3 years after data are collected. UCR is published annually, but it is not used by police agencies that have embraced evidence-based policing and find UCR not detailed enough or timely.

The three articles in this issue detail developments in crime reporting that when completed will profoundly affect the quality, quantity, and timeliness of crime data in the United States and will present challenges for criminologists and other researchers who rely on crime data in their research. If they are as successful as it appears they will be, our nation will be ready to achieve what Congress asked for in 1870—a useful, accurate, and timely accounting of crime in the United States.

The Articles

Kevin Strom and Erica Smith (2017, this issue) provide a detailed account of the recognized deficiencies in UCR and how a national incident-based crime reporting system (NIBRS) will advance our understanding of crime. They describe how this system would operate and how it would be more embedded in the operations of law enforcement agencies. Finally, they show how such a system would be able to be related to our other source of information about crime, the National Crime Victimization Survey. Their description of these issues advances our understanding of why incident-based crime data are so important.

Of course, the good news in this article is that finally there is a strong probability that a national incident-based system will be accomplished in a very short time. After years of resisting the role of the agency responsible for crime data, the FBI has embraced that role and is now planning to abandon UCR and require participating agencies to submit incident data. As Strom and Smith (2017) point out, with the combination of strong FBI commitment and dollars and the expertise of BJS in developing quality crime and justice statistical series, we are likely to have national incident-based data within the next 5 years. The implications for practitioners and, especially for researchers, is truly profound. In fact, the FBI is currently taking steps to make all crime data more accessible by releasing the beta version of a tool that allows easy access to UCR and incident-based data.

Still, as Strom and Smith (2017) note, there is some resistance in the police community to moving to a NIBRS. They identify several reasons for this (most importantly, costs and concern that a new system will result in reports of increased crime). They describe efforts to address these concerns that when more widely understood should go far in reducing the resistance to a NIBRS. If current plans are achieved, students entering doctoral programs this year will enter their professional careers in a NIBRS world—one where UCR is a footnote in the development of criminology.

Langton, Planty, and Lynch (2017, this issue) describe and discuss equally exciting improvements in the NCVS—specifically, changes to improve on capturing populations and crimes not well (or not at all) measured in earlier versions and modifications to the NCVS sample to allow for the estimation of state and local victimization. Although these changes do not introduce a new statistical system that will have to be understood by practitioners and researchers, they will require users to understand the advantages of these changes and, especially, to understand their implications for time series estimations. Their discussion of the difficulties associated with subnational estimation helps us understand why this has been so difficult to achieve and how close we are now to being able to do this.

Especially important are the development of methods to measure and report on identity theft, stalking, and financial fraud. Langton et al. (2017) describe the development of these efforts and how they will allow for us to expand the reporting of crime data from street crimes to a broader range of crimes. The changes in NCVS are just as important but for a different reason—the ability to provide victimization estimates for subnational populations. Finally, Langton et al. (2017) describe changes that allow for better descriptions of victims and provide for measures of public perception of police. In sum, the changes in the NCVS provide substantial opportunities for researchers and practitioners to make greater use of this important crime measure.

Finally, Janet Lauritsen and Daniel Cork (2017, this issue) explain to us how, even if we have the improvements in UCR and NCVS that are described in the issue, we still have much to do. Their article summarizes the work on a National Academies Panel on modernizing crime statistics. The primary focus of the article is on all of the crime even our very much improved existing systems will not measure. They propose a new crime classification system for a new set of crime indicators (a later report will address how to implement the system they describe). They also propose a set of indicators for each crime classification. The classification system principles are explained and justified. This article lays out challenges researchers will need to address to achieve a truly comprehensive system of crime measurement. It is important that this effort not slow down the movement to NIBRS and the redesign of NCVS. It is also important, however, that the researcher and practitioner communities engage with this effort to decide what the next major developments in crime measurement should be.

Commentary

As long as crime reporting remains voluntary, the changes described in these articles (Lauritsen and Cork, 2017; Langton et al., 2017; Strom and Smith, 2017), especially those involving the measures of crimes known to police and the development of a new taxonomy of crime, require substantial cooperation from law enforcement agencies. Sean Goodison and Scott Thomson (2017, this issue) agree that the changes discussed in the three articles have value for policing. Especially in an era of evidence-based policing, better understanding of the extent and nature of crime are vital for good policing. In fact, Goodison and

Thomson see all of the changes discussed in the articles as important and deserving of praise. Nevertheless, they note that there may be barriers to adoption of these changes that must be addressed. They describe these challenges and offer concrete suggestions on how to address them.

The challenges Goodison and Thomson (2017) describe include the need to demonstrate the costs and benefits of changing to NIBRS, making sure crimes known to police and victimization data have tactical utility, and assuring the security of data. They also recommend that those proposing changes in crime data have a unified approach to explaining and implementing the changes. Strom and Smith (2017) address the issue of costs and how the conversion costs are being understood to involve a federal contribution. In fact, in many agencies that have converted their records management systems in the past 10 years, almost all of the data needed for NIBRS are being collected. The problem lies in extracting, formatting, and loading those data to NIBRS-compatible formats—a technical but not costly undertaking. In this instance, the delays in implanting NIBRS have minimized the costs of transitioning to it now.

Geocoding is another issue discussed by Goodison and Thomson (2017) that deserves the attention they suggest. Finally, data security is an important consideration especially as federally collected data are combined (usually via geocoding) with other data. This issue is broader than crime data and has been analyzed in a recent report in which specific suggestions are made for addressing data security (Commission on Evidence-Based Policymaking, 2017).

Of course, the research community will also have concerns about the changes described in this issue of *CPP*.² Although there will and should be discussion on the ideas summarized by Lauritsen and Cook (2017), the structure of the process used by panels organized by the National Academies provides ample opportunities for this to happen. One reason for including this article was to bring this discussion to a wider audience who should pay attention, and respond, to these developments. Similarly, the changes in NCVS in the past and, certainly the plans detailed in the Langton et al. (2017) article, have to be widely considered by the user community before any final modifications are adopted. It is the change to NIBRS that should be more fully understood by the research community. Even though NIBRS systems can be used to generate UCR estimates, those seeking longitudinal measure of crimes known to police will have a new set of issues to address. The detailed nature of NIBRS will require new questions and conceptual frameworks. The linking of crimes known to arrests and prosecutions will force us to think more systemically about crime processing. The details of NIBRS will help improve research, but it will require new

2. We asked a prominent researcher to provide a commentary on these articles. Despite repeated assurances that the commentary would meet our deadline, it was not provided. We regret that happened. Fortunately, all of the efforts described in the articles in this issue have involved researchers and practitioners working together, under the leadership of researchers.

skills, methods, and questions. Now is the time to prepare for the changes that are fast approaching in all of our systems for measuring crime.

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Charles F. Wellford is professor emeritus in the Department of Criminology and Criminal Justice at the University of Maryland—College Park. He is a fellow and past president of the American Society of Criminology. His current research (with Cynthia Lum) is focused on the determinants of the clearance of serious crimes.