



## Production of Crime Rates

Donald J. Black

*American Sociological Review*, Vol. 35, No. 4. (Aug., 1970), pp. 733-748.

Stable URL:

<http://links.jstor.org/sici?sici=0003-1224%28197008%2935%3A4%3C733%3APOCR%3E2.0.CO%3B2-F>

*American Sociological Review* is currently published by American Sociological Association.

---

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/about/terms.html>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/journals/asa.html>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

---

JSTOR is an independent not-for-profit organization dedicated to creating and preserving a digital archive of scholarly journals. For more information regarding JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## PRODUCTION OF CRIME RATES \*

DONALD J. BLACK

*Yale Law School*

*This paper makes problematic the situational conditions under which policemen write official crime reports in field encounters with complainants. These reports are the raw materials for official crime rates—"crimes known to the police." They also are a prerequisite of further investigation of the crime by the detective bureau and thus of apprehension of the offender. They constitute official recognition of crimes. The findings derive from a three-city observation study of routine police encounters. Among the conditions that relate to the production of official crime reports are the following: the legal seriousness of the complaint, the complainant's observable preference for police action, the relational distance between the complainant and the suspect, the complainant's degree of deference toward the police, and the complainant's social-class status. However, there is no evidence of racial discrimination in crime-reporting. We interpret these empirical patterns not only from the standpoint of crime rates as such but also from the standpoint of the relation between police work and other aspects of social organization.*

SOCIOLOGICAL approaches to official crime rates generally fail to make problematic the production of the rates themselves. Theory has not directed inquiry to the principles and mechanisms by which some technically illegal acts are recorded in the official ledger of crime while others are not. Instead crime rates ordinarily are put to use as data in the service of broader investigations of deviance and control. Yet at the same time it has long been taken for granted that official statistics are not an accurate measure of all legally defined crime in the community (e.g., de Beaumont and de Tocqueville, 1964; Morrison, 1897; Sellin, 1931).

The major uses of official crime statistics have taken two forms (see Biderman and Reiss, 1967); each involves a different social epistemology, a different way of structuring knowledge about crime. One employs official statistics as an index of the "actual" or "real" volume and morphology of criminal

deviance in the population. Those who follow this approach typically consider the lack of fit between official and actual rates of crime to be a methodological misfortune. Historically, measurement of crime has been the dominant function of crime rates in social science. A second major use of official statistics abandons the search for "actual" deviance. This is managed either by defining deviance with the official reactions themselves—a labeling approach—or by incorporating the official rates not as an index of deviant behavior but as an index of social control operations (e.g., Kitsuse and Cicourel, 1963; Erikson, 1966; Wilson, 1968). In effect this second range of work investigates "actual" social control rather than "actual" deviance. Hence it encounters methodological problems of its own, since, without question, social control agencies do not record all of their official attempts to counteract or contain what they and others regard as deviant conduct.<sup>1</sup> A striking feature of police work, for instance, is the degree to which officers operate with informal tactics, such as harassment and manipulative human-

---

\* The findings in this paper derive from a larger research project under the direction of Professor Albert J. Reiss, Jr., Department of Sociology, University of Michigan. The project was supported by Grant Award 006, Office of Law Enforcement Assistance, U. S. Department of Justice, under the Law Enforcement Assistance Act of 1965. Other grants were awarded by the National Science Foundation and the Russell Sage Foundation. Preparation of this paper was facilitated by the Russell Sage Program in Law and Social Science at Yale Law School. The author is indebted to the following for their constructive suggestions: Maureen Mileski, Albert J. Reiss, Jr., Stanton Wheeler, Abraham S. Goldstein, and Sheldon Olson.

---

<sup>1</sup> An approach that operationally defines criminal deviance as that which the police record as criminal—and nothing else—is immune to these problems. This would be the most radical "labeling" approach. It would exclude from the category of crime, for example, a murder carried out so skillfully that it goes undetected. It would necessarily exclude most "police brutality," since crimes committed by policemen are seldom detected and officially recorded as such.

relations techniques, when they confront law-violative behavior (e.g., Skolnick, 1966; La-Fave, 1965; Bittner, 1967; Black, 1968; Black and Reiss, 1970). In sum, when official statistics are used as a *means* of measurement and analysis, they usually function imperfectly. This is not to deny that such methods can be highly rewarding in some contexts.

This paper follows an alternative strategy that arises from an alternative conceptual starting point. It makes official records of crime an end rather than a means of study (see Wheeler, 1967; Cicourel, 1968:26-28). It treats the crime rate as itself a social fact, an empirical phenomenon with its own existential integrity. A crime rate is not an epiphenomenon. It is part of the natural world. From this standpoint crime statistics are not evaluated as inaccurate or unreliable. They are an aspect of social organization and cannot, sociologically, be wrong. From the present perspective it nevertheless remains interesting that social control systems process more than they report in official statistics and that there is a good deal more rule-violative behavior than that which is processed. These patterns are themselves analytically relevant aspects of crime rates.

An official crime rate may be understood as a rate of *socially recognized*<sup>2</sup> deviant behavior; deviance rates in this sense are produced by all control systems that respond on a case-by-case basis to sanctionable conduct. This does not say that deviant behavior as a general category is synonymous with socially recognized deviant behavior. As a general category deviance may be defined as any behavior in a *class* for which there is a *probability* of negative sanction subsequent to its detection (Black and Reiss, 1970). Thus, whether or not an agent of control detects or sanctions a particular instance of rule-violative behavior is immaterial to the issue of whether or not it is deviant. Deviance is behavior that is *vul-*

*nerable* to social control. This approach generates three empirical types of deviance: (1) undetected deviance, (2) detected, unsanctioned deviance, and (3) sanctioned deviance. It should be apparent that, while every control system may produce a rate of socially recognized deviance, much unrecognized deviance surely resides in every social system.<sup>3</sup> By definition undetected deviance cannot be recognized by a control system, but, as will become apparent in this presentation, even detected deviance may not be recognized as such. The notion of sanctioned deviance, by contrast, presumes that a social recognition process has taken place. The concept of social recognition of deviance is nothing more than a short-hand, more abstract way of stating what we mean by concrete expressions such as invocation of the law, hue and cry, bringing a suit, blowing the whistle, and so forth.

The concept of deviance should be applied with reference to specific systems of social control. For example, deviance that is undetected from the standpoint of a formal, legal control system, such as the police, may be detected or even sanctioned in an informal control context, such as a business organization, neighborhood or friendship group, or family. Crime rates then are rates of deviance socially recognized by official agencies of criminal-law enforcement. They are official rates of *detection* ("crimes known to the police") and of *sanctioning* (arrest rates and conviction rates).<sup>4</sup> Enforce-

<sup>3</sup> The moral and physical organization of social life into public and private places guarantees contemporary society some volume of secret deviance (Schwartz, 1968; Lofland, 1969:62-68). As far as criminal deviance is concerned, other well-known factors are the failure of citizens to report victimizations to the police and the failure of the police to report what is reported to them.

Evidence from victimization surveys suggests that underreporting of crime in official statistics is more a consequence of police discretion than of the failure of citizens to notify the police. Citizens claim that they report far more crimes to the police than the police ultimately report; this margin of unreported crime exceeds that which citizens admit they withhold from the police (Biderman, 1967).

<sup>4</sup> The "clearance rate" is a hybrid form of crime rate produced in American police systems. This is the proportion of "crimes known to the police" that have been solved, whether through arrest or some other means (see Skolnick, 1966:164-181).

<sup>2</sup> In his definition of law, Hoebel (1954:28) notes that enforcement of law is a "socially recognized" privilege. In the same vein a crime rate may be understood as a socially recognized product of law enforcement work. Malinowski (1962:79-80) stresses the importance of social recognition of deviant acts for the community as well as for the deviant person.

ment agencies handle many technically illegal acts that they omit from their official records. This paper explores some of the conditions under which the police produce official rates of crime detection in field encounters with citizens.

#### SOCIAL ORGANIZATION OF CRIME DETECTION

Detection of deviance involves (1) the discovery of deviant *acts* or behavior and (2) the linking of *persons* or groups to those acts. Types of deviance vary widely according to the extent to which either or both of these aspects of detection are probable. Some deviant acts are unlikely to be discovered, although discovery generally is equivalent to the detection of the deviant person as well. Examples are homosexual conduct and various other forms of consensual sexual deviance. Acts of burglary and auto theft, by contrast, are readily detected, but the offending persons often are not apprehended. These differential detection probabilities stem in part from the empirical patterns by which various forms of violative behavior occur in time and social space. In part they stem as well from the uneven climate of social control.

The organization of police control lodges the primary responsibility for crime detection in the citizenry rather than in the police. The uniformed patrol division, the major line unit of modern police departments, is geared to respond to citizen calls for help via a centralized radio-communications system. Apart from traffic violations, patrol officers detect comparatively little crime through their own initiative. This is all the more true of legally serious crime. Thus crime detection may be understood as a largely *reactive* process from the standpoint of the police as a control system. Far less is it a *proactive* process. Proactive operations aimed at the discovery of criminal behavior predominate in the smaller specialized units of the large police department, particularly in the vice or morals division, including the narcotics squad, and in the traffic division. Most crimes, unlike vice offenses, are not susceptible to detection by means of undercover work or the enlistment of quasi-employed informers (see Skolnick, 1966). Unlike traffic offenses, furthermore, most crimes cannot

be discovered through the surveillance of public places. Since the typical criminal act occurs at a specifically unpredictable time and place, the police must rely upon citizens to involve them in the average case. The law of privacy is another factor that presses the police toward a reactive detection system (Stinchcombe, 1963). Even without legal limitations on police detective work, however, the unpredictability of crime itself would usually render the police ignorant in the absence of citizens. Most often the citizen who calls the police is a victim of a crime who seeks justice in the role of *complainant*.

Vice control and traffic enforcement generally operate without the assistance of complainants. It appears that most proactive police work arises when there is community pressure for police action but where, routinely, there are no complainants involved as victims in the situations of violative behavior in question. In the average case proactive detection involves a simultaneous detection of the violative act and of the violative person. Proactively produced crime rates, therefore, are nearly always rates of arrest rather than rates of known criminal acts. In effect the proactive clearance rate is 100%. Crime rates that are produced in proactive police operations, such as rates of arrest for prostitution, gambling, homosexual behavior, and narcotics violation, directly correlate with police manpower allocation. Until a point of total detection is reached and holding all else constant, these vice rates increase as the number of policemen assigned to vice control is increased. On the other hand, the more important variable in rates of "crimes known to the police," is the volume of complaints from citizens.

Nevertheless, rates of known crimes do not perfectly reflect the volume of citizen complaints. A complaint must be given official status in a formal written report before it can enter police statistics, and the report by no means automatically follows receipt of the complaint by the police. In the present investigation patrol officers wrote official reports in only 64% of the 554 crime situations where a complainant, but no suspect, was present in the field setting. The decision to give official status to a crime ordinarily is an outcome of face-to-face interaction between the police and the complainant rather

than a programmed police response to a bureaucratic or legal formula. The content and contours of this interaction differentially condition the probability that an official report will be written, much as they condition, in situations where a suspect is present, the probability that an arrest will be made (Black, 1968; Black and Reiss, 1970).

Whether or not an official report is written affects not only the profile of official crime rates; it also determines whether subsequent police investigation of the crime will be undertaken at a later date. Subsequent investigation can occur only when an official report is forwarded to the detective division for further processing, which includes the possibility of an arrest of the suspect. Hence the rate of detection and sanctioning of deviant *persons* is in part contingent upon whether the detection of deviant *acts* is made official. In this respect justice demands formality in the processing of crimes. This paper considers the following conditions as they relate to the probability of an official crime report in police-complainant encounters: the legal seriousness of the alleged crime, the preference of the complainant, the relational distance between the complainant and the absentee suspect, the degree of deference the complainant extends to the police, and the race and social-class status of the complainant.

#### FIELD METHOD

Systematic observation of police-citizen transactions was conducted in Boston, Chicago, and Washington, D.C., during the summer of 1966. Thirty-six observers—persons with law, social science, and police administration backgrounds—recorded observations of routine encounters between uniformed patrolmen and citizens. Observers accompanied patrolmen on all work-shifts on all days of the week for seven weeks in each city. However, the times when police activity is comparatively high (evening shifts, particularly weekend evenings) were given added weight in the sample.

Police precincts were chosen as observation sites in each city. The precincts were selected so as to maximize observation in lower socioeconomic, high crime rate, racially homogeneous residential areas. This was ac-

complished through the selection of two precincts in Boston and Chicago and four precincts in Washington, D.C.

The data were recorded in "incident booklets," forms structurally similar to interview schedules. One booklet was used for each incident that the police were requested to handle or that they themselves noticed while on patrol. These booklets were not filled out in the presence of policemen. In fact the officers were told that our research was not concerned with police behavior but only with citizen behavior toward the police and the kinds of problems citizens make for the police. Thus the study partially utilized systematic deception.

A total of 5,713 incidents were observed and recorded. In what follows, however, the statistical base is only 554 cases, roughly one-in-ten of the total sample. These cases comprise nearly all of the police encounters with complainants in crime situations where no suspect was present in the field situation. They are drawn from the cases that originated with a citizen telephone call to the police, 76% of the total. Excluded are, first, encounters initiated by policemen on their own initiative (13%). Police-initiated encounters almost always involve a suspect or offender rather than a complainant; complainants usually must take the initiative to make themselves known to the police. Also excluded are encounters initiated by citizens who walk into a police to ask for help (6%) or who personally flag down the police on the street (5%). Both of these kinds of police work have peculiar situational features and should be treated separately. The great majority of citizen calls by telephone are likewise inappropriate for the present sample. In almost one-third of the cases no citizen is present when the police arrive to handle the complaint. When a citizen is present, furthermore, the incident at issue pertains to a noncriminal matter in well over one half of the cases. Even when there is a criminal matter a suspect not infrequently is present. When a suspect is present the major official outcome possible is arrest rather than a crime report. Finally, the sample excludes cases in which two or more complainants of mixed race or social-class composition participated. It may appear that, in all, much has been eliminated.

Still, perhaps surprisingly, what remains is the *majority of crime situations* that the police handle in response to citizen telephone calls for service. There is no suspect available in 77% of the felonies and in 51% of the misdemeanors that the police handle on account of a complaint by telephone. There is only a complainant. These proportions alone justify a study of police encounters with complainants. In routine police work the handling of crime is in large part the handling of complainants. Policemen see more victims than criminals.

#### LEGAL SERIOUSNESS OF THE CRIME

Police encounters with complainants where no suspect is present involve a disproportionately large number of felonies, the legally serious category of crime. This was true of 53% of the cases in the sample of 554. When a suspect is present, with or without a citizen complainant, the great majority of police encounters pertain only to misdemeanors (Black, 1968). In other words, the police arrive at the scene too late to apprehend a suspect more often in serious crime situations than in those of a relatively minor nature.<sup>5</sup> In police language, felonies more often are "cold." A moment's reflection upon the empirical patterns by which various crimes are committed reveals why this is so. Some of the more common felonies, such as burglary and auto theft, generally involve stealth and occur when the victim is absent; by the time the crime is discovered, the offender has departed. Other felonies such as robbery and rape have a hit-and-run character, such that the police rarely can be notified in time to make an arrest at the crime setting. Misdemeanors, by contrast, more often involve some form of "disturbance of the peace," such as disorderly con-

duct and drunkenness, crimes that are readily audible or visible to potential complainants and that proceed in time with comparative continuity. In short, properties of the social organization of crime make detection of felony offenders relatively difficult and detection of misdemeanor offenders relatively simple, given detection of the act.<sup>6</sup>

When the offender has left the scene in either felony or misdemeanor situations, however, detection and sanctioning of the offender is precluded unless an official report is written by the police. Not surprisingly, the police are more likely to write these reports in felony than in misdemeanor situations.<sup>7</sup> Reports were written in 72% of the

<sup>6</sup> The heavier penalties that the law provides for felonies may compensate for a loss in deterrence that could result from the relatively low rate at which felons are apprehended. Likewise, the law of arrest seemingly compensates for the social organization of crime that gives felons a head start on the police. In most jurisdictions the police need less evidence in felony than in misdemeanor situations to make a legal arrest without warrant. By a second technique, then, the legal system increases the jeopardy of felony offenders. The power of substantive law increases as procedural restrictions on legal officials are weakened. By both penalty and procedure, the law pursues the felon with a special vengeance.

<sup>7</sup> Crime situations were classified as felonies or misdemeanors according to legal criteria. These criteria were applied to the version of the crime that prevailed in the police-citizen transaction. The observation reports required the observer to classify the incident in a detailed list of categories as well as to write a long-hand description of the incident. The felony-misdemeanor breakdown was made during the coding stage of the investigation.

The major shortcoming of this strategy is that the tabulation allows no gradations of legal seriousness within the felony and misdemeanor categories. This shortcoming was accepted in order to facilitate more elaborate statistical analysis with a minimum of attrition in the number of cases.

It should also be noted that the tabulations do not provide information pertaining to the kind of official report the police wrote for a given kind of crime situation. Occasionally, the police officially characterize the crime with a category that seems incorrect to a legally sophisticated observer. Most commonly this involves reducing the legal seriousness of the crime. However, there are cases where the officer, sometimes through sheer ignorance of the law or inattention, increases the legal seriousness of the crime. In one case, for example, a woman complained about two young men in an automobile who had made obscene remarks to her as she walked along the street near her residence. She claimed she was prepared to press charges.

<sup>5</sup> It is interesting to note that in ancient Roman law the offender caught in the act of theft was subject to a more serious punishment than the offender apprehended some time after detection of his theft. In the *Laws of the Twelve Tables* these were called "manifest" and "non-manifest" thefts. The same legal principle is found in the early Anglo-Saxon and other Germanic codes (Maine, 1963:366-367). It could well be that a similar pattern is found in present-day law-in-action. What is formal in one legal system may be informal in another.

312 felonies, but in only 53% of the 242 misdemeanors. It is clear that official recognition of crimes becomes more likely as the legally defined seriousness of the crime increases. Even so, it remains noteworthy that the police officially disregard one-fourth of the felonies they handle in encounters with complainants. These are not referred to the detective division for investigation; offenders in these cases thus unknowingly receive a pardon of sorts.

Now the reader might protest an analysis that treats as crimes some incidents that the police themselves do not handle as crimes. How can we call an event a law violation when a legal official ignores that very event? This is a definitional problem that plagues a sociology of law as well as a sociology of deviance and social control. How is a violation of the "law on the books" properly classified if "in practice" it is not labeled as such? It is easy enough to argue that either of these criteria, the written law or the law-in-action, should alone define the violative behavior in question. No answer to this dilemma is true or false. It is of course all a matter of the usefulness of one definition or another. Here a major aim is to learn something about the process by which the police select for official attention certain technically illegal acts while they bypass others. If we classify as crimes only those acts the police officially recognize as crimes, then what shall we call the remainder? Surely that remainder should be conceptually distinguished from acts that are technically legal and which carry no sanctions. For that reason, the present analysis operates with two working categories, crimes and officially recognized crimes, along with an implicit residual category of non-crimes. Crime differs from other behavior by dint of a probability, the probability that it will be sanctioned in a particular administrative system if it is detected. The written law usually—though not always—is a good index of whether that probability exists. "Dead let-

ter" illegal acts, i.e., those virtually never sanctioned, are not classified as crimes in this analysis. Crime as a *general category* consists in a probability of sanction; official recognition in the form of a crime report is one factor that escalates that probability for a *specific instance* of crime. It is worthwhile to have a vocabulary that distinguishes *between crimes* on the basis of how the police relate to them. Without a vocabulary of this kind police invocation of the law in the face of a law violation cannot be treated as empirically or theoretically problematic. Rather, invocation of the law would *define* a law violation and would thereby deprive sociology of an intriguing problem for analysis. Indeed, if we define a law violation *with* invocation of the law, we are left with the peculiar analytical premise that enforcement of the law is total or universal. We would definitionally destroy the possibility of police leniency or even of police discretion in law enforcement.

#### THE COMPLAINANT'S PREFERENCE

Upon arriving at a field setting, the police typically have very little information about what they are going to find. At best they have the crude label assigned to the incident by a dispatcher at the communications center. Over the police radio they hear such descriptions as "a B and E" (breaking and/or entering), "family trouble," "somebody screaming," "a theft report," "a man down" (person lying in a public place, cause unknown), "outside ringer" (burglar-alarm ringing), "the boys" (trouble with juveniles), and suchlike. Not infrequently these labels prove to be inaccurate. In any case policemen find themselves highly dependent upon citizens to assist them in structuring situational reality. Complainants, biased though they may be, serve the police as primary agents of situational intelligence.

What is more, complainants not infrequently go beyond the role of providing information by seeking to influence the direction of police action. When a suspect is present the complainant may pressure the police to make an arrest or to be lenient. When there is no available suspect, it becomes a matter of whether the complainant

---

After leaving the scene the officer filled out an official report, classifying the incident as an "aggravated assault," the felonious level of assault. Before doing so he asked the observer for his opinion as to the proper category. The observer feigned ignorance.

prefers that the crime be handled as an official matter or whether he wants it handled informally. Of course many complainants are quite passive and remain behaviorally neutral. During the observation period the complainant's preference was unclear in 40% of the encounters involving a "cold" felony or misdemeanor. There were 184 felony situations in which the complainant expressed a clear preference; 78% lobbied for official action. Of the 145 misdemeanor situations where the complainant expressed a clear preference, the proportion favoring official action was 75%, roughly the same proportion as that in felony situations. It seems that complainants are, behaviorally, insensitive to the legal seriousness of crimes when they seek to direct police action.

Police action displays a striking pattern of conformity with the preferences of complainants. Indeed, in not one case did the police write an official crime report when the complainant manifested a preference for informal action. This pattern seen in legal perspective is particularly interesting given that felony complainants prefer informal action nearly as frequently as misdemeanor complainants. Police conformity with those complainants who do prefer official action, however, is not so symmetrical. In felony situations the police comply by writing an official report in 84% of the cases, whereas when the complaint involves a misdemeanor their rate of compliance drops to 64%. Thus the police follow the wishes of officially-oriented complainants in the majority of encounters, but the majority is somewhat heavier when the occasion is a legally more serious matter. In the field setting proper the citizen complainant has much to say about the official recognition of crimes, though the law seemingly screens his influence.<sup>8</sup>

<sup>8</sup> Here two general remarks about analytical strategy seem appropriate. One is that the present approach abdicates the problematics of psychological analysis. The observational study does not provide data on the motives or cognitions of the police or the citizens whose behavior is described. Still, findings on patterns of behavior make prediction of police behavior possible. They also offer opportunities for drawing inferences about the impact or implications of police work for social organization. Much can be learned about man's behavior in a social matrix without knowing how

Recall that the raw inputs for the official detection rate are generated by the citizenry who call the police. At two levels, then, the operational influence of citizens gives crime rates a peculiarly democratic character. Here the servant role of the police predominates; the guardian role recedes. Since an official report is a prerequisite for further police investigation of the crime, this pattern also implies that complainants are operationally endowed with an adjudicatory power. Their observable preferences can ultimately affect probabilities of arrest and conviction. While the structure of the process is democratic in this sense, it most certainly is not universalistic. The moral standards of complainants vary to some extent across the citizen population, thereby injecting particularism into the production of outcomes. There appears a trade-off between democratic process and universalistic enforcement in police work. This is an organizational dilemma not only of the police but of the legal system at large. When the citizenry has the power to direct the invocation of law, it has the power to discriminate among law-violators. Moral diversity in the citizen population by itself assures that some discrimination of this kind will occur. This is true regardless of the intentions of individual citizens. When a legal system organizes to follow the demands of the citizenry, it must sacrifice uniformity, since the system responds only to those who call upon it while it ignores illegality that citizens choose to ignore. A legal system that strives for universalistic application of the law, by contrast, must refuse to follow the diverse whims of its atomized citizenry. Only a society of citizens homogeneous in their legal behavior could avoid this dilemma.

---

he experiences his behavior. The consequences of behavior, moreover, are indifferent to their mental origins.

Secondly, the strategy pursued in this analysis is not sensitive, except in the broadest terms, to the temporal dimension of police-citizen transactions. Thus, simply because the complainant's preference is treated prior to other variables does not mean that it is temporally prior to other aspects of police-citizen interaction. Like the other variables treated in this investigation, the complainant's preference is prior in time only to the final police response to the encounter.

## RELATIONAL DISTANCE

Like any other kind of behavior, criminal behavior is located within networks of social organization. One aspect of that social organization consists in the relationship existing between the criminal offender and the complainant prior to a criminal event. They may be related by blood, marriage, friendship, neighborhood, membership in the same community, or whatever. In other words, the adversarial relation that is created by a crime may itself be viewed as it is structured within a wider social frame. The findings in this section permit the conclusion that the probability of official recognition of a crime varies with the relational network in which the crime occurs.<sup>9</sup> The greater the relational distance between citizen adversaries, the greater is the likelihood of official recognition.

Citizen adversaries may be classified according to three levels of relational distance: (1) fellow family members, (2) friends, neighbors, or acquaintances, and (3) strangers. The vast majority of the cases fall into the "stranger" category, though some of these probably would be reclassified into one of the other relational categories if the criminal offender were detected. The complainant's first speculation generally is that a stranger committed the offense in question.

Table 1 shows that when a complainant expresses a preference for official action the police comply most readily when the adversaries are strangers to one another. They are less likely to comply by writing an official crime report when the adversaries are friends, neighbors, or acquaintances, and they are least likely to give official recognition to the crime when the complainant and suspect are members of the same family. The small number of cases in the "fellow family members" category prohibits com-

parison between felony and misdemeanor situations. In the other relational categories this comparison reveals that the police follow the same pattern in the handling of both felonies and misdemeanors. With the relational distance between the adversaries held constant, however, the probability of an official report is higher for felony than for misdemeanor situations. The highest probability of an official response occurs when the crime is a felony and the adversaries are strangers to one another (91%); the lowest calculable probability is that for misdemeanors when the adversaries are related by friendship, neighborhood, or acquaintanceship (42%). On the other hand, it appears that relational distance can override the legal seriousness of crimes in conditioning police action, since the police are more likely to give official recognition to a misdemeanor involving strangers as adversaries (74%) than to a felony involving friends, neighbors, or acquaintances (62%). Here again, therefore, the law screens but does not direct the impact of an extra-legal element in the production of crime rates.

Beyond the importance of relational distance for an understanding of crime rates as such is another implication of these findings. Because a follow-up investigation of the crime report by the detective division may result in apprehension of the criminal offender, it is apparent that the probability of an official sanction for the offender lessens as the degree of social intimacy with his adversary—usually his victim—increases. When an offender victimizes a social intimate the police are most apt to let the event remain a private matter, regardless of the complainant's preference. A more general consequence of this pattern of police behavior is that the criminal law gives priority to the protection of strangers from strangers while it leaves vulnerable intimates to intimates. Indeed, victimizations of strangers by strangers may be comparatively more damaging to social order and hence, from a functional standpoint, require more attention from the forces of control. A victimization between intimates is capsulated by intimacy itself. Furthermore, as social networks are more intimate, it surely is more likely that informal systems of social control operate. Other forms of legal control

<sup>9</sup> Hall (1952:318) suggests that the relational distance between the victim and offender may influence the probability of *prosecution*. The present investigation, following Hall, seeks to predict social control responses from variations in relational distance. A different strategy is to predict community organization from the relationships between adversaries who enter the legal system, under the assumption that legal disputes bespeak a relative absence of informal control in the relational contexts where they arise (see Nader, 1964).

TABLE 1. PERCENT OF POLICE ENCOUNTERS WITH COMPLAINANTS ACCORDING TO TYPE OF CRIME AND RELATIONAL TIE BETWEEN CITIZEN ADVERSARIES, BY SITUATIONAL OUTCOME: COMPLAINANT PREFERS OFFICIAL ACTION

Situational Outcome	Type of Crime and Relational Tie between Citizen Adversaries											
	Felony					Misdemeanor					All Crimes	
	Family Members	Friends, Neighbors, Acquaintances	Strangers	Family Members	Friends, Neighbors, Acquaintances	Strangers	Family Members	Friends, Neighbors, Acquaintances	Strangers	Family Members	Friends, Neighbors, Acquaintances	Strangers
Official Report	(4)	62	91	(3)	43	74	41	51	84	41	51	84
No Official Report	(5)	38	9	(5)	57	26	59	49	16	59	49	16
Total Percent	...	100	100	...	100	100	100	100	100	100	100	100
Total Number	(9)	(16)	(92)	(8)	(23)	(62)	(17)	(39)	(154)	(17)	(39)	(154)

also may become available in the more intimate social relationships. In contrast there is hardly anyone but the police to oversee relations among strangers. Seemingly the criminal law is most likely to be invoked where it is the only operable control system. The same may be said of legal control in general (see Pound, 1942; Schwartz, 1954; Nader and Metzger, 1963). Legal control melds with other aspects of social organization.

#### THE COMPLAINANT'S DEFERENCE

Evidence accumulates from studies of police sanctioning that the fate of suspects sometimes hangs upon the degree of deference or respect they extend to policemen in field encounters (Westley, 1953; Piliavin and Briar, 1964; Black, 1968; Black and Reiss, 1970). As a rule, the police are especially likely to sanction suspects who fail to defer to police authority whether legal grounds exist or not. Situational etiquette can weigh heavily on broader processes of social life (see Goffman, 1956 and 1963). This section offers findings showing that the complainant's deference toward the police conditions the official recognition of crime complaints.

The deference of complainants toward the police can be classified into three categories: (1) very deferential or very respectful, (2) civil, and (3) antagonistic or disrespectful. As might be expected, complainants are not often antagonistic toward policemen; it is the suspect who is more likely to be disrespectful (Black and Reiss, 1967:63-65). The number of cases of police encounters with antagonistic complainants is too few for separate analysis of felony and misdemeanor situations. When felonies and misdemeanors are combined into one statistical base, however, it becomes clear that by a large margin the probability of an official crime report is lowest when the complainant is antagonistic in the face-to-face encounter. (See Table 2.) Less than one-third of the disrespectful complainants who prefer official action see their wishes actualized in a crime report. Because of the small number of cases this finding nevertheless should be taken as tentative. The comparison between the very deferential and the civil complain-

ants, which is more firmly grounded, is equally striking. The police are somewhat more likely to comply with very deferential complainants than with those who are merely civil. In sum, then, the less deferential the complainant, the less likely are the police to comply with his manifest preference for official action in the form of an official crime report.<sup>10</sup>

Table 2 also shows that the complainant's degree of deference conditions crime-reporting in both felony and misdemeanor situations. In fact, it seems that the complainant's deference can predict official recognition as well, or even slightly better than the legal seriousness of the crime. The probability of a crime report in misdemeanor situations where the complainant is very deferential (85%) is as high as it is in felony situations where he is only civil toward the police (80%). Still, when we

<sup>10</sup> The findings in this section present a problem of interpretation, since no information about the police officer's behavior toward the citizen is provided apart from whether or not he wrote an official report. Therefore, nothing is known from the tabulation about whether the officer behaved in such a way as to *provoke* the citizen into one or another degree of deference. Nothing is known about the subtle exchange of cues that takes place in any instance of face-to-face interaction. Other studies of the role of deference in police work are subject to the same criticism. Here, again, no inquiry is made into the motivational dimensions of the pattern. It nevertheless should be emphasized that whatever the motivation of the complainant behavior, the motivation was not the failure of the police to write an official report. In the cities studied the complainant ordinarily did not even know whether or not an official report was written, since the police ordinarily wrote the report in the police car or at the police station after leaving the encounter with the complainant. During the encounter they recorded the relevant facts about the incident in a notebook, whether or not they intended to write an official report. As some officers say, they do this "for show" in order to lead the complainant to believe they are "doing something." Thus, in the average case, it can be assumed that the complainant's deference is not a consequence of the situational outcome. Furthermore, the observers were instructed to record only the level of citizen deference that appeared prior to the situational outcome. A separate item was provided in the observation booklet for recording the citizen's manifest level of satisfaction at the close of the encounter. It therefore remains reasonable to hold that the complainant's deference can aid in calculating the probability of an official crime report.

TABLE 2. PERCENT OF POLICE ENCOUNTERS WITH COMPLAINANTS ACCORDING TO TYPE OF CRIME AND COMPLAINANT'S DEGREE OF DEFERENCE, BY SITUATIONAL OUTCOME: COMPLAINANT PREFERS OFFICIAL ACTION

Situational Outcome	Type of Crime and Complainant's Degree of Deference									
	Felony			Misdemeanor			All Crimes			
	Very Deferential	Civil	Antagonistic	Very Deferential	Civil	Antagonistic	Very Deferential	Civil	Antagonistic	Very Deferential
Official Report	100	80	(2)	85	65	(1)	91	73	(1)	30
No Official Report	...	20	(1)	15	35	(6)	9	26	(6)	70
Total Percent	100	100	...	100	100	...	100	99	...	100
Total Number	(15)	(127)	(3)	(20)	(79)	(7)	(35)	(206)	(7)	(10)

hold constant the complainant's deference, the legal seriousness of the incident looms to importance. In felony situations where the complainant is very respectful, the police satisfy his preference for official action in no less than 100% of the cases.

The findings in this section reveal that the level of citizen respect for the police in field encounters has consequences beyond those known to operate in the sanctioning of suspects. Here we see that the fate of citizens who are nominally served, as well as those who are controlled by the police, rides in part upon their etiquette. The official response to an avowed victimization in part depends upon the situational *style* in which the citizen presents his complaint to the control system. Official crime rates and the justice done through police detection of criminal offenders, therefore, reflect the politeness of victims. That sanctions are sometimes more severe for alleged offenders who are disrespectful toward the police can be understood in many ways as a possible contribution to the control function. Perhaps, for example, disrespectful offenders pose a greater threat to society, since they refuse to extend legitimacy to its legal system. Perhaps deterrence is undermined by leniency toward disrespectful suspects. Perhaps not. The point is that rationales are available for understanding this pattern as it relates to the police control function. It should be apparent that such rationales do not apply as readily to the tendency of the police to underreport the victimizations of disrespectful complainants. Surely this pattern could have only the remotest connection to deterrence of illegal behavior. Etiquette, it would seem, can belittle the criminal law.

#### THE COMPLAINANT'S STATUS

The literature on police work abounds in speculation but provides little observational evidence concerning the relation of social status to police outcomes. The routine policing of Negroes differs somewhat from that of whites, and the policing of blue-collar citizens differs quite massively from that of white-collar citizens. Nevertheless, there is a dearth of evidence that these differences arise from discriminatory behavior by po-

licemen. It appears that more consequential in determining these outcomes are aggregative differences between the races and classes in the kinds of incidents the police handle along with situational factors such as those the present analysis examines (e.g., Skolnick, 1966; Black, 1968; Black and Reiss, 1970). Nevertheless, the research literature remains far too scanty to permit confident generalization on these questions.

Studies in the discretionary aspects of police work focus almost solely upon police encounters with suspects. The present sample provides an opportunity to investigate the relation between a complainant's race and social-class status and the probability that the police will give official recognition to his complaint. The tabulation limits the cases to those where the complainant expresses a preference for official action and to those where he is civil toward the police. This section concludes that the race of complainants does not independently relate to the production of official crime rates, but there is some evidence that the police give preferential treatment to white-collar complainants in felony situations.

For all crimes and social-class statuses taken together, the difference between Negroes and whites in the probability of an official crime report is slight and negligible (see Table 3); it is a bit higher for whites. Table 3 also shows that this probability is the same for blue-collar Negroes and blue-collar whites in felony situations, though it is comparatively higher for blue-collar Negroes in misdemeanor situations. Evidence of racial discrimination thus appears weak and inconsistent. It should nonetheless be noted that if there were consistent evidence of a race differential it is not readily clear to whom a disadvantage could be attributed. Considered from the complainant's standpoint, a higher frequency of police failure to comply with complainants of one race could be viewed as discrimination *against* that race. But police failure to write a crime report also lowers the likelihood that the offender will be subjected to the criminal process. Since we may assume that complainants more commonly are victims of offenses committed by members of their own race than by members of another race (Reiss, 1967), then disproportionate police

TABLE 3. PERCENT OF POLICE ENCOUNTERS WITH COMPLAINANTS ACCORDING TO TYPE OF CRIME AND COMPLAINANT'S SOCIAL-CLASS STATUS AND RACE, BY SITUATIONAL OUTCOME: COMPLAINANT PREFERS OFFICIAL ACTION AND IS CIVIL TOWARD POLICE

Situational Outcome	Type of Crime and Complainant's Social-Class Status and Race													
	Felony						Misdemeanor						All Crimes and Classes	
	Blue-Collar		White-Collar		Class Unknown		Blue-Collar		White-Collar		Class Unknown		Negro	White
Official Report	77	77	(5)	100	90	69	55	(2)	64	(2)	80	72	76	
No Official Report	23	23	...	...	10	31	45	...	36	(3)	20	28	24	
Total Percent	100	100	...	100	100	100	100	...	100	...	100	100	100	
Total Number	(64)	(22)	(5)	(18)	(10)	(26)	(22)	(2)	(14)	(5)	(10)	(110)	(96)	

failure to comply with complainants could be viewed as discrimination *in favor* of that race, considered from the offender's standpoint. Race differentials in arrest rates for crimes where there is an identifiable victim necessarily pose a similar dilemma of interpretation. Definitionally, there always is a conflict of legal interests between offenders and victims. Offender-victim relationships tend to be racially homogeneous. The social organization of crime therefore complicates questions of racial discrimination in law enforcement.<sup>11</sup>

Along social-class lines there is some evidence of discrimination against complainants and offenders. Table 3 shows that in felony situations the police are somewhat more likely to comply with white-collar complainants than with those of blue-collar status. In fact an official crime report resulted from every encounter between the police and a white-collar felony complainant of either race. The probability of official recognition drops to about three-fourths for blue-collar felony complainants. There does not appear to be a clear social-class differential in misdemeanor situations, however.

Only in felony situations, then, does an inference of discrimination offer itself. In these encounters the police seem to discriminate against blue-collar complainants. Moreover, when both white-collar and blue-collar complainants report felonious offenses, we should be able to assume that the offenders characteristically are of blue-collar status. There is every reason to believe, after all, that white-collar citizens rarely commit the common felonies such as burglary, robbery, and aggravated assault. A possible excep-

tion is auto theft, a crime in which youths from white-collar families occasionally indulge. Since this study was conducted in predominantly blue-collar residential areas the assumption should be all the more warranted. It would follow that the police discriminate against blue-collar citizens who feloniously offend white-collar citizens by being comparatively lenient in the investigation of felonies committed by one blue-collar citizen against another. In this instance the legal system listens more attentively to the claims of higher status citizens. The pattern is recorded in the crime rate.

#### OVERVIEW

The foregoing analysis yields a number of empirical generalizations about the production of crime rates. For the sake of convenience they may be listed as follows:

- I. The police officially recognize proportionately more legally serious crimes than legally minor crimes.
- II. The complainant's manifest preference for police action has a significant effect upon official crime-reporting.
- III. The greater the relational distance between the complainant and the suspect, the greater is the likelihood of official recognition.
- IV. The more deferential the complainant toward the police, the greater is the likelihood of official recognition of the complaint.
- V. There is no evidence of racial discrimination in crime-reporting.
- VI. There is some evidence that the police discriminate in favor of white-collar complainants, but this is true only in the official recognition of legally serious crime situations.

On the surface these findings have direct methodological relevance for those who would put official statistics to use as empirical data, whether to index actual crime in the population or to index actual police practices. Crime rates, as data, systematically underrepresent much crime and much police work. To learn some of the patterns by which this selection process occurs is to acquire a means of improving the utility of crime rates as data.

It should again be emphasized that these patterns of police behavior have consequences not only for official rates of detection as such; they also result in differential

<sup>11</sup> It may seem that in criminal matters the costs are slight for the complainant when the police fail to comply with his preference for official action. However, it should be remembered that crimes frequently involve an economic loss for the victim, a loss that can sometimes be recouped if and when the offender is discovered. In other cases, discovery and punishment of the offender may net the victim nothing more than a sense of revenge or security or a sense that justice has been done—concerns that have received little attention in social science. For that matter, social scientists generally examine questions of discriminatory law enforcement *only* from the offender's standpoint. Ordinary citizens in high crime rate areas probably are more interested in questions of discrimination in police allocation of manpower for community protection.

investigation of crimes and hence differential probabilities of arrest and conviction of criminal offenders. Thus the life chances of a criminal violator may depend upon who his victim is and how his victim presents his claim to the police. The complainant's role is appreciable in the criminal process. Surely the complainant has a central place in other legal and nonlegal control contexts as well, though there is as yet little research on the topic. Complainants are the consumers of justice. They are the prime movers of every known legal system, the human mechanisms by which legal services are routed into situations where there is a felt need for law. Complainants are the most invisible and they may be the most important social force binding the law to other aspects of social organization.

## REFERENCES

- Biderman, Albert D.  
1967 "Surveys of population samples for estimating crime incidence." *The Annals of the American Academy of Political and Social Science* 374 (1967):16-33.
- Biderman, Albert D. and Albert J. Reiss, Jr.  
1967 "On exploring the 'dark figure' of crime." *The Annals of the American Academy of Political and Social Science* 374 (1967):1-15.
- Bittner, Egon  
1967 "The police on skid-row: A study of peace-keeping." *American Sociological Review* 32 (1967):699-715.
- Black, Donald J.  
1968 *Police Encounters and Social Organization: An Observation Study*. Unpublished Ph.D. Dissertation, Department of Sociology, University of Michigan.
- Black, Donald J. and Albert J. Reiss, Jr.  
1967 "Patterns of behavior in police and citizen transactions." Pp. 1-139 in *President's Commission on Law Enforcement and Administration of Justice, Studies in Crime and Law Enforcement in Major Metropolitan Areas, Field Surveys III, Volume 2*. Washington, D. C.: U.S. Government Printing Office.  
1970 "Police control of juveniles." *American Sociological Review* 35 (February):63-77.
- Cicourel, Aaron V.  
1968 *The Social Organization of Juvenile Justice*. New York: John Wiley and Sons, Inc.
- de Beaumont, Gustave and Alexis de Tocqueville  
1964 *On the Penitentiary System in the United States and Its Application in France*. Carbondale, Ill.: Southern University Press. (orig. pub. 1833)
- Erikson, Kai T.  
1966 *Wayward Puritans: A Study in the Sociology of Deviance*. New York: John Wiley and Sons.
- Goffman, Erving  
1956 "The nature of deference and demeanor." *American Anthropologist* 58 (1956):473-502.  
1963 *Behavior in Public Places: Notes on the Social Organization of Gatherings*. New York: The Free Press.
- Hall, Jerome  
1952 *Theft, Law and Society*. Indianapolis, Ind.: The Bobbs-Merrill Company. (2nd Ed.)
- Hoebel, E. Adamson  
1954 *The Law of Primitive Man: A Study in Comparative Legal Dynamics*. Cambridge: Harvard University Press.
- Kitsuse, John I. and Aaron Cicourel  
1963 "A note on the uses of official statistics." *Social Problems* 11 (1963):131-139.
- LaFave, Wayne R.  
1965 *Arrest: The Decision to Take a Suspect into Custody*. Boston: Little, Brown and Company.
- Lofland, John  
1969 *Deviance and Identity*. Englewood Cliffs, N. J.: Prentice-Hall.
- Maine, Henry Sumner  
1963 *Ancient Law: Its Connection with the Early History of Society and Its Relation to Modern Ideas*. Boston: Beacon Press. (orig. pub. 1861)
- Malinowski, Bronislaw  
1962 *Crime and Custom in Savage Society*. Paterson, N. J.: Littlefield, Adams and Co. (orig. pub. 1926)
- Morrison, William Douglas  
1897 "The interpretation of criminal statistics." *Journal of the Royal Statistical Society* 60 (1897):1-24.
- Nader, Laura  
1964 "An analysis of Zapotec Law cases." *Ethnology* 3 (1964):404-419.
- Nader, Laura and Duane Metzger  
1963 "Conflict resolution in two Mexican communities." *American Anthropologist* 65 (1963):584-592.
- Piliavin, Irving and Scott Briar  
1964 "Police encounters with juveniles." *American Journal of Sociology* 70 (1964):206-214.
- Pound, Roscoe  
1942 *Social Control Through Law*. New Haven: Yale University Press.
- Reiss, Albert J., Jr.  
1967 "Measurement of the nature and amount of crime." Pp. 1-183 in *President's Commission on Law Enforcement and Administration of Justice, Studies in Crime and Law Enforcement in Major Metropolitan Areas, Field Surveys III, Volume 1*. Washington, D.C.: U.S. Government Printing Office.
- Schwartz, Barry  
1968 "The social psychology of privacy." *Ameri-*

- can Journal of Sociology 73 (1968):741-752.
- Schwartz, Richard D.  
1954 "Social factors in the development of legal control: A case study of two Israeli settlements." Yale Law Journal 63 (1954):471-491.
- Sellin, Thorsten  
1931 "Crime." Pp. 563-569 in Edwin R. A. Seligman (ed.), *Encyclopaedia of the Social Sciences*, Volume 4. New York: The Macmillan Company.
- Skolnick, Jerome H.  
1966 *Justice Without Trial: Law Enforcement in Democratic Society*. New York: John Wiley and Sons.
- Stinchcombe, Arthur L.  
1963 "Institutions of privacy in the determination of police administrative practice." American Journal of Sociology 69(1963): 150-160.
- Westley, William A.  
1953 "Violence and the police." American Journal of Sociology 59 (1955):34-41.
- Wheeler, Stanton  
1967 "Criminal statistics: A reformulation of the problem." Journal of Criminal Law, Criminology and Police Science 58 (1967):317-324.
- Wilson, James Q.  
1968 *Varieties of Police Behavior: The Management of Law and Order in Eight Communities*. Cambridge, Mass.: Harvard University Press.

## THEORETICAL CONCEPTS AND OBSERVABLES

DAVID WILLER

*The University of Kansas*

MURRAY WEBSTER, JR.

*The Johns Hopkins University*

*Sociology, by comparison with certain other empirical disciplines, is characterized by a lack of cumulative development of theoretical knowledge. We argue that this is the result of a widespread misunderstanding by sociologists of the methods used in the more advanced sciences to conceptualize phenomena, a misunderstanding currently illustrated by the writings of Merton and of Stinchcombe. A distinction is drawn between concepts which are observable (empirical concepts) and concepts which function as theoretical constructs. Examples and methods of formulating each are discussed, and consequences of the different orientations reflected in use of either type of concepts are examined.*

DEVELOPMENT of a well-established body of theory grounded in empirical research is a goal to which most sociologists subscribe. However, the amount of such theory in our field is conspicuously smaller than that in many other fields. Several reasons for this relative lack of development in sociology regularly have been advanced; for example, "sociology is a comparatively new field," "people are more complex than physical elements or biological processes," or "society is changing rapidly." More basic than these reasons, we believe, is the fact that the conceptions held by many sociologists of what scientific theory is, and of the use of empirical evidence in the cumulative development of theory, are curiously different from the meanings which are given to these activities in developed sciences.

At the heart of this difference is the question of what constitutes appropriate subject matter for sociological theory building and empirical study—the *concepts* which

are related in theoretical assertions. It is not that sociologists are studying the wrong things, but rather that they are studying them in the wrong ways. As a result of a misunderstanding of the goals of empirical science, many sociologists have sacrificed development of theory for a kind of non-cumulative empiricism not found in any of the more successful sciences. The major reason for this appears to be the way in which sociologists have chosen to conceptualize the phenomena of interest to them.

Let us begin by examining the ways in which concepts may be formed. The processes of concept formation and theory construction are usually recognized to be inseparable. Since it is impossible to make assertions without making assertions about something, concepts must be formulated at the same time that the theoretical assertions in which they are embedded are formulated. However, the definition of concepts without a concomitant formulation of theoretical assertions relating them leads only to creation of a