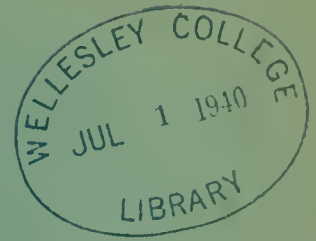


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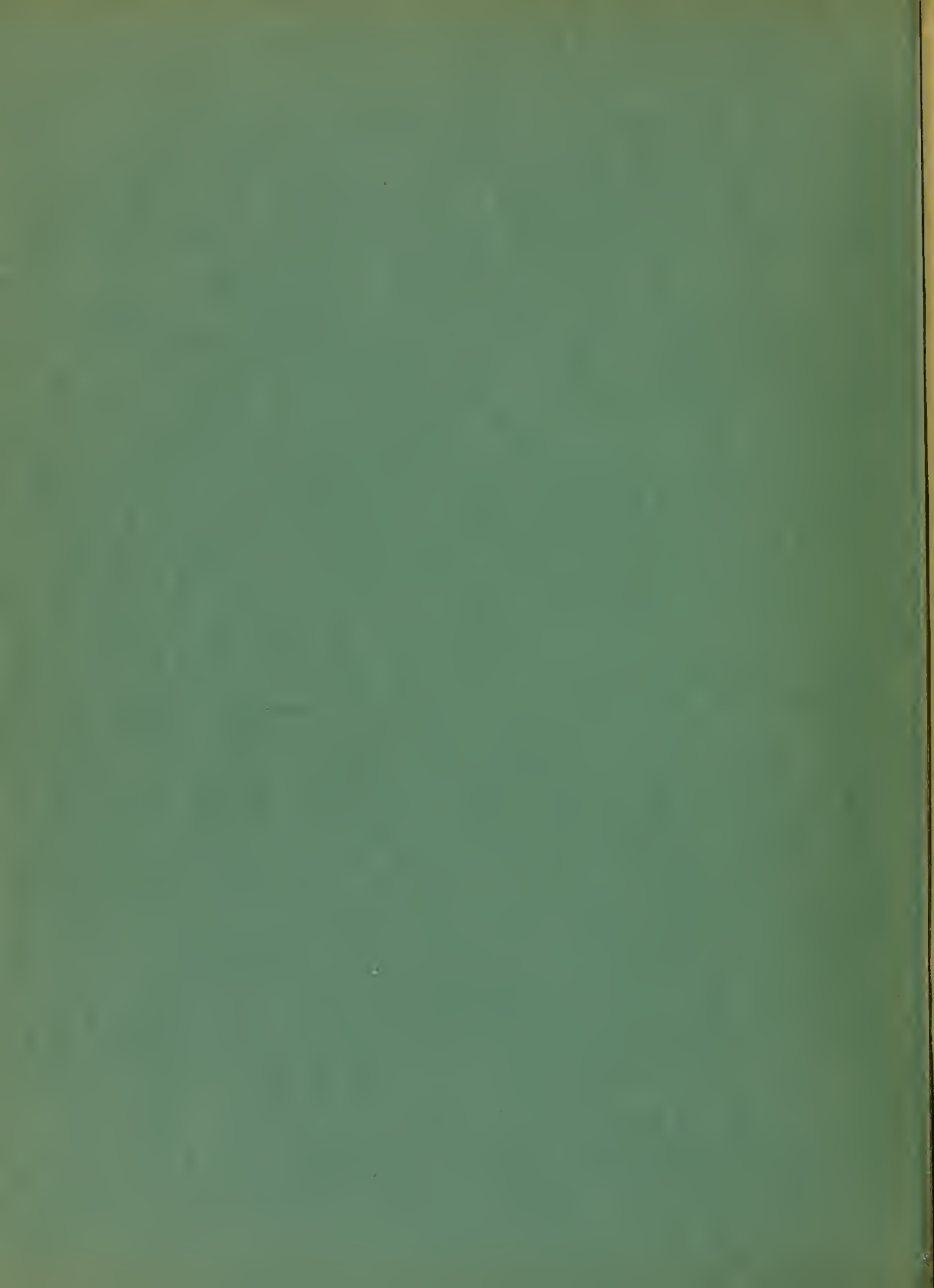
U. S. DEPARTMENT OF COMMERCE
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BUREAU OF THE CENSUS
WILLIAM LANE AUSTIN, Director



JUDICIAL CRIMINAL STATISTICS

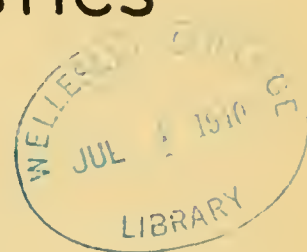
1938

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JUDICIAL CRIMINAL STATISTICS

1938



U. S. DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS

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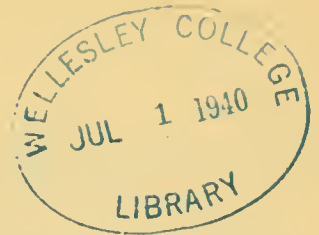
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STATE TABLES

California	Michigan	Oregon
Colorado	Minnesota	Pennsylvania
Connecticut	Montana	Rhode Island
District of Columbia	New Hampshire	South Dakota
Idaho	New Jersey	Utah
Indiana	New Mexico	Vermont
Iowa	New York	Washington
Kansas	North Dakota	Wisconsin
Massachusetts	Ohio	Wyoming

JUDICIAL CRIMINAL STATISTICS, 1938



INTRODUCTION

Twenty-seven States, including the District of Columbia, co-operated with the Bureau of the Census in furnishing reports of defendants in criminal cases disposed of by courts of general jurisdiction during the year 1938. This is the seventh year that the judicial criminal statistics collection has been made by the Bureau of the Census. The first collection in 1932 included reports from 16 States, 24 States furnished information for 1933, 27 for 1934, 30 for 1935 and 1936, and 29 for 1937. During the present year (1938) two States, Arizona and Nebraska, were dropped from the annual collection because of the difficulties in obtaining a State official to act as State supervisor for the Bureau of the Census.

Scope of statistics.—The judicial criminal statistics gathered by the Bureau of the Census are limited for the most part to statistics of criminal defendants disposed of by courts of general jurisdiction. Under the judicial organization of most States there is a court of general jurisdiction in each county which has the authority in criminal cases to try and dispose of all serious or felony offenses and of such minor or misdemeanor offenses as are not within the exclusive jurisdiction of inferior courts. Thus any offender charged with a felony will be tried in a court of general jurisdiction although he may have a preliminary examination in a minor court. In a few States, the power to try and dispose of felony charges has been extended, in certain instances, to minor courts such as municipal and county courts.

While most offenders convicted of felony charges are disposed of by courts of general jurisdiction, this does not mean that all felony charges are finally disposed of in these courts. Many offenders arrested on a felony charge are disposed of finally in minor courts either by the dismissal of the charge at the preliminary examination or the reduction of the charge to a misdemeanor that is within the jurisdiction of the minor court. This means that statistics gathered mainly from courts of general jurisdiction fall far short of accounting for the prosecution of all offenders charged with felonies. Not until judicial criminal statistics can cover all action taken in a criminal case from the point of arrest or the filing of the first

charge to final disposition will there be data available to give us an adequate picture of the administration of criminal justice.

Methods of collection.—The judicial criminal statistics collected by the Bureau of the Census are based on an annual report made by the clerks of court on two uniform tally sheets supplied by the Bureau of the Census. One provides for the tallying of all defendants disposed of during the year by offense and method of disposition; the other provides for the tallying of all persons convicted by offense and sentence imposed. The 1938 data were collected by this tally-sheet method in 22 of the 27 States. Reports were received from Massachusetts and New York on the basis of the reporting forms used by the Departments of Correction in those respective States. For the District of Columbia, Minnesota, and 67 of the Ohio counties, the data were reported by means of individual-case cards.

The accuracy of the data reported on the tally sheets necessarily depends on the care with which clerks of court enter the tally marks in accordance with the instructions furnished them. The fact that instructions are necessarily general in order to apply to many jurisdictions, that most clerks of court are exceedingly busy officials usually without sufficient clerical assistance, and that they are asked to make these reports voluntarily without compensation or other assistance, means that the tally sheets are not always made out with the care desired.

The task of making up an annual tally-sheet report from the court records is not a simple one. Court dockets and registers have been evolved primarily for reference purposes. They are not uniform from county to county or from court to court. They are not always uniform within the same county and court, as newly elected clerks may make changes in the detail recorded in their books. The classification of cases according to offense and particular method of disposition or type of sentence also is quite difficult, and inasmuch as different clerks have different ideas as to how an offender should be classified, there is a resulting lack of uniformity in the data reported. There is seldom any other summary of court dispositions available with which to compare the tally made on the census schedules. Even if another summary is available, it is not likely to be in the same terms or units

as the census reports. Further, if errors have been made in the process of tallying, there is no way to check or eliminate them except to repeat the entire process.

A new method of collecting judicial criminal statistics on the basis of individual case reports was tried out in 1937 in Ohio, Minnesota, and the District of Columbia and was continued during 1938. Under this system the clerk of court fills out a standard card furnishing a summary of the action taken in each case filed and disposed of in his court. The classification and tabulation of these cards is done for a State by a central statistical agency, ensuring uniform classification and interpretation of the data reported from all counties. This method is far more flexible than the tally-sheet method, as it makes possible a more intensive analysis of the data collected and, further, can quite easily be adapted to the particular record-keeping routines used by the different clerks of court. As more work is required to tabulate, analyze, and summarize reports collected under the individual-case method, it will be difficult for the Bureau of the Census to undertake the detailed work required in the collection of statistics by this method for a large number of States. The collection made in the three jurisdictions mentioned has been carried on as an experiment to test out the practicability of this system. It is hoped that the various States will establish their own statistical bureaus. The development of a satisfactory national system of judicial criminal statistics will depend to a large extent on the establishment of such State bureaus. A State agency will be able to work out a system which fits the particular law, procedure, and practice of the State and can make much more detailed analysis of the statistics gathered than is possible by a national agency dealing with all States:

Limitations of the statistics.--There are wide differences to be found from State to State both in the organization of the general trial courts and in the particular jurisdiction possessed by them. It will be noted in table 9 of this report (page 9) that the 1938 statistics were collected from several different kinds of courts and occasionally from two or three types within a single State. While each State usually has a single type of court of general jurisdiction, in some States special jurisdiction to dispose of felony offenses has been given to courts which otherwise would be classified as courts of limited jurisdiction. In Vermont, for instance, the county courts are the general trial courts of the State and have complete power to dispose of felony cases. However, the municipal courts

of that State have been granted power to dispose of felony cases where the defendant pleads guilty. As most of the felony cases are disposed of by pleas of guilty in the municipal courts, it is necessary to collect statistics from both of these types of courts in Vermont to obtain fairly complete coverage of the felony convictions in that State.

There is a great deal of variance in the extent of jurisdiction possessed by the general trial courts even within a single State. These courts have essentially a residual jurisdiction; that is, they handle and dispose of all types of cases that are not specifically given over to some other court for disposal. In some States this jurisdiction is divided between general trial courts and minor courts, both having concurrent jurisdiction over misdemeanors. Frequently, in metropolitan counties the court of general jurisdiction will handle only felony cases, as the authority to dispose of all misdemeanor cases has been granted exclusively to the municipal court of the main city in the county. In the same State, however, the general trial courts in the rural counties will handle not only felony cases but also a large number of misdemeanor cases that are not disposed of by local justices of the peace. There are, therefore, some very real difficulties of comparison in these statistics. The same technique that was used in 1935, 1936, and 1937 of limiting the summary and comparative analysis of State material to major offenses is again used in 1938. It is thought that this method eliminates a great deal of variability in the statistics which would otherwise result from the widely differing jurisdiction over criminal cases of the reporting courts.

There are no refinements of selection, however, which will make up for the fact that these statistics do not embody the results of the early stages of prosecution of felony cases. In many counties large numbers of offenders arrested and charged with felonies are eliminated or disposed of on reduced charges in municipal or other minor courts before the cases ever reach the general trial courts, whereas in other counties very few felony cases will be disposed of in the minor courts and the number of cases appearing in the trial courts will be, by comparison, exceedingly large. Consequently, it is impossible to assume that statistics of courts of general jurisdiction fully account for prosecution practices. For this reason, too positive conclusions should not be drawn from the variations in dispositions and sentences observed from State to State in these statistics.

ANALYSIS OF 1938 DATA

Disposition and sentence, by States.
The 1938 report consists principally of summaries for each of the 27 co-operating States. For 25 States it was possible to present a 4-year comparison showing, for major offenses, the number of defendants disposed of, by type of disposition and sentence, for the years 1938, 1937, 1936, and 1935. Such a comparison for a given State is much more reliable and useful than any comparisons that might be made between States, for reasons already outlined.

The first four tables will present the summary data on disposition and sentence, by States. Tables 5 to 8, inclusive, will present the same information for the 27 States combined, by offense.

Table 1 shows, by States, the number and proportion of defendants charged with major offenses who were eliminated without conviction, and the number and proportion convicted. The proportion of defendants eliminated without conviction ranges from 36.0 percent in Indiana to 4.0 percent in Rhode Island, and conversely, the proportion convicted ranges from 96.0 percent in Rhode Island to 64.0 percent in Indiana. For the

27 States taken individually, the median proportion convicted is 80.2 percent, that is, 13 States show a higher proportion of convictions and 13 States a smaller proportion.

Table 2 shows the number and proportion of defendants eliminated without conviction for each of the three types of elimination, namely, (1) dismissed and other no-penalty dispositions, (2) acquitted by court after waiver of jury trial, and (3) acquitted by jury. Dismissals and other no-penalty dispositions account for the great majority of defendants eliminated, ranging from 100.0 percent in Rhode Island to 39.9 percent in Pennsylvania. The median proportion dismissed for the 27 States taken individually is 77.1 percent. It will be noted that in several States there were no acquittals by court after waiver of jury trial. In most of these States this is due to the fact that there is no legal provision for waiver of jury trial in a felony case. The proportion of defendants eliminated who were acquitted by jury ranges from 53.5 percent in Pennsylvania to none in Rhode Island. The median proportion of defendants acquitted by jury for the 27 States is 16.8 percent.

TABLE 1.—DEFENDANTS ELIMINATED WITHOUT CONVICTION AND DEFENDANTS CONVICTED, BY STATES: 1938

State	Total disposed of	Eliminated without conviction		Convicted	
		Number	Percent	Number	Percent
Total, 27 States.....	84,153	18,730	22.3	65,423	77.7
California.....	3,586	619	17.3	2,967	82.7
Colorado.....	1,546	273	17.7	1,273	82.3
Connecticut.....	1,029	156	15.2	873	84.8
District of Columbia.....	1,788	492	27.5	1,296	72.5
Idaho.....	510	86	16.9	424	83.1
Indiana.....	3,932	1,417	36.0	2,515	64.0
Iowa.....	1,641	332	20.2	1,309	79.8
Kansas.....	1,658	364	22.0	1,294	78.0
Massachusetts.....	3,085	692	22.4	2,393	77.6
Michigan.....	4,623	949	20.5	3,674	79.5
Minnesota.....	2,295	294	12.8	2,001	87.2
Montana.....	345	49	14.2	296	85.8
New Hampshire.....	496	108	21.8	388	78.2
New Jersey.....	6,104	1,208	19.8	4,896	80.2
New Mexico.....	955	238	24.9	717	75.1
New York.....	10,687	2,884	27.0	7,803	73.0
North Dakota.....	533	93	17.4	440	82.6
Ohio.....	6,459	997	15.4	5,462	84.6
Oregon.....	1,089	127	11.7	962	88.3
Pennsylvania.....	24,548	6,255	25.5	18,293	74.5
Rhode Island.....	651	26	4.0	625	96.0
South Dakota.....	392	51	13.0	341	87.0
Utah.....	383	102	26.6	281	73.4
Vermont.....	434	96	22.1	338	77.9
Washington.....	1,637	280	17.1	1,357	82.9
Wisconsin.....	3,430	472	13.8	2,958	86.2
Wyoming.....	317	70	22.1	247	77.9

TABLE 2.—DEFENDANTS ELIMINATED WITHOUT CONVICTION, BY METHOD OF DISPOSITION, BY STATES: 1938

State	Total eliminated	Dismissed and other no-penalty		Acquitted by court		Acquitted by jury	
		Number	Percent	Number	Percent	Number	Percent
Total, 27 States.....	18,730	11,813	63.1	1,386	7.4	5,531	29.5
California.....	619	394	63.7	96	15.5	129	20.8
Colorado.....	273	194	71.1	5	1.8	74	27.1
Connecticut.....	156	143	91.7	12	7.7	1	0.6
District of Columbia.....	492	331	67.3	7	1.4	154	31.3
Idaho.....	86	67	77.9	6	7.0	13	15.1
Indiana.....	1,417	1,278	90.2	100	7.1	39	2.8
Iowa.....	332	290	87.3	10	3.0	32	9.6
Kansas.....	364	283	77.7	20	5.5	61	16.8
Massachusetts.....	692	444	64.2	109	15.8	139	20.1
Michigan.....	949	741	78.1	130	13.7	78	8.2
Minnesota.....	294	249	84.7	2	0.7	43	14.6
Montana.....	49	35	71.4	-	-	14	28.6
New Hampshire.....	108	98	90.7	2	1.9	8	7.4
New Jersey.....	1,208	715	59.2	292	24.2	201	16.6
New Mexico.....	238	186	78.2	1	0.4	51	21.4
New York.....	2,884	2,119	73.5	-	-	765	26.5
North Dakota.....	93	81	87.1	-	-	12	12.9
Ohio.....	997	735	73.7	83	8.3	179	18.0
Oregon.....	127	97	76.4	3	2.4	27	21.3
Pennsylvania.....	6,255	2,498	39.9	409	6.5	3,348	53.5
Rhode Island.....	26	26	100.0	-	-	-	-
South Dakota.....	51	36	70.6	2	3.9	13	25.5
Utah.....	102	43	42.2	14	13.7	45	44.1
Vermont.....	96	93	96.9	1	1.0	2	2.1
Washington.....	280	216	77.1	6	2.1	58	20.7
Wisconsin.....	472	367	77.8	71	15.0	34	7.2
Wyoming.....	70	54	77.1	5	7.1	11	15.7

Table 3 shows the number and proportion of convictions for each of the three types of conviction, that is, for (1) pleas of guilty, (2) convictions by court after waiver of jury trial, and (3) jury verdicts of guilty. As usual, a plea of guilty was the predominant method of reaching a conviction. The proportions of convictions resulting from pleas of guilty range from 100.0 percent in Rhode Island to 61.5 percent in Pennsylvania. The median percentage for the 27 States taken individually is 88.0 percent. Jury verdicts of guilty accounted for 35.7 percent of all convictions in Pennsylvania and none in Rhode Island. The median proportion of convictions by jury among the 27 States is 7.8 percent.

Table 4 shows, for each of the 27 States, the number and percent of those convicted and sentenced, by type of sentence imposed. In Kansas 78.0 percent of the defendants sentenced for major offenses received a prison sentence, while Pennsylvania, at the other end of the scale, showed only 13.6 percent of those convicted as sentenced to prison or death. The median State of the 27 shows a percentage of 46.2

receiving a prison or death sentence. Probation was used most extensively in Rhode Island, where 64.8 percent were reported as being placed on probation or given a suspended sentence. Kansas reported the least use of this type of sentence with 9.0 percent, while the median State shows a percentage of 30.8. Pennsylvania reported the highest proportion of jail sentences, and Colorado reported the lowest. The median State shows a percentage of 16.3 sentenced to jail.

Disposition and sentence, by offense.—In interpreting the data presented in tables 5 to 8, showing disposition and sentence by offense, for the 27 States combined, it must be remembered that a few States account for most of the cases reported and that the practices followed in these States in regard to both disposition and sentence dominantly influence the results shown in these tables. The six States of Indiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania account for over two-thirds (67.0 percent) of the cases covered, while the other 21 States account for the remainder.

TABLE 3.—DEFENDANTS CONVICTED, BY METHOD OF CONVICTION, BY STATES: 1938

State	Total convicted	Flea of guilty		Court finds guilty		Jury verdict of guilty	
		Number	Percent	Number	Percent	Number	Percent
Total, 27 States.....	65,423	52,351	80.0	2,726	4.2	10,346	15.8
California.....	2,967	2,451	82.6	195	6.6	321	10.8
Colorado.....	1,273	1,093	85.9	32	2.5	148	11.6
Connecticut.....	873	821	94.0	36	4.1	16	1.8
District of Columbia.....	1,296	1,069	82.5	4	0.3	223	17.2
Idaho.....	424	373	88.0	18	4.2	33	7.8
Indiana.....	2,515	2,110	83.9	288	11.5	117	4.7
Iowa.....	1,309	1,225	93.6	31	2.4	53	4.0
Kansas.....	1,294	1,093	84.5	37	2.9	164	12.7
Massachusetts.....	2,393	2,041	85.3	137	5.7	215	9.0
Michigan.....	3,674	2,987	81.3	379	10.3	308	8.4
Minnesota.....	2,001	1,903	95.1	6	0.3	92	4.6
Montana.....	296	275	92.9	3	1.0	18	6.1
New Hampshire.....	388	353	91.0	3	0.8	32	8.2
New Jersey.....	4,896	4,207	85.9	386	7.9	303	6.2
New Mexico.....	717	622	86.8	33	4.6	62	8.6
New York.....	7,803	6,955	89.1	-	-	848	10.9
North Dakota.....	440	414	94.1	10	2.3	16	3.6
Ohio.....	5,462	4,737	86.7	253	4.6	472	8.6
Oregon.....	962	891	92.6	4	0.4	67	7.0
Pennsylvania.....	18,293	11,252	61.5	514	2.8	6,527	35.7
Rhode Island.....	625	625	100.0	-	-	-	-
South Dakota.....	341	305	89.4	26	7.6	10	2.9
Utah.....	281	208	74.0	13	4.6	60	21.4
Vermont.....	338	317	93.8	1	0.3	20	5.9
Washington.....	1,357	1,206	88.9	19	1.4	132	9.7
Wisconsin.....	2,958	2,585	87.4	290	9.8	83	2.8
Wyoming.....	247	233	94.3	8	3.2	6	2.4

Table 5 shows the total number of defendants disposed of in the 27 States and those eliminated and convicted in each offense group. Violations of drug laws, burglary, forgery, and auto theft show, in that order, the highest proportions of convictions, while manslaughter and assault show the lowest proportions.

Table 6 shows, by offense, the number and percent of defendants eliminated in the 27 States for each of the three types of elimination. Defendants charged with forgery show the highest proportion of eliminations by dismissal and the lowest proportion of acquittals by jury. Defendants charged with murder show the lowest proportion of eliminations by dismissal and the highest proportion for acquittals by jury.

Table 7 shows, for each offense group, the number and percent of defendants convicted and sentenced in the 27 States by type of conviction. Forgery, burglary, and auto theft are the offense groups showing the highest proportion of convictions by plea of guilty, and murder and manslaughter are those showing the lowest. These last

two offense groups, however, show the highest proportion of convictions by jury verdict.

Table 8 shows, for each offense group, the number and percent of defendants convicted and sentenced in the 27 States, by type of sentence imposed. As would be expected, nearly all prisoners convicted of murder were given a death or prison sentence. Of the 579 defendants shown in the table as receiving a death or prison sentence, 78 were given a death sentence. Probation and suspended sentence were used most frequently for those defendants convicted of stolen property, embezzlement and fraud, and auto theft. The offense groups showing the highest proportion of defendants given jail sentences were violations of drug laws and carrying, etc., weapons.

As already pointed out, all reports received in the Census Bureau's collection of judicial criminal statistics are made voluntarily, and in some of the 22 States reporting by the tally-sheet method reports were not received from all clerks of court.

TABLE 4.—DEFENDANTS CONVICTED AND SENTENCED, BY TYPE OF SENTENCE, BY STATES: 1938

State	Defendants sentenced	State prisons and reformatories		Probation and suspended sentence		Jails, work-houses, etc.		All other sentences	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total, 27 States.	65,423	*23,432	35.8	21,191	32.4	16,720	25.6	4,080	6.2
California.....	2,967	954	32.2	722	24.3	1,206	40.6	85	2.9
Colorado.....	1,273	845	66.4	321	25.2	63	4.9	44	3.5
Connecticut.....	873	257	29.4	297	34.0	304	34.8	15	1.7
District of Columbia	1,296	777	60.0	349	26.9	167	12.9	3	0.2
Idaho.....	424	241	56.8	94	22.2	78	18.4	11	2.6
Indiana.....	2,515	1,392	55.3	730	29.0	224	8.9	169	6.7
Iowa.....	1,509	578	44.2	206	15.7	441	33.7	84	6.4
Kansas.....	1,294	1,009	78.0	117	9.0	110	8.5	58	4.5
Massachusetts.....	2,393	645	27.0	854	35.7	609	25.4	285	11.9
Michigan.....	3,674	1,786	48.6	1,293	35.2	472	12.8	123	3.3
Minnesota.....	2,001	903	45.1	788	39.4	267	13.3	43	2.1
Montana.....	296	211	71.3	58	19.6	22	7.4	5	1.7
New Hampshire.....	388	113	29.1	195	50.3	70	18.0	10	2.6
New Jersey.....	4,896	1,698	34.7	1,797	36.7	1,044	21.3	357	7.3
New Mexico.....	717	393	54.8	248	34.6	39	5.4	37	5.2
New York.....	7,803	3,420	43.8	2,633	33.7	1,699	21.8	51	0.7
North Dakota.....	440	228	51.8	55	12.5	108	24.5	49	11.1
Ohio.....	5,462	2,524	46.2	2,297	42.1	468	8.6	173	3.2
Oregon.....	962	431	44.8	355	36.9	157	16.3	19	2.0
Pennsylvania.....	18,293	2,482	13.6	5,631	30.8	8,170	44.7	2,010	11.0
Rhode Island.....	625	162	25.9	405	64.8	57	9.1	1	0.2
South Dakota.....	341	191	56.0	68	19.9	69	20.2	13	3.8
Utah.....	281	152	54.1	104	37.0	21	7.5	4	1.4
Vermont.....	338	128	37.9	87	25.7	83	24.6	40	11.8
Washington.....	1,357	857	63.2	288	21.2	198	14.6	14	1.0
Wisconsin.....	2,958	899	30.4	1,158	39.1	561	19.0	340	11.5
Wyoming.....	247	156	63.2	41	16.6	13	5.3	37	15.0

*Includes 78 death sentences.

TABLE 5.—DEFENDANTS ELIMINATED WITHOUT CONVICTION AND DEFENDANTS CONVICTED, BY OFFENSE: 1938

Offense	Total disposed of	Eliminated without conviction		Convicted	
		Number	Percent	Number	Percent
Total.....	84,153	18,730	22.3	65,423	77.7
Murder.....	930	322	34.6	608	65.4
Manslaughter.....	1,595	667	41.8	928	58.2
Robbery.....	7,557	1,592	21.1	5,965	78.9
Aggravated assault.....	6,350	2,398	37.8	3,952	62.2
Burglary.....	15,985	2,008	12.6	13,977	87.4
Larceny, except auto theft.....	18,519	3,301	17.8	15,218	82.2
Auto theft.....	5,141	828	16.1	4,313	83.9
Embezzlement and fraud.....	5,718	1,849	32.3	3,869	67.7
Stolen property.....	1,789	585	32.7	1,204	67.3
Forgery.....	5,091	789	15.5	4,302	84.5
Rape.....	3,350	1,136	33.9	2,214	66.1
Commercialized vice.....	989	274	27.7	715	72.3
Other sex offenses.....	5,098	1,337	26.2	3,761	73.8
Violating drug laws.....	1,068	130	12.2	938	87.8
Carrying, etc., weapons.....	2,481	583	23.5	1,898	76.5
Other major offenses.....	2,492	931	37.4	1,561	62.6

TABLE 6.—DEFENDANTS ELIMINATED WITHOUT CONVICTION, BY METHOD OF DISPOSITION, BY OFFENSE: 1938

Offense	Total eliminated	Dismissed and other no-penalty		Acquitted by court		Acquitted by jury	
		Number	Percent	Number	Percent	Number	Percent
Total.....	18,730	11,813	63.1	1,386	7.4	5,531	29.5
Murder.....	322	133	41.3	6	1.9	183	56.8
Manslaughter.....	667	317	47.5	40	6.0	310	46.5
Robbery.....	1,592	816	51.3	141	8.9	635	39.9
Aggravated assault.....	2,398	1,325	55.3	185	7.7	888	37.0
Burglary.....	2,008	1,422	70.8	139	6.9	447	22.3
Larceny, except auto theft	3,301	2,084	63.1	254	7.7	963	29.2
Auto theft.....	828	524	63.3	58	7.0	246	29.7
Embezzlement and fraud....	1,849	1,395	75.4	130	7.0	324	17.5
Stolen property.....	585	383	65.5	61	10.4	141	24.1
Forgery.....	789	666	84.4	35	4.4	88	11.2
Rape.....	1,136	692	61.0	76	6.7	368	32.4
Commercialized vice.....	274	130	47.4	48	16.8	98	35.8
Other sex offenses.....	1,337	874	65.4	106	7.9	357	26.7
Violating drug laws.....	130	65	50.0	23	17.7	42	32.3
Carrying, etc., weapons....	583	294	50.4	46	7.9	243	41.7
Other major offenses.....	931	693	74.4	40	4.3	198	21.3

TABLE 7.—DEFENDANTS CONVICTED, BY METHOD OF CONVICTION, BY OFFENSE: 1938

Offense	Total convicted	Plea of guilty		Court finds guilty		Jury verdict of guilty	
		Number	Percent	Number	Percent	Number	Percent
Total.....	65,423	52,351	80.0	2,726	4.2	10,346	15.8
Murder.....	608	258	42.4	22	3.6	328	33.9
Manslaughter.....	928	566	61.0	35	3.8	327	35.2
Robbery.....	5,965	3,858	64.7	185	3.1	1,922	32.3
Aggravated assault.....	3,952	2,565	64.9	277	7.0	1,110	28.1
Burglary.....	13,977	12,483	89.3	433	3.1	1,061	7.6
Larceny, except auto theft	15,218	12,710	83.5	585	3.8	1,923	12.6
Auto theft.....	4,313	3,821	88.6	126	2.9	366	8.5
Embezzlement and fraud....	3,869	3,092	79.9	179	4.6	598	15.5
Stolen property.....	1,204	934	77.6	92	7.6	178	14.8
Forgery.....	4,302	3,998	92.9	111	2.6	193	4.5
Rape.....	2,214	1,571	71.0	126	5.7	517	23.4
Commercialized vice.....	715	485	67.8	81	11.3	149	20.8
Other sex offenses.....	3,761	2,809	74.7	277	7.4	675	17.9
Violating drug laws.....	938	596	63.5	47	5.0	295	31.4
Carrying, etc., weapons....	1,898	1,350	71.1	90	4.7	458	24.1
Other major offenses.....	1,561	1,255	80.4	60	3.8	246	15.8

TABLE 8.—DEFENDANTS CONVICTED AND SENTENCED, BY TYPE OF SENTENCE, BY OFFENSE: 1938

Offense	Defendants sentenced	State prisons and reformatories		Probation and suspended sentence		Jails, work-houses, etc.		All other sentences	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total.....	65,423	23,432	35.8	21,191	32.4	16,720	25.6	4,080	6.2
Murder.....	608	*579	95.2	9	1.5	19	3.1	1	0.2
Manslaughter.....	928	453	48.8	202	21.8	238	25.6	35	3.8
Robbery.....	5,965	3,219	54.0	1,112	18.6	1,537	25.8	97	1.6
Aggravated assault.....	3,952	1,227	31.0	1,113	28.2	1,299	32.9	313	7.9
Burglary.....	13,977	5,701	40.8	5,209	37.3	2,559	18.3	508	3.6
Larceny, except auto theft	15,218	4,215	27.7	5,458	35.9	4,560	30.0	985	6.5
Auto theft.....	4,313	1,591	36.9	1,664	38.6	882	20.4	176	4.1
Embezzlement and fraud...	3,869	802	20.7	1,534	39.6	1,097	28.4	436	11.3
Stolen property.....	1,204	267	22.2	506	42.0	322	26.7	109	9.1
Forgery.....	4,302	1,867	43.4	1,435	33.4	857	19.9	143	3.3
Rape.....	2,214	1,089	49.2	499	22.5	506	22.9	120	5.4
Commercialized vice.....	715	131	18.3	225	31.5	197	27.6	162	22.7
Other sex offenses.....	3,761	1,103	29.3	967	25.7	974	25.9	717	19.1
Violating drug laws.....	938	166	17.7	199	21.2	555	59.2	18	1.9
Carrying, etc., weapons..	1,898	310	16.3	655	34.5	777	40.9	156	8.2
Other major offenses.....	1,561	712	45.6	404	25.9	341	21.8	104	6.7

*Includes 78 death sentences.

Table 9 shows, by States, the total number of counties and the number of courts, by type, that furnished statistics for 1938 and the percentage of the population in each State that is covered by the reporting courts, on the basis of the 1930 Census.

SUMMARY AND CONCLUSION

The 1938 statistics show substantially the same facts and relationships in regard to the disposition and sentence of criminal offenders in courts of general jurisdiction as were found in the analysis of the 1935, 1936, and 1937 data. As in 1937, the 1938 report is presented chiefly as a brief summary of the statistical data collected from the 27 co-operating States. The reader is referred to the reports of 1935 and 1936 for a more comprehensive discussion of the scope of these statistics and the methods and limitations of their collection, as well as for more detailed analysis of the data collected.

It is emphasized again that comparisons between States should be made only with extreme caution and that probably no

general conclusions concerning differences in the prosecution practices of the States can justifiably be based on the variations observed in the statistics of this report. The most valuable comparisons are to be found in each State summary which shows, for defendants charged with major offenses, the distribution of sentences and dispositions for the years 1935, 1936, 1937, and 1938.

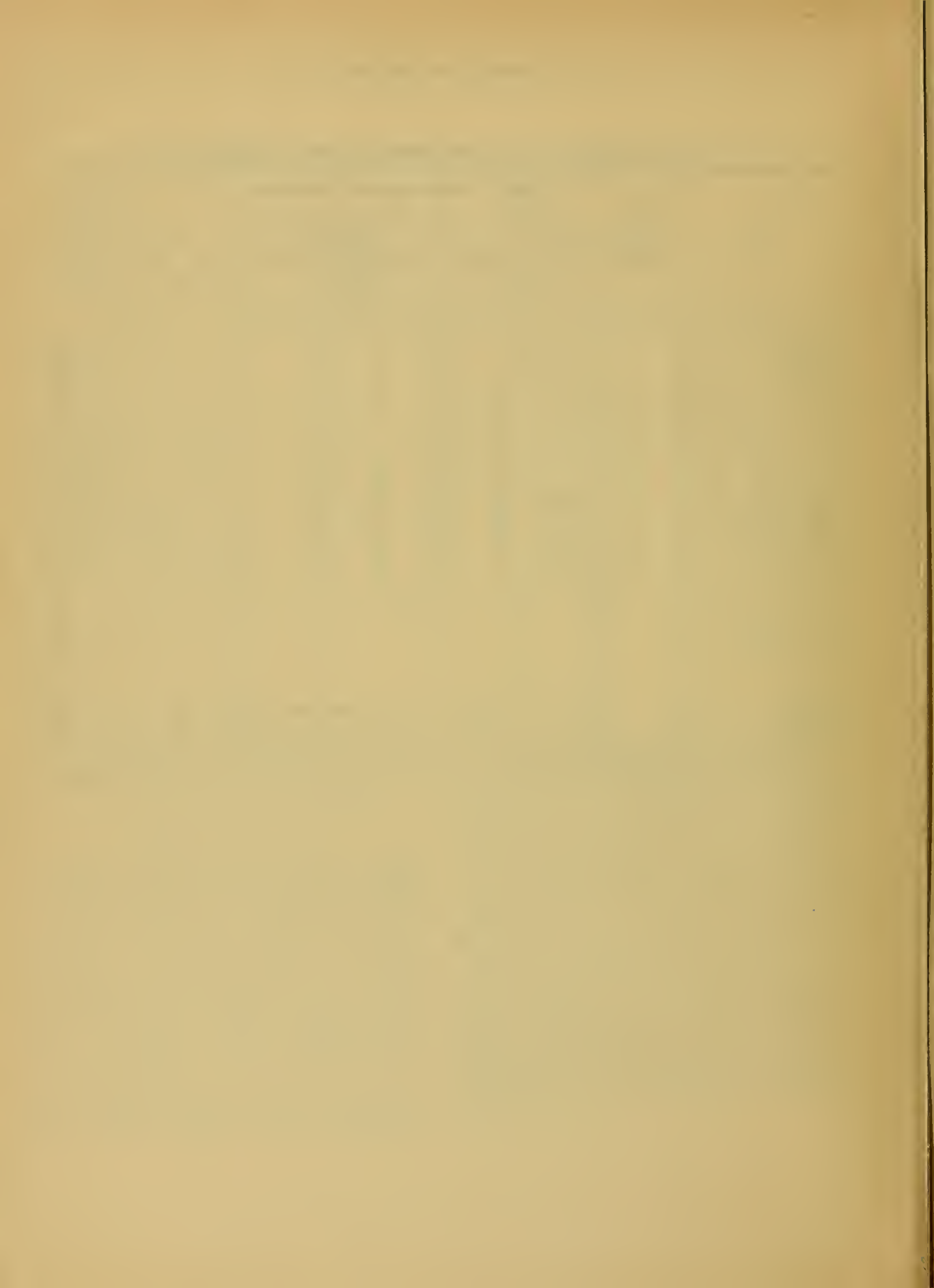
Again in 1938, as in the past years, these statistics indicate that from 70 to 80 percent of all defendants prosecuted for major offenses in the courts of general jurisdiction were convicted. About two-thirds of those eliminated without conviction were eliminated by dismissal of the charges against them. Pleas of guilty accounted for between 80 and 90 percent of all convictions. Only one-fifth of the defendants prosecuted in the trial courts were disposed of by means of trial. Of the defendants convicted and sentenced, slightly more than one-third received sentences to State prisons or reformatories and about one-third were given probation or a suspended sentence.

TABLE 9.—NUMBER AND TYPE OF COURTS FURNISHING REPORTS, BY STATES: 1938

State	Number of counties in State	Number of reports received from each type of court								Percent of State's population covered by courts reporting in 1938
		Dis-trict	Cir-cuit	Supe-rior	Common pleas	Quarter session andoyer and terminer	County	Munic-ipal	Crim-inal	
California.....	58	-	-	37	-	-	-	-	-	41.5
Colorado.....	63	61	-	-	-	-	-	-	-	99.8
Connecticut.....	8	-	-	9	5	-	-	-	-	100.0
District of Columbia.....	1	1	-	-	-	-	-	-	-	100.0
Idaho.....	44	44	-	-	-	-	-	-	-	100.0
Indiana.....	92	-	75	4	-	-	-	-	1	73.6
Iowa.....	99	81	-	-	-	-	-	-	-	77.5
Kansas.....	105	105	-	-	-	-	-	-	-	100.0
Massachusetts.....	14	-	-	14	-	-	-	-	-	100.0
Michigan.....	83	-	83	1	-	-	-	a/1	-	100.0
Minnesota.....	87	87	-	-	-	-	-	-	-	100.0
Montana.....	56	47	-	-	-	-	-	-	-	82.9
New Hampshire.....	10	-	-	10	-	-	-	-	-	100.0
New Jersey.....	21	-	-	-	-	21	-	-	-	100.0
New Mexico.....	31	30	-	-	-	-	-	-	-	97.7
New York.....	62	-	-	-	-	-	62	-	-	100.0
North Dakota.....	53	50	-	-	-	-	-	-	-	93.5
Ohio.....	88	-	-	-	87	-	-	-	-	99.8
Oregon.....	36	-	30	-	-	-	-	-	-	91.5
Pennsylvania.....	67	-	-	-	-	66	-	-	-	99.6
Rhode Island.....	5	-	-	4	-	-	-	-	-	100.0
South Dakota.....	b/69	-	49	-	-	-	-	-	-	76.3
Utah.....	29	29	-	-	-	-	-	-	-	100.0
Vermont.....	14	-	-	-	-	-	11	6	-	55.5
Washington.....	39	-	-	39	-	-	-	-	-	100.0
Wisconsin.....	71	-	63	2	-	-	20	11	-	95.0
Wyoming.....	23	21	-	-	-	-	-	-	-	93.9

a. Recorder's Court of Detroit.

b. Includes five unorganized counties which, for judicial purposes, are attached to other counties.



DEPARTMENT OF COMMERCE
Bureau of the Census
Washington

JUDICIAL CRIMINAL STATISTICS: 1938

CALIFORNIA

More than four-fifths (82.7 percent) of the defendants charged with major offenses and disposed of by the superior courts of California during the calendar year 1938 were convicted. The percentage of convictions is almost identical with that shown for 1937. As usual, pleas of guilty accounted for the majority of all dispositions, while only 20.7 percent of the defendants were disposed of by means of trial.

Table 1 shows the disposition of defendants as reported by the clerks of the superior courts to the Bureau of the Census for each of the past four years. In 1938 reports were received from courts covering, on the basis of the 1930 population, 41.5 percent of the State. In 1937 the coverage was 54.5 percent, and in 1936 and 1935 it was 51.2 percent.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	3,586	100.0	4,330	100.0	3,785	100.0	3,760	100.0
Eliminated without conviction	619	17.3	745	17.2	774	20.4	803	21.4
Dismissed	342	9.5	402	9.3	464	12.3	503	13.4
Jury waived, acquitted by court ..	96	2.7	70	1.6	31	0.8	43	1.1
Acquitted by jury	129	3.6	209	4.8	172	4.5	176	4.7
Other no-penalty dispositions	52	1.5	64	1.5	107	2.8	81	2.2
Convicted	2,967	82.7	3,585	82.8	3,011	79.6	2,957	78.6
Plea of guilty	2,451	68.3	3,039	70.2	2,492	65.8	2,409	64.1
Court finds guilty	195	5.4	199	4.6	147	3.9	140	3.7
Jury verdict guilty	321	9.0	347	8.0	372	9.8	408	10.9

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE SUPERIOR COURTS OF CALIFORNIA, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	4,483	801	454	123	157	67	3,682	3,070	251	361
Major offenses, total ..	3,586	619	342	96	129	52	2,967	2,451	195	321
Murder	61	14	2	-	9	3	47	25	-	22
Manslaughter	71	19	4	7	7	1	52	28	3	21
Robbery	291	75	33	23	18	1	216	145	17	54
Aggravated assault	177	50	26	9	13	2	127	80	25	22
Burglary	706	86	60	1	13	12	620	539	29	52
Larceny, except auto theft	288	45	34	4	4	3	243	202	15	26
Auto theft	268	31	18	5	4	4	237	220	8	9
Embezzlement and fraud ...	461	84	53	13	14	4	377	334	24	19
Stolen property	63	15	10	3	2	-	48	35	7	6
Forgery	365	34	22	2	3	7	331	306	13	12
Rape	142	48	26	7	13	2	94	72	5	17
Commercialized vice	8	3	-	1	2	-	5	2	-	3
Other sex offenses	169	46	22	5	13	6	123	87	13	23
Violating drug laws	350	36	16	15	3	2	314	272	25	17
Carrying weapons, etc. ...	54	8	8	-	-	-	46	36	7	3
Other major offenses	112	25	8	1	11	5	87	68	4	15
Abortion	8	2	1	-	1	-	6	2	-	4
Arson	23	4	-	-	2	2	19	12	1	6
Bigamy	7	1	-	1	-	-	6	4	1	1
Blackmail and extortion	6	2	1	-	-	1	4	3	-	1
Escape and jail break ..	49	6	5	-	-	1	43	39	2	2
Kidnaping	15	7	1	-	5	1	8	7	-	1
Perjury	4	3	-	-	3	-	1	1	-	-
Other offenses:										
Minor assault	52	9	8	-	1	-	43	30	10	3
Nonsupport or neglect ...	223	48	38	5	1	4	175	163	4	8
Violating liquor laws ...	23	3	3	-	-	-	20	18	1	1
Driving while intoxicated	150	20	12	3	4	1	130	116	10	4
Other motor vehicle laws .	198	49	26	8	10	5	149	123	15	11
Disorderly conduct and vagrancy	6	4	2	1	-	1	2	2	-	-
Gambling	77	-	-	-	-	-	77	75	2	-
All other offenses	168	49	23	10	12	4	119	92	14	13

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order of frequency by embezzlement and fraud, forgery, and violations of drug laws. These four offense groups together accounted for 52.5 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938 less than one-third (31.9 percent) of those convicted were sentenced to prison, approximately one-fourth

(24.3 percent) were given probation or a suspended sentence, and 40.6 percent were reported as receiving jail sentences. As a jail sentence may be given in California in conjunction with probation, it is probable that a good many of the jail sentences reported were of this type.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	2,967	100.0	3,585	100.0	2,946	100.0	2,899	100.0
Death	7	0.2	13	0.4	11	0.4	15	0.5
Prison or reformatory	947	31.9	1,079	30.1	953	32.3	1,032	35.6
Probation or suspended sentence	722	24.3	1,008	28.1	733	24.9	770	26.6
Local jails	1,206	40.6	1,370	38.2	1,139	38.7	938	32.4
Fine or costs only	21	0.7	24	0.7	20	0.7	31	1.1
Juvenile institutions	64	2.2	91	2.5	90	3.1	111	3.8
Other sentences	-	-	-	-	-	-	2	0.1

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE SUPERIOR COURTS OF CALIFORNIA, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	3,682	7	971	1,081	1,412	145	65	1
Major offenses, total	2,967	7	947	722	1,206	21	64	-
Murder	47	7	40	-	-	-	-	-
Manslaughter	52	-	23	17	12	-	-	-
Robbery	216	-	147	17	46	1	5	-
Aggravated assault	127	-	37	15	74	-	1	-
Burglary	620	-	191	129	272	-	28	-
Larceny, except auto theft	243	-	74	71	95	-	3	-
Auto theft	237	-	51	72	96	2	16	-
Embezzlement and fraud	377	-	83	147	139	4	4	-
Stolen property	48	-	14	12	19	3	-	-
Forgery	331	-	102	88	137	-	4	-
Rape	94	-	37	20	37	-	-	-
Commercialized vice	5	-	3	2	-	-	-	-
Other sex offenses	123	-	52	25	45	-	1	-
Violating drug laws	314	-	33	88	193	-	-	-
Carrying weapons, etc.	46	-	13	6	22	5	-	-
Other major offenses	87	-	47	13	19	6	2	-
Abortion	6	-	3	2	1	-	-	-
Arson	19	-	8	4	7	-	-	-
Bigamy	6	-	4	2	-	-	-	-
Blackmail and extortion	4	-	3	1	-	-	-	-
Escape and jail break	43	-	24	1	10	6	2	-
Kidnaping	8	-	5	2	1	-	-	-
Perjury	1	-	-	1	-	-	-	-
Other offenses:								
Minor assault	43	-	-	16	22	4	1	-
Nonsupport or neglect	175	-	1	147	27	-	-	-
Violating liquor laws	20	-	1	3	1	15	-	-
Driving while intoxicated	130	-	7	58	48	17	-	-
Other motor vehicle laws	149	-	7	78	59	4	-	1
Disorderly conduct and vagrancy	2	-	-	1	-	1	-	-
Gambling	77	-	-	2	4	71	-	-
All other offenses	119	-	8	54	45	12	-	-

JUDICIAL CRIMINAL STATISTICS: 1938

COLORADO

Over four-fifths (82.3 percent) of the defendants charged with major offenses in the district courts of Colorado were convicted in 1938. This is an increase over 1937 in the proportion convicted and appears to be the result of more pleas of guilty and less dismissals.

past four years. On the basis of the 1930 population, the reports covered 97.5 percent of the State in 1935, 97.0 percent in 1936, 98.3 percent in 1937, and 99.8 percent in 1938.

Table 1 shows the disposition of defendants in the district courts of the State for each of the

Over 70 percent of all dispositions resulted from pleas of guilty. Only about one in each six defendants prosecuted (16.8 percent) was disposed of by means of a court or jury trial.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	1,546	100.0	1,567	100.0	1,419	100.0	1,568	100.0
Eliminated without conviction								
Dismissed	273	17.7	388	24.8	451	31.8	518	33.0
Jury waived, acquitted by court ..	168	10.9	268	17.0	343	24.2	360	23.0
Acquitted by jury	5	0.3	4	0.3	5	0.4	-	-
Other no-penalty dispositions	74	4.8	93	5.9	64	4.5	98	6.3
	26	1.7	25	1.6	39	2.7	60	3.8
Convicted	1,273	82.3	1,179	75.2	968	68.2	1,050	67.0
Plea of guilty	1,093	70.7	1,006	64.2	834	58.8	834	53.2
Court finds guilty	32	2.1	5	0.3	17	1.2	21	1.3
Jury verdict guilty	148	9.6	168	10.7	117	8.2	195	12.4

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURTS OF COLORADO, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	1,773	362	240	8	85	29	1,411	1,212	36	163
Major offenses, total ..	1,546	273	168	5	74	26	1,273	1,093	32	148
Murder	31	15	3	-	11	1	16	3	-	13
Manslaughter	26	11	2	-	8	1	15	12	-	3
Robbery	143	26	14	1	11	-	117	101	1	15
Aggravated assault	53	18	10	1	4	3	35	26	1	8
Burglary	381	47	33	1	7	6	334	294	7	33
Larceny, except auto theft	372	62	47	-	11	4	310	268	10	34
Auto theft	63	8	5	-	3	-	55	50	1	4
Embezzlement and fraud ...	179	17	14	-	3	-	162	148	1	13
Stolen property	52	9	6	-	1	2	43	33	1	9
Forgery	112	14	9	-	1	4	98	86	8	4
Rape	76	32	15	2	11	4	44	37	1	6
Commercialized vice	3	1	-	-	1	-	2	2	-	-
Other sex offenses	25	7	5	-	1	1	18	16	-	2
Violating drug laws	-	-	-	-	-	-	-	-	-	-
Carrying weapons, etc. ...	2	-	-	-	-	-	2	1	-	1
Other major offenses	28	6	5	-	1	-	22	18	1	3
Abortion	2	-	-	-	-	-	2	1	-	1
Arson	7	3	2	-	1	-	4	3	-	1
Bigamy	4	-	-	-	-	-	4	4	-	-
Blackmail and extortion	2	1	1	-	-	-	1	1	-	-
Escape and jail break ..	3	-	-	-	-	-	3	2	1	-
Kidnaping	4	1	1	-	-	-	3	3	-	-
Perjury	6	1	1	-	-	-	5	4	-	1
Other offenses:										
Minor assault	18	8	7	-	1	-	10	9	1	-
Nonsupport or neglect	41	18	16	-	1	1	23	21	1	1
Violating liquor laws	22	9	8	-	1	-	13	11	-	2
Driving while intoxicated	20	6	3	-	3	-	14	11	2	1
Other motor vehicle laws .	9	6	-	3	3	-	3	2	-	1
Disorderly conduct and vagrancy	1	-	-	-	-	-	1	1	-	-
Gambling	40	3	3	-	-	-	37	33	-	4
All other offenses	76	39	35	-	2	2	37	31	-	6

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order of frequency by larceny and embezzlement and fraud. These three groups together accounted for 60.3 percent of all major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938 there were 4 defendants sentenced to death. Approximately two-thirds (66.1 percent) of those con-

victed were sentenced to prison or reformatory, one-fourth (25.2 percent) were placed on probation or received a suspended sentence, only 4.9 percent were given jail sentences, and the remainder of the convicted defendants were fined or committed to juvenile institutions.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	1,273	100.0	1,179	100.0	965	100.0	1,048	100.0
Death	4	0.3	3	0.3	2	0.2	1	0.1
Prison or reformatory	841	66.1	838	71.1	656	68.0	747	71.3
Probation or suspended sentence	321	25.2	249	21.1	216	22.4	182	17.4
Local jails	63	4.9	73	6.2	68	7.0	92	8.8
Fine or costs only	34	2.7	11	0.9	12	1.2	15	1.4
Juvenile institutions	10	0.8	5	0.4	11	1.1	9	0.9
Other sentences	-	-	-	-	-	-	2	0.2

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURTS OF COLORADO, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	1,411	4	866	357	97	76	11	-
Major offenses, total	1,273	4	841	321	63	34	10	-
Murder	16	4	12	-	-	-	-	-
Manslaughter	15	-	7	4	3	1	-	-
Robbery	117	-	100	16	-	-	1	-
Aggravated assault	35	-	19	3	8	5	-	-
Burglary	334	-	223	101	5	5	-	-
Larceny, except auto theft	310	-	169	98	22	15	6	-
Auto theft	55	-	36	13	5	-	1	-
Embezzlement and fraud	162	-	113	39	9	1	-	-
Stolen property	43	-	28	6	8	1	-	-
Forgery	98	-	71	22	1	2	-	-
Rape	44	-	34	10	-	-	-	-
Commercialized vice	2	-	-	-	-	2	-	-
Other sex offenses	18	-	15	2	-	1	-	-
Violating drug laws	-	-	-	1	-	-	-	-
Carrying weapons, etc.	2	-	-	1	1	-	-	-
Other major offenses	22	-	14	6	1	1	-	-
Abortion	2	-	1	-	-	1	-	-
Arson	4	-	4	-	-	-	-	-
Bigamy	4	-	3	1	-	-	-	-
Blackmail and extortion	1	-	1	-	-	-	-	-
Escape and jail break	3	-	1	1	1	-	-	-
Kidnaping	3	-	3	-	-	-	-	-
Perjury	5	-	1	4	-	-	-	-
Other offenses:								
Minor assault	10	-	2	1	7	-	-	-
Nonsupport or neglect	23	-	4	18	-	1	-	-
Violating liquor laws	13	-	-	1	9	3	-	-
Driving while intoxicated	14	-	-	5	3	5	1	-
Other motor vehicle laws	3	-	-	-	1	2	-	-
Disorderly conduct and vagrancy	1	-	-	-	-	1	-	-
Gambling	37	-	-	3	8	26	-	-
All other offenses	37	-	19	8	6	4	-	-

JUDICIAL CRIMINAL STATISTICS: 1938-1939*

CONNECTICUT

During the fiscal year ending June 30, 1939, 84.8 percent of the defendants charged with major criminal offenses in the superior and common pleas courts of the State of Connecticut were convicted. From table 1, which shows the data reported to the Bureau of the Census for each of the past four years, it is seen that the proportion of convictions is identical for the last two years and is approximately the same for all of the four years.

There was a slight increase in the percentage of pleas of guilty in 1938-39 as compared with the previous years. The fact that trials account for only a small part of the dispositions made in the criminal courts is seen from the proportions acquitted or convicted by court or jury each year. In 1935-36, 8.8 percent of all defendants were disposed of by trial, 9.2 percent in 1936-37, 9.2 percent in 1937-38, and 6.3 percent in 1938-39.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938-39*		1937-38*		1936-37*		1935-36*	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	1,029	100.0	1,168	100.0	950	100.0	931	100.0
Eliminated without conviction	156	15.2	178	15.2	152	16.0	140	15.0
Dismissed	140	13.6	154	13.2	126	13.3	128	13.7
Jury waived, acquitted by court ..	12	1.2	14	1.2	18	1.9	6	0.6
Acquitted by jury	1	0.1	2	0.2	1	0.1	4	0.4
Other non-density dispositions	3	0.3	8	0.7	7	0.7	2	0.2
Convicted	873	84.8	990	84.8	798	84.0	791	85.0
Plea of guilty	821	79.8	898	76.9	730	76.8	719	77.2
Court finds guilty	36	3.5	66	5.7	60	6.3	46	4.9
Jury verdict guilty	16	1.6	26	2.2	8	0.8	26	2.8

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE SUPERIOR AND COMMON PLEAS COURTS OF CONNECTICUT, BY OFFENSE: 1938-1939*

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dis-missed	Jury waived, acquitted by court	Acquit- ted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	1,840	479	432	31	6	10	1,361	1,232	101	28
Major offenses, total ..	1,029	156	140	12	1	3	873	821	36	16
Murder	10	3	3	-	-	-	7	6	1	-
Manslaughter	36	13	12	1	-	-	23	22	-	1
Robbery	64	7	6	1	-	-	57	51	3	3
Aggravated assault	30	5	5	-	-	-	25	22	3	-
Burglery	292	21	17	3	-	1	271	265	5	1
Larceny, except auto theft	94	16	13	2	-	1	78	76	2	-
Auto theft	62	3	3	-	-	-	59	57	1	1
Embezzlement and fraud ...	71	10	10	-	-	-	61	56	3	2
Stolen property	16	3	3	-	-	-	13	13	-	-
Forgery	22	3	3	-	-	-	19	15	4	-
Rape	80	7	6	1	-	-	73	62	9	2
Commercialized vica	28	16	16	-	-	-	12	9	-	3
Other sex offenses	145	33	31	1	-	1	112	109	2	1
Violating drug laws	1	-	-	-	-	-	1	1	-	-
Carrying weapons, etc. ...	15	1	1	-	-	-	14	14	-	-
Other major offenses	63	15	11	3	1	-	48	43	3	2
Abortion	5	2	2	-	-	-	3	3	-	-
Arson	21	8	6	2	-	-	13	10	3	-
Bigamy	9	1	1	-	-	-	8	8	-	-
Blackmail and extortion	8	3	2	-	1	-	5	4	-	1
Escape and jail break ..	18	1	-	1	-	-	17	16	-	1
Kidnaping	-	-	-	-	-	-	-	-	-	-
Perjury	2	-	-	-	-	-	2	2	-	-
Other offenses:										
Minor assault	61	10	10	-	-	-	51	33	14	4
Nonsupport or neglect	39	18	16	1	-	-	21	15	6	-
Violating liquor laws	20	11	9	1	1	-	9	7	2	-
Driving while intoxicated	41	8	5	2	1	-	33	25	7	1
Other motor vehicle laws .	230	132	117	12	2	1	98	78	17	3
Disorderly conduct and vagrancy	83	36	31	1	1	3	47	44	2	1
Gambling	193	35	35	-	-	-	158	157	1	-
All other offenses	144	75	69	2	-	2	71	52	16	3

*Statistics are for the year July 1 through June 30.

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order of frequency by other sex offenses and larceny. These three offense groups together accounted for 51.6 percent of all major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four fiscal years in table 3. In 1938-39, 29.2 percent of these defendants were sen-

tenced to prison or reformatory, 34.0 percent were placed on probation or received a suspended sentence, and 34.8 percent were given sentences to jails or local workhouses.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938-39*		1937-38*		1936-37*		1935-36*	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	873	100.0	990	100.0	783	100.0	786	100.0
Death	2	0.2	-	-	2	0.3	-	-
Prison or reformatory	255	29.2	324	32.7	262	33.5	312	39.7
Probation or suspended sentence	297	34.0	314	31.7	197	25.2	186	23.7
Local jails	304	34.8	322	32.5	287	36.7	254	32.3
Fine or costs only	15	1.7	29	2.9	33	4.2	31	3.9
Juvenile institutions	-	-	1	0.1	-	-	1	0.1
Other sentences	-	-	-	-	2	0.3	2	0.3

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE SUPERIOR AND COMMON PLEAS COURTS OF CONNECTICUT, BY OFFENSE: 1938-1939*

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	1,361	2	264	361	484	250	-	-
Major offenses, total	973	2	255	297	304	15	-	-
Murder	7	2	5	-	-	-	-	-
Manslaughter	23	-	5	3	15	-	-	-
Robbery	57	-	37	11	9	-	-	-
Aggravated assault	25	-	8	1	16	-	-	-
Burglary	271	-	77	116	78	-	-	-
Larceny, except auto theft	78	-	10	37	28	3	-	-
Auto theft	59	-	15	20	24	-	-	-
Embezzlement and fraud	61	-	14	16	29	2	-	-
Stolen property	13	-	2	4	6	1	-	-
Forgery	19	-	6	3	10	-	-	-
Rape	73	-	23	31	18	1	-	-
Commercialized vice	12	-	4	2	6	-	-	-
Other sex offenses	112	-	28	37	40	7	-	-
Violating drug laws	1	-	-	1	-	-	-	-
Carrying weapons, etc.	14	-	4	4	6	-	-	-
Other major offenses	48	-	17	11	19	1	-	-
Abortion	3	-	1	1	1	-	-	-
Arson	13	-	3	5	5	-	-	-
Bigamy	8	-	1	2	5	-	-	-
Blackmail and extortion	5	-	-	3	1	1	-	-
Escape and jail break	17	-	12	-	5	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	2	-	-	-	2	-	-	-
Other offenses:								
Minor assault	51	-	-	10	22	19	-	-
Nonsupport or neglect	21	-	1	12	8	-	-	-
Violating liquor laws	9	-	-	1	3	5	-	-
Driving while intoxicated	33	-	-	-	20	13	-	-
Other motor vehicle laws	98	-	2	10	24	62	-	-
Disorderly conduct and vagrancy	47	-	-	6	17	24	-	-
Gambling	158	-	-	4	64	90	-	-
All other offenses	71	-	6	21	22	22	-	-

*Statistics are for the year July 1 through June 30.

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JUDICIAL CRIMINAL STATISTICS: 1938

DISTRICT OF COLUMBIA

Of the 1,788 defendants disposed of on charges of major crimes in the district court of the District of Columbia during 1938, nearly three-fourths, or 72.5 percent, were convicted. Pleas of guilty accounted for the great majority of the convictions and, in fact, for a majority of all dispositions, as 59.8 percent of all defendants disposed of plead guilty.

The principal method by which defendants were eliminated without conviction was through a dismissal of the charges, 18.3 percent of the cases being disposed of by this method. Slightly more than one-fifth of all the defendants (21.7 percent) were disposed of by means of trial in 1938, a slight increase over the 17.8 percent tried in 1937 and the 18.2 percent in 1936.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	1,788	100.0	1,720	100.0	1,846	100.0	1,684	100.0
Eliminated without conviction	492	27.5	412	24.0	490	26.5	444	26.4
Dismissed	327	18.3	301	17.5	392	21.2	315	18.7
Jury waived, acquitted by court ..	7	0.4	-	-	6	0.3	6	0.4
Acquitted by jury	154	8.6	105	6.1	92	5.0	123	7.3
Other non-penalty dispositions	4	0.2	6	0.3	-	-	-	-
Convicted	1,296	72.5	1,308	76.0	1,356	73.5	1,240	73.6
Plea of guilty	1,069	59.8	1,107	64.4	1,118	60.6	971	57.7
Court finds guilty	4	0.2	-	-	4	0.2	2	0.1
Jury verdict guilty	223	12.5	201	11.7	234	12.7	267	15.9

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	2,253	662	483	9	166	4	1,591	1,333	5	253
Major offenses, total ..	1,788	492	327	7	154	4	1,296	1,069	4	223
Murder	26	13	4	1	6	2	13	3	-	10
Manslaughter	57	13	5	-	8	-	44	32	-	12
Robbery	313	102	59	3	40	-	211	158	2	51
Aggravated assault	168	41	22	-	19	-	127	92	-	35
Burglary	317	45	27	-	16	2	272	238	1	33
Larceny, except auto theft ..	200	53	39	-	14	-	147	131	-	16
Auto theft	205	43	31	1	11	-	162	145	-	17
Embezzlement and fraud ...	164	86	70	1	15	-	78	74	-	4
Stolen property	51	21	17	1	3	-	30	21	-	9
Forgery	106	14	11	-	3	-	92	89	-	3
Rape	72	30	16	-	14	-	42	27	-	15
Commercialized vice	6	2	2	-	-	-	4	2	-	2
Other sex offenses	2	1	1	-	-	-	1	-	1	-
Violating drug laws	71	18	16	-	2	-	53	43	-	10
Carrying weapons, etc.	-	-	-	-	-	-	-	-	-	-
Other major offenses	30	10	7	-	3	-	20	14	-	6
Abortion	10	4	2	-	2	-	6	5	-	1
Arson	8	3	3	-	-	-	5	5	-	-
Bigamy	2	-	-	-	-	-	2	1	-	1
Blackmail and extortion ..	5	3	2	-	1	-	2	1	-	1
Escape and jail break ..	-	-	-	-	-	-	-	-	-	-
Kidnaping	-	-	-	-	-	-	-	-	-	-
Perjury	5	-	-	-	-	-	5	2	-	3
Other offenses:										
Minor assault	17	1	-	-	1	-	16	11	-	5
Nonsupport or neglect	18	7	6	1	-	-	11	9	-	2
Violating liquor laws	60	22	21	-	1	-	38	34	-	4
Driving while intoxicated ..	-	-	-	-	-	-	-	-	-	-
Other motor vehicle laws ..	2	2	2	-	-	-	-	-	-	-
Disorderly conduct and vagrancy	-	-	-	-	-	-	-	-	-	-
Gambling	351	127	118	1	8	-	224	206	1	17
All other offenses	17	11	9	-	2	-	6	4	-	2

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in this court was burglary, followed in order of frequency by robbery, auto theft, and larceny. These four groups together accounted for 57.9 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938

approximately 60 percent of these defendants were sentenced to prison or reformatory. A little over one-fourth (26.9 percent) were placed on probation or received a suspended sentence and 12.9 percent received jail sentences.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	1,296	100.0	1,308	100.0	1,320	100.0	1,240	100.0
Death	1	0.1	4	0.3	1	0.1	4	0.3
Prison or reformatory	776	59.9	713	54.5	829	62.8	872	70.3
Probation or suspended sentence	349	26.9	451	34.5	285	21.6	281	22.7
Local jails	167	12.9	135	10.3	202	15.3	81	6.5
Fine or costs only	3	0.2	-	-	1	0.1	2	0.2
Juvenile institutions	-	-	5	0.4	2	0.2	-	-
Other sentences	-	-	-	-	-	-	-	-

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	1,591	1	801	460	319	10	-	-
Major offenses, total	1,296	1	776	349	167	3	-	-
Murder	13	1	12	-	-	-	-	-
Manslaughter	44	-	39	-	4	1	-	-
Robbery	211	-	162	32	17	-	-	-
Aggravated assault	127	-	72	41	14	-	-	-
Burglary	272	-	191	66	15	-	-	-
Larceny, except auto theft	147	-	60	51	36	-	-	-
Auto theft	162	-	87	48	27	-	-	-
Embezzlement and fraud	78	-	27	31	18	2	-	-
Stolen property	30	-	9	15	6	-	-	-
Forgery	92	-	40	41	11	-	-	-
Rape	42	-	26	13	3	-	-	-
Commercialized vice	4	-	3	-	1	-	-	-
Other sex offenses	1	-	-	-	1	-	-	-
Violating drug laws	53	-	37	5	11	-	-	-
Carrying weapons, etc.	-	-	-	-	-	-	-	-
Other major offenses	20	-	11	6	3	-	-	-
Abortion	6	-	4	2	-	-	-	-
Arson	5	-	1	1	3	-	-	-
Bigamy	2	-	1	1	-	-	-	-
Blackmail and extortion	2	-	1	1	-	-	-	-
Escape and jail break	-	-	-	-	-	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	5	-	4	1	-	-	-	-
Other offenses:								
Minor assault	16	-	-	4	12	-	-	-
Nonsupport or neglect	11	-	-	9	2	-	-	-
Violating liquor laws	38	-	7	7	23	1	-	-
Driving while intoxicated	-	-	-	-	-	-	-	-
Other motor vehicle laws	-	-	-	-	-	-	-	-
Disorderly conduct and vagrancy	-	-	-	-	-	-	-	-
Gambling	224	-	17	87	114	6	-	-
All other offenses	6	-	1	4	1	-	-	-

JUDICIAL CRIMINAL STATISTICS: 1938

IDAHO

More defendants charged with major offenses were disposed of by the district courts of Idaho during the calendar year 1938 than in any of the three previous years. Table 1 presents the figures on defendants disposed of as reported by the clerks of court to the Bureau of the Census. Over four-fifths (83.1 percent) of all defendants disposed of were convicted, a percentage slightly less than that of 1937.

Dismissal of the charges was the most frequent method of elimination of defendants without conviction. As is usually the case, the great majority of convictions resulted from pleas of guilty, nearly three-fourths of all cases being disposed of by this means. Only about one defendant in each seven (13.7 percent) defendants charged with major offenses was disposed of by means of a court or jury trial.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	510	100.0	432	100.0	449	100.0	453	100.0
Eliminated without conviction	86	16.9	55	12.7	77	17.1	92	20.3
Dismissed	65	12.7	36	8.3	53	11.8	67	14.8
Jury waived, acquitted by court ..	6	1.2	1	0.2	3	0.7	1	0.2
Acquitted by jury	13	2.5	15	3.5	17	3.8	16	3.5
Other no-penalty dispositions	2	0.4	3	0.7	4	0.9	8	1.8
Convicted	424	83.1	377	87.3	372	82.9	361	79.7
Plea of guilty	373	73.1	320	74.1	327	72.8	313	69.1
Court finds guilty	18	3.5	11	2.5	10	2.2	11	2.4
Jury verdict guilty	33	6.5	46	10.6	35	7.8	37	8.2

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURTS OF IDAHO, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	602	128	97	6	14	11	474	405	30	39
Major offenses, total ..	510	86	65	6	13	2	424	373	18	33
Murder	10	5	2	-	3	-	5	1	-	4
Manslaughter	10	4	3	-	1	-	6	2	-	4
Robbery	23	5	5	-	-	-	18	15	-	3
Aggravated assault	21	3	2	-	1	-	18	11	-	7
Burglary	133	15	12	2	1	-	118	111	5	2
Larceny, except auto theft	71	13	10	-	2	1	58	48	4	6
Auto theft	18	-	-	-	-	-	18	17	1	-
Embezzlement and fraud ...	33	15	12	3	-	-	18	17	1	-
Stolen property	13	2	1	-	1	-	11	10	-	1
Forgery	131	9	7	-	1	1	122	117	4	1
Rape	17	6	3	-	3	-	11	8	-	3
Commercialized vice	1	-	-	-	-	-	1	1	-	-
Other sex offenses	13	3	3	-	-	-	10	8	-	2
Violating drug laws	3	-	-	-	-	-	3	1	2	-
Carrying weapons, etc. ...	-	-	-	-	-	-	-	-	-	-
Other major offenses	13	6	5	1	-	-	7	6	1	-
Abortion	-	-	-	-	-	-	-	-	-	-
Arson	1	-	-	-	-	-	1	1	-	-
Bigamy	3	-	-	-	-	-	3	2	1	-
Blackmail and extortion	-	-	-	-	-	-	-	-	-	-
Escape and jail break ..	3	-	-	-	-	-	3	3	-	-
Kidnaping	-	-	-	-	-	-	-	-	-	-
Perjury	6	6	5	1	-	-	-	-	-	-
Other offenses:										
Minor assault	7	4	4	-	-	-	3	3	-	-
Nonsupport or neglect ...	15	11	10	-	-	1	4	3	1	-
Violating liquor laws ...	18	4	2	-	-	2	14	8	2	4
Driving while intoxicated	12	6	6	-	-	-	6	5	-	1
Other motor vehicle laws	10	6	5	-	1	-	4	2	2	-
Disorderly conduct and vagrancy	16	7	3	-	-	4	9	2	6	1
Gambling	-	-	-	-	-	-	-	-	-	-
All other offenses	14	4	2	-	-	2	10	9	1	-

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order of frequency by forgery, larceny, and embezzlement and fraud. These four groups accounted for over 70 percent of all of the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. There was a

slight increase in the proportion of defendants sentenced to prison in 1938. Less than one-fourth of those convicted received probation or a suspended sentence, and less than one-fifth were given jail sentences.

The variety of sentences used for the same general classes of offenses will be observed in table 4. In interpreting these data, however, it must be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	424	100.0	377	100.0	372	100.0	360	100.0
Death	-	-	1	0.3	-	-	-	-
Prison or reformatory	241	56.8	197	52.3	199	53.5	182	50.6
Probation or suspended sentence	94	22.2	90	23.9	90	24.2	109	30.3
Local jails	78	18.4	81	21.5	64	17.2	53	14.7
Fine or costs only	2	0.5	2	0.5	3	0.8	7	1.9
Juvenile institutions	9	2.1	6	1.6	5	1.3	9	2.5
Other sentences	-	-	-	-	11	3.0	-	-

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURTS OF IDAHO, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	474	-	259	102	93	11	9	-
Major offenses, total	424	-	241	94	78	2	9	-
Murder	5	-	5	-	-	-	-	-
Manslaughter	6	-	3	3	-	-	-	-
Robbery	18	-	12	-	6	-	-	-
Aggravated assault	18	-	7	2	9	-	-	-
Burglary	118	-	73	28	14	-	3	-
Larceny, except auto theft	58	-	29	16	11	1	1	-
Auto theft	18	-	8	5	2	-	3	-
Embezzlement and fraud	18	-	10	6	2	-	-	-
Stolen property	11	-	5	4	2	-	-	-
Forgery	122	-	73	28	20	1	-	-
Rape	11	-	8	-	1	-	2	-
Commercialized vice	1	-	-	-	1	-	-	-
Other sex offenses	10	-	3	2	5	-	-	-
Violating drug laws	3	-	2	-	1	-	-	-
Carrying weapons, etc.	-	-	-	-	-	-	-	-
Other major offenses	7	-	3	-	4	-	-	-
Abortion	-	-	-	-	-	-	-	-
Arson	1	-	-	-	1	-	-	-
Bigamy	3	-	-	-	3	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	3	-	3	-	-	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	-	-	-	-	-	-	-	-
Other offenses:								
Minor assault	3	-	2	-	1	-	-	-
Nonsupport or neglect	4	-	-	1	2	1	-	-
Violating liquor laws	14	-	7	-	5	2	-	-
Driving while intoxicated	6	-	2	3	1	-	-	-
Other motor vehicle laws	4	-	2	-	-	2	-	-
Disorderly conduct and vagrancy	9	-	1	1	6	1	-	-
Gambling	-	-	-	-	-	-	-	-
All other offenses	10	-	4	3	-	3	-	-

#9029

JUDICIAL CRIMINAL STATISTICS: 1938

INDIANA

There was an increase in the proportion of convictions of defendants disposed of on major offenses charges in the trial courts of Indiana in 1938 as compared with 1937 according to reports furnished to the Bureau of the Census by the clerks of the various courts. Table 1 shows the disposition of defendants in the trial courts of the State for each of the past two years. The reports received for the year 1937, on the basis of

the 1930 population, covered 99.1 percent of the State but only 73.6 percent for the year 1938.

The 1938 data indicate an increase in the use of pleas of guilty and a decrease in the proportion of defendants disposed of by means of trial as compared with 1937. There was also a decrease during the last year in the proportion of defendants who were eliminated by means of dismissal.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937	
	Number	Percent	Number	Percent
Defendants disposed of	3,932	100.0	5,068	100.0
Eliminated without conviction	1,417	36.0	2,163	42.7
Dismissed	1,210	30.8	1,774	35.0
Jury waived, acquitted by court ..	100	2.5	185	3.7
Acquitted by jury	39	1.0	86	1.7
Other no-penalty dispositions	68	1.7	118	2.3
Convicted	2,515	64.0	2,905	57.3
Plea of guilty	2,110	53.7	2,103	41.5
Court finds guilty	288	7.3	629	12.4
Jury verdict guilty	117	3.0	173	3.4

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE TRIAL COURTS OF INDIANA, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	6,952	2,815	2,438	191	61	125	4,137	3,486	496	155
Major offenses, total ..	3,932	1,417	1,210	100	39	68	2,515	2,110	288	117
Murder	37	19	12	1	3	3	18	1	2	15
Manslaughter	50	27	19	1	7	-	23	16	1	6
Robbery	250	92	65	22	1	4	158	122	34	2
Aggravated assault	210	115	100	7	3	5	95	62	19	14
Burglary	562	158	130	14	3	11	404	357	39	8
Larceny, except auto theft	1,243	328	276	20	7	25	915	785	99	31
Auto theft	311	79	73	4	-	2	232	203	25	4
Embezzlement and fraud ...	388	233	221	5	3	4	155	140	11	4
Stolen property	130	58	45	9	2	2	72	64	4	4
Forgery	306	110	100	5	2	3	196	177	13	6
Rape	168	105	87	7	7	4	63	44	9	10
Commercialized vice	8	2	1	-	-	1	6	3	1	2
Other sex offenses	114	40	35	-	1	4	74	47	20	7
Violating drug laws	5	1	1	-	-	-	4	4	-	-
Carrying weapons, etc. ...	62	22	19	3	-	-	40	34	5	1
Other major offenses	88	28	26	2	-	-	60	51	6	3
Abortion	3	2	2	-	-	-	1	1	-	-
Arson	17	4	4	-	-	-	13	6	5	2
Bigamy	10	5	4	1	-	-	5	5	-	-
Blackmail and extortion	9	4	4	-	-	-	5	5	-	-
Escape and jail break ..	32	2	2	-	-	-	30	30	-	-
Kidnaping	8	7	6	1	-	-	1	-	1	-
Perjury	9	4	4	-	-	-	5	4	-	1
Other offenses:										
Minor assault	310	150	125	14	4	7	160	126	27	7
Non-support or neglect ...	777	528	505	14	-	9	249	187	59	3
Violating liquor laws ...	457	148	126	7	2	13	309	264	30	15
Driving while intoxicated	366	106	72	20	4	10	260	225	31	4
Other motor vehicle laws .	169	74	63	6	2	3	95	84	11	-
Disorderly conduct and vagrancy	325	82	68	8	3	3	243	234	8	1
Gambling	92	12	11	-	1	-	80	75	2	3
All other offenses	524	298	258	22	6	12	226	181	40	5

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order of frequency by burglary, embezzlement and fraud, auto theft, and forgery. These five groups together accounted for 71.5 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for both 1937 and 1938 in table 3. There was a slight decrease in the use of prison and reformatory sentences and a slight increase in the use of proba-

tion in 1938 as compared with 1937. In 1938, 55.2 percent of these defendants were sentenced to prison or reformatory, 29.0 percent were placed on probation or received suspended sentences, 8.9 percent were given jail sentences, and 5.3 percent were fined.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937	
	Number	Percent	Number	Percent
Defendants sentenced	2,515	100.0	2,905	100.0
Death	4	0.2	9	0.3
Prison or reformatory	1,388	55.2	1,734	59.7
Probation or suspended sentence	730	29.0	677	23.3
Local jails	224	8.9	302	10.4
Fine or costs only	134	5.3	150	5.2
Juvenile institutions	35	1.4	33	1.1
Other sentences	-	-	-	-

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE TRIAL COURTS OF INDIANA, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	4,137	4	1,652	1,164	467	770	54	26
Major offenses, total	2,515	4	1,388	730	224	134	35	-
Murder	18	4	14	-	-	-	-	-
Manslaughter	23	-	18	5	-	-	-	-
Robbery	158	-	107	44	-	7	-	-
Aggravated assault	95	-	49	27	7	11	1	-
Burglary	404	-	290	96	13	1	4	-
Larceny, except auto theft	915	-	442	289	124	51	9	-
Auto theft	232	-	113	82	25	6	6	-
Embezzlement and fraud	155	-	63	57	16	19	-	-
Stolen property	72	-	18	30	15	9	-	-
Forgery	196	-	135	49	7	4	1	-
Rape	63	-	54	5	1	3	-	-
Commercialized vice	6	-	1	2	-	3	-	-
Other sex offenses	74	-	31	18	9	3	13	-
Violating drug laws	4	-	2	1	1	-	-	-
Carrying weapons, etc.	40	-	6	15	3	16	-	-
Other major offenses	60	-	45	10	3	1	1	-
Abortion	1	-	1	-	-	-	-	-
Arson	13	-	9	-	3	-	1	-
Bigamy	5	-	3	1	-	1	-	-
Blackmail and extortion	5	-	1	4	-	-	-	-
Escape and jail break	30	-	28	2	-	-	-	-
Kidnaping	1	-	1	-	-	-	-	-
Perjury	5	-	2	3	-	-	-	-
Other offenses:								
Minor assault	160	-	20	35	42	63	-	-
Nonsupport or neglect	249	-	31	176	15	26	-	1
Violating liquor laws	309	-	45	90	52	122	-	-
Driving while intoxicated	260	-	56	21	42	116	-	25
Other motor vehicle laws	95	-	17	19	18	41	-	-
Disorderly conduct and vagrancy	243	-	46	22	53	122	-	-
Gambling	80	-	3	3	2	72	-	-
All other offenses	226	-	46	68	19	74	19	-

JUDICIAL CRIMINAL STATISTICS: 1938

IOWA

Approximately four-fifths (79.8 percent) of the defendants disposed of on major criminal charges in the district courts of Iowa during 1938 were convicted, the remainder being eliminated without conviction. Very little difference is to be noted between the dispositions reported for 1938 and those reported for 1937.

Table 1 shows the disposition of defendants in the district courts of the State for each of the past four years. On the basis of the 1930 population, the reports received from the courts covered 84.8 percent of the State in 1935, 62.5 percent in 1936, 65.7 percent in 1937, and 77.5 percent in 1938.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	1,641	100.0	1,572	100.0	1,352	100.0	2,109	100.0
Eliminated without conviction	332	20.2	348	22.1	366	27.1	532	25.2
Dismissed	289	17.6	308	19.6	327	24.2	443	21.0
Jury waived, acquitted by court ..	10	0.6	2	0.1	2	0.1	-	-
Acquitted by jury	32	2.0	30	1.9	26	1.9	67	3.2
Other no-penalty dispositions	1	0.1	8	0.5	11	0.8	22	1.0
Convicted	1,309	79.8	1,224	77.9	986	72.9	1,577	74.8
Plea of guilty	1,225	74.6	1,146	72.9	925	68.4	1,429	67.8
Court finds guilty	31	1.9	26	1.7	16	1.2	27	1.3
Jury verdict guilty	53	3.2	52	3.3	45	3.3	121	5.7

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURTS OF IOWA, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dis-missed	Jury waived, acquitted by court	Acquit- ted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	2,973	659	570	20	66	3	2,314	2,171	57	86
Major offenses, total ..	1,641	332	289	10	32	1	1,309	1,225	31	53
Murder	20	7	4	-	3	-	13	10	-	3
Manslaughter	18	6	5	-	1	-	12	7	-	5
Robbery	53	8	8	-	-	-	45	39	1	5
Aggravated assault	71	28	22	2	4	-	43	35	2	6
Burglary	203	38	34	-	4	-	165	162	3	-
Larceny, except auto theft ..	492	65	56	4	5	-	427	402	12	13
Auto theft	107	14	11	-	3	-	93	92	-	1
Embezzlement and fraud ..	146	61	59	1	1	-	85	80	2	3
Stolen property	45	5	5	-	-	-	40	34	3	3
Forgery	221	41	37	1	3	-	180	171	4	5
Rape	36	14	9	1	4	-	22	20	1	1
Commercialized vice	7	-	-	-	-	-	7	7	-	-
Other sex offenses	126	31	27	1	3	-	95	88	3	4
Violating drug laws	13	-	-	-	-	-	13	13	-	-
Carrying weapons, etc.	19	2	2	-	-	-	17	16	-	1
Other major offenses	64	12	10	-	1	1	52	49	-	3
Abortion	-	-	-	-	-	-	-	-	-	-
Arson	8	3	3	-	-	-	5	4	-	1
Bigamy	4	2	2	-	-	-	2	1	-	1
Blackmail and extortion ..	1	1	1	-	-	-	-	-	-	-
Escape and jail break ..	45	4	3	-	-	1	41	40	-	1
Kidnaping	1	1	1	-	-	-	-	-	-	-
Perjury	5	1	-	-	1	-	4	4	-	-
Other offenses:										
Minor assault	37	12	12	-	-	-	25	24	-	1
Nonsupport or neglect	101	41	37	2	2	-	60	58	1	1
Violating liquor laws	177	58	55	1	2	-	119	107	8	4
Driving while intoxicated ..	689	121	92	4	23	2	568	543	5	20
Other motor vehicle laws ..	48	8	6	-	2	-	40	40	-	-
Disorderly conduct and vagrancy	62	10	8	1	1	-	52	52	-	-
Gambling	33	8	8	-	-	-	25	21	4	-
All other offenses	185	69	63	2	4	-	116	101	8	7

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order by forgery, burglary, and embezzlement and fraud. These four groups together accounted for 64.7 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938, there was one death sentence pronounced, 44.1 percent of

those convicted were sentenced to prison or reformatory, 15.7 percent were placed on probation or received a suspended sentence, one-third were sentenced to jail, and the remainder were either fined or committed to juvenile institutions.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	1,309	100.0	1,224	100.0	983	100.0	1,570	100.0
Death	1	0.1	1	0.1	2	0.2	1	0.1
Prison or reformatory	577	44.1	526	43.0	408	41.5	645	41.1
Probation or suspended sentence	206	15.7	187	15.3	229	23.3	367	23.4
Local jails	441	33.7	455	37.2	295	30.0	471	30.0
Fine or costs only	61	4.7	44	3.6	41	4.2	67	4.3
Juvenile institutions	23	1.8	11	0.9	8	0.8	16	1.0
Other sentences	-	-	-	-	-	-	3	0.2

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURTS OF IOWA, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	2,314	1	656	401	812	411	32	1
Major offenses, total	1,309	1	577	206	441	61	23	-
Murder	13	1	12	-	-	-	-	-
Manslaughter	12	-	11	1	-	-	-	-
Robbery	45	-	44	-	-	1	-	-
Aggravated assault	43	-	19	8	13	3	-	-
Burglary	165	-	75	34	44	6	6	-
Larceny, except auto theft	427	-	160	69	180	13	5	-
Auto theft	93	-	46	16	23	4	4	-
Embezzlement and fraud	85	-	22	20	36	7	-	-
Stolen property	40	-	14	3	18	2	3	-
Forgery	180	-	67	29	71	10	3	-
Rape	22	-	20	-	2	-	-	-
Commercialized vice	7	-	6	-	1	-	-	-
Other sex offenses	95	-	38	16	33	8	-	-
Violating drug laws	13	-	1	1	9	2	-	-
Carrying weapons, etc.	17	-	4	2	9	2	-	-
Other major offenses	52	-	38	7	2	3	2	-
Abortion	-	-	-	-	-	-	-	-
Arson	5	-	3	2	-	-	-	-
Bigamy	2	-	-	-	2	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	41	-	33	3	-	3	2	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	4	-	2	2	-	-	-	-
Other offenses:								
Minor assault	25	-	5	2	16	2	-	-
Nonsupport or neglect	60	-	9	42	9	-	-	-
Violating liquor laws	119	-	6	17	50	45	-	1
Driving while intoxicated	568	-	13	61	246	247	1	-
Other motor vehicle laws	40	-	9	13	11	7	-	-
Disorderly conduct and vagrancy	52	-	1	43	6	2	-	-
Gambling	25	-	-	2	2	21	-	-
All other offenses	116	-	36	15	31	26	8	-

JUDICIAL CRIMINAL STATISTICS: 1938

KANSAS

Fewer defendants charged with major offenses were disposed of by the district courts of Kansas in 1938 than in 1937. The figures in table 1, showing the dispositions reported by the clerks of court to the Bureau of the Census for the past four years, indicate that the number of defendants charged with major offenses and disposed of by the district courts has steadily decreased each year.

Nearly four-fifths (78.0 percent) of all defendants disposed of were convicted, a percentage which is higher than in any of the three previous years. In contrast, it will be noted that the proportion of defendants eliminated by dismissal was lower in 1938 than in any of the other years shown. As usual, most convictions resulted from a plea of guilty, approximately two-thirds of all cases being disposed of by this means.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	1,658	100.0	1,793	100.0	1,842	100.0	2,110	100.0
Eliminated without conviction	364	22.0	452	25.2	464	25.2	559	26.5
Dismissed	265	16.0	380	21.2	374	20.3	417	19.8
Jury waived, acquitted by court ..	20	1.2	3	0.2	2	0.1	6	0.3
Acquitted by jury	61	3.7	54	3.0	61	3.3	109	5.2
Other no-penalty dispositions	18	1.1	15	0.8	27	1.5	27	1.3
Convicted	1,294	78.0	1,341	74.8	1,378	74.8	1,551	73.5
Plea of guilty	1,093	65.9	1,164	64.9	1,205	65.4	1,311	62.1
Court finds guilty	37	2.2	20	1.1	7	0.4	26	1.2
Jury verdict guilty	164	9.9	157	8.8	166	9.0	214	10.1

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURTS OF KANSAS, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dis-missed	Jury waived, acquitted by court	Acquit- ted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	2,458	712	559	31	94	28	1,746	1,478	55	213
Major offenses, total ..	1,658	364	265	20	61	18	1,294	1,093	37	164
Murder	40	9	3	-	5	1	31	13	-	18
Manslaughter	27	9	4	-	5	-	18	10	-	8
Robbery	78	25	21	-	4	-	53	44	3	6
Aggravated assault	71	31	24	2	5	-	40	27	1	12
Burglary	270	45	32	3	9	1	225	198	5	22
Larceny, except auto theft	525	76	49	8	15	4	449	399	7	43
Auto theft	95	17	15	-	2	-	78	69	3	6
Embezzlement and fraud ...	124	51	34	3	4	10	73	57	1	15
Stolen property	33	9	8	-	1	-	24	16	4	4
Forgery	199	39	34	4	1	-	160	141	11	8
Rape	89	32	26	-	5	1	57	42	-	15
Commercialized vice	5	-	-	-	-	-	5	5	-	-
Other sex offenses	23	4	4	-	-	-	19	18	-	1
Violating drug laws	19	2	1	-	1	-	17	16	-	1
Carrying weapons, etc. ...	5	2	2	-	-	-	3	2	-	1
Other major offenses	55	13	8	-	4	1	42	36	2	4
Abortion	1	1	1	-	-	-	-	-	-	-
Arson	24	8	3	-	4	1	16	15	1	-
Bigamy	4	1	1	-	-	-	3	3	-	-
Blackmail and extortion	2	-	-	-	-	-	2	-	-	2
Escape and jail break ..	19	1	1	-	-	-	18	17	1	-
Kidnaping	-	-	-	-	-	-	-	-	-	-
Perjury	5	2	2	-	-	-	3	1	-	2
Other offenses:										
Minor assault	43	21	14	-	7	-	22	18	-	4
Nonsupport or neglect	116	62	55	1	2	4	54	52	2	-
Violating liquor laws	391	138	115	2	15	6	253	215	6	32
Driving while intoxicated	82	29	24	-	5	-	53	48	2	3
Other motor vehicle laws .	25	13	11	1	1	-	12	9	1	2
Disorderly conduct and vagrancy	40	17	17	-	-	-	23	18	1	4
Gambling	11	2	2	-	-	-	9	8	-	1
All other offenses	92	66	56	7	3	-	26	17	-	3

While the proportion of defendants disposed of by means of trial is relatively small, there was an increase in this method of disposition in 1938 over the previous years. The percentage disposed of by either court or jury trial in 1938 was 17.0, as compared with 13.1 in 1937, 12.8 in 1936, and 16.8 in 1935.

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order by burglary, forgery, and embezzlement and fraud. In fact, these four groups account for approximately two-thirds of all of the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938 there was a marked increase in the proportion of defendants sentenced to prisons or reformatories and a decrease in the use of probation as compared with former years. More than three-fourths of those convicted were given prison sentences, while only 9.0 percent were placed on probation, 8.5 percent given jail sentences, and 4.1 percent were fined.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	1,294	100.0	1,341	100.0	1,371	100.0	1,545	100.0
Death	-	-	1	0.1	1	0.1	-	-
Prison or reformatory	1,009	78.0	961	71.7	1,014	74.0	1,066	69.0
Probation or suspended sentence	117	9.0	203	15.1	198	14.4	243	15.7
Local jails	110	8.5	158	11.8	128	9.3	187	12.1
Fine or costs only	53	4.1	16	1.2	25	1.8	45	2.9
Juvenile institutions	4	0.3	2	0.1	-	-	-	-
Other sentences	1	0.1	-	-	5	0.4	4	0.3

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURTS OF KANSAS, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	1,746	-	1,072	175	286	208	4	1
Major offenses, total	1,294	-	1,009	117	110	53	4	1
Murder	31	-	31	-	-	-	-	-
Manslaughter	18	-	14	-	4	-	-	-
Robbery	53	-	49	4	-	-	-	-
Aggravated assault	40	-	26	2	7	5	-	-
Burglary	225	-	216	6	-	-	3	-
Larceny, except auto theft	449	-	301	56	66	26	-	-
Auto theft	78	-	65	4	9	-	-	-
Embezzlement and fraud	73	-	51	10	2	9	-	1
Stolen property	24	-	18	2	4	-	-	-
Forgery	160	-	132	18	6	4	-	-
Rape	57	-	48	8	1	-	-	-
Commercialized vice	5	-	1	-	-	4	-	-
Other sex offenses	19	-	13	1	4	1	-	-
Violating drug laws	17	-	13	4	-	-	-	-
Carrying weapons, etc.	3	-	-	1	1	1	-	-
Other major offenses	42	-	31	1	6	3	1	-
Abortion	-	-	-	-	-	-	-	-
Arson	16	-	10	-	4	1	1	-
Bigamy	3	-	2	1	-	-	-	-
Blackmail and extortion	2	-	-	-	-	2	-	-
Escape and jail break	18	-	16	-	2	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	3	-	3	-	-	-	-	-
Other offenses:								
Minor assault	22	-	-	4	15	3	-	-
Nonsupport or neglect	54	-	24	29	-	1	-	-
Violating liquor laws	253	-	31	15	106	101	-	-
Driving while intoxicated	53	-	1	2	23	27	-	-
Other motor vehicle laws	12	-	-	-	1	11	-	-
Disorderly conduct and vagrancy	23	-	-	4	14	5	-	-
Gambling	9	-	-	-	5	4	-	-
All other offenses	26	-	7	4	12	3	-	-

JUDICIAL CRIMINAL STATISTICS: 1938

MASSACHUSETTS

There was a slight decrease in the percentage of convictions resulting from charges of major crimes in the superior courts of Massachusetts in 1938 as compared with the two previous years. This decrease, however, is small and is accounted for chiefly by a decrease in the proportion of defendants pleading guilty and an increase in the proportion dismissed.

About one-seventh of those charged with major offenses were dismissed in 1938. Approximately two out of every three defendants (66.2 percent) plead guilty. Court and jury trials accounted for only 19.4 percent of all dispositions. This was a very slight decrease in the proportion of defendants tried as compared with the three previous years.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	3,085	100.0	3,044	100.0	2,891	100.0	3,570	100.0
Eliminated without conviction	692	22.4	515	16.9	578	20.0	806	22.6
Dismissed	441	14.3	304	10.0	312	10.8	476	13.3
Jury waived, acquitted by court ..	109	3.5	66	2.2	45	1.6	40	1.1
Acquitted by jury	139	4.5	145	4.8	221	7.6	290	8.1
Other non-penalty dispositions	3	0.1	-	-	-	-	-	-
Convicted	2,393	77.6	2,529	83.1	2,313	80.0	2,764	77.4
Plea of guilty	2,041	66.2	2,129	69.9	1,981	68.5	2,352	65.9
Court finds guilty	137	4.4	76	2.5	64	2.2	36	1.0
Jury verdict guilty	215	7.0	324	10.6	268	9.3	376	10.5

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE SUPERIOR COURTS OF MASSACHUSETTS, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	3,701	977	693	120	161	3	2,724	2,299	165	260
Major offenses, total ..	3,085	692	441	109	139	3	2,393	2,041	137	215
Murder	25	10	7	1	2	-	15	10	-	5
Manslaughter	24	9	5	2	2	-	15	9	2	4
Robbery	368	130	83	15	31	1	238	192	10	36
Aggravated assault	98	24	15	1	8	-	74	56	6	12
Burglary	986	118	76	12	30	-	868	802	25	41
Larceny, except auto theft ..	*728	244	165	53	26	-	484	396	48	40
Auto theft	190	29	21	3	5	-	161	145	4	12
Embezzlement and fraud ...	(*)									
Stolen property	71	14	10	2	2	-	57	52	1	4
Forgery	46	8	8	-	-	-	38	38	-	-
Rape	234	38	17	10	10	1	196	139	23	34
Commercialized vice	8	4	4	-	-	-	4	4	-	-
Other sex offenses	109	11	4	5	2	-	98	78	9	11
Violating drug laws	14	2	2	-	-	-	12	11	-	1
Carrying weapons, etc.	55	6	4	-	2	-	49	40	5	4
Other major offenses	129	45	20	5	19	1	84	69	4	11
Abortion	28	4	2	-	1	1	24	20	2	2
Arson	49	26	10	-	16	-	23	16	-	7
Bigamy	10	1	1	-	-	-	9	8	1	-
Blackmail and extortion ..	3	2	-	2	-	-	1	1	-	-
Escape and jail break ..	10	-	-	-	-	-	10	8	1	1
Kidnaping	9	3	2	1	-	-	6	6	-	-
Perjury	20	9	5	2	2	-	11	10	-	1
Other offenses:										
Minor assault	94	18	11	2	5	-	76	51	10	15
Nonsupport or neglect	263	168	164	3	1	-	115	103	7	5
Violating liquor laws	2	2	2	-	-	-	-	-	-	-
Driving while intoxicated ..	24	5	2	1	2	-	19	14	1	4
Other motor vehicle laws ..	87	13	3	3	7	-	74	51	6	17
Disorderly conduct and vagrancy	5	-	-	-	-	-	5	3	1	1
Gambling	10	6	6	-	-	-	4	4	-	-
All other offenses	111	73	64	2	7	-	38	32	3	3

*Larceny, except auto theft, includes embezzlement and fraud.

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order of frequency by larceny, robbery, and rape. These four offense groups together accounted for 75.1 percent of the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. Slightly more than one-fourth of all convicted defendants were sentenced to prison or reformatory, over one-third were placed on probation or given a suspended sentence, and one-fourth received jail sentences. In

addition, 11.2 percent were reported as being "placed on file after conviction." This classification, which is also shown in table 4, is limited only to the State of Massachusetts and in comparing Massachusetts data with those reported from other States these defendants should be included with those placed on probation or given a suspended sentence.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	2,393	100.0	2,529	100.0	2,313	100.0	2,764	100.0
Death	1	(*)	1	(*)	1	(*)	4	0.1
Prison or reformatory	644	26.9	774	30.6	714	30.9	695	25.1
Probation or suspended sentence	854	35.7	736	29.1	721	31.2	941	34.0
Local jails	609	25.4	695	27.5	531	23.0	700	25.3
Fine or costs only	17	0.7	24	0.9	46	2.0	12	0.4
Juvenile institutions	-	-	-	-	-	-	-	-
On file after conviction	268	11.2	299	11.8	300	13.0	412	14.9

*Percent not shown where less than 0.1.

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE SUPERIOR COURTS OF MASSACHUSETTS, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	On file after conviction
All offenses	2,724	1	663	989	699	59	-	313
Major offenses, total	2,393	1	644	854	609	17	-	268
Murder	15	1	14	-	-	-	-	-
Manslaughter	15	-	9	-	6	-	-	-
Robbery	238	-	147	39	36	-	-	16
Aggravated assault	74	-	24	15	25	3	-	7
Burglary	868	-	196	422	187	1	-	62
Larceny, except auto theft	*484	-	57	172	131	4	-	120
Auto theft	161	-	64	52	34	1	-	10
Embezzlement and fraud	(*)	-	-	-	-	-	-	-
Stolen property	57	-	4	23	22	2	-	6
Forgery	38	-	3	8	25	-	-	2
Rape	196	-	63	44	70	-	-	19
Commercialized vice	4	-	2	1	-	-	-	1
Other sex offenses	98	-	24	36	25	2	-	11
Violating drug laws	12	-	4	1	6	-	-	1
Carrying weapons, etc.	49	-	5	14	19	2	-	9
Other major offenses	84	-	28	27	23	2	-	4
Abortion	24	-	5	9	9	-	-	1
Arson	23	-	5	13	3	-	-	2
Bigamy	9	-	2	1	6	-	-	-
Blackmail and extortion	1	-	-	1	-	-	-	-
Escape and jail break	10	-	5	-	5	-	-	-
Kidnaping	6	-	5	1	-	-	-	-
Perjury	11	-	6	2	-	2	-	1
Other offenses:								
Minor assault	76	-	-	22	36	4	-	14
Nonsupport or neglect	115	-	10	83	16	1	-	5
Violating liquor laws	-	-	-	-	-	-	-	-
Driving while intoxicated	19	-	-	1	5	13	-	-
Other motor vehicle laws	74	-	3	11	32	17	-	11
Disorderly conduct and vagrancy	5	-	1	-	1	-	-	3
Gambling	4	-	-	-	-	3	-	1
All other offenses	38	-	5	18	-	4	-	11

*Larceny, except auto theft, includes embezzlement and fraud.

JUDICIAL CRIMINAL STATISTICS: 1938

MICHIGAN

A new method of collecting judicial criminal statistics was adopted by the Department of Corrections of Michigan for the calendar year 1938. Individual case reports were obtained from all prosecutors for each defendant prosecuted for criminal offenses. From these, a summary of the dispositions made in the circuit courts of the 83 counties, the Superior Court of Grand Rapids, and the Recorder's Court of Detroit were compiled for the Bureau of the Census in accordance with its

standard classifications of dispositions, offenses, and sentences.

All courts disposing of felony cases in Michigan were included in the 1938 statistics. In 1937, the statistics covered courts having jurisdiction over territory representing, on the basis of the 1930 population, 98.4 percent of the State. On the same basis, the 1936 statistics covered 80.5 percent of the State and the 1935 data 61.0 percent.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	4,623	100.0	4,723	100.0	2,624	100.0	2,693	100.0
Eliminated without conviction	949	20.5	822	17.4	424	16.2	434	16.1
Dismissed	518	11.2	467	9.9	292	11.1	291	10.8
Jury waived, acquitted by court ..	130	2.8	73	1.5	17	0.6	16	0.6
Acquitted by jury	78	1.7	224	4.7	80	3.0	90	3.3
Other no-penalty dispositions	223	4.8	58	1.2	35	1.3	37	1.4
Convicted	3,674	79.5	3,901	82.6	2,200	83.8	2,259	83.9
Plea of guilty	2,987	64.6	3,092	65.5	1,821	69.4	1,994	74.0
Court finds guilty	379	8.2	241	5.1	92	3.5	44	1.6
Jury verdict guilty	308	6.7	568	12.0	287	10.9	221	8.2

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE TRIAL COURTS OF MICHIGAN, BY OFFENSE: 1938

OFFENSE	Total defendant-ante disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	6,046	1,407	836	165	90	316	4,639	3,818	448	373
Major offenses, total ..	4,623	949	518	130	78	223	3,674	2,987	379	308
Murder	40	8	2	-	2	4	32	16	1	15
Manslaughter	137	71	49	3	14	5	66	41	8	17
Robbery	378	82	24	29	15	14	296	222	35	39
Aggravated assault	258	82	68	2	2	10	176	114	31	31
Burglary	1,155	112	64	18	8	22	1,043	897	83	63
Larceny, except auto theft	693	109	56	11	7	35	584	499	51	34
Auto theft	409	57	28	5	4	20	352	320	21	11
Embezzlement and fraud ...	308	114	77	9	3	25	194	159	22	13
Stolen property	73	16	9	1	-	6	57	46	7	4
Forgery	229	26	15	2	1	8	203	188	10	5
Rape	228	86	36	5	13	32	142	92	21	29
Commercialized vice	58	17	7	8	-	2	41	22	13	6
Other sex offenses	352	90	38	16	9	27	262	193	41	28
Violating drug laws	21	5	3	2	-	-	16	11	4	1
Carrying weapons, etc. ...	141	24	12	9	-	3	117	83	26	8
Other major offenses	143	50	30	10	-	10	93	84	5	4
Abortion	14	5	3	1	-	1	9	6	1	2
Arson	23	9	5	3	-	1	14	11	1	2
Bigamy	18	3	1	-	-	2	15	14	1	-
Blackmail and extortion	11	8	2	6	-	-	3	3	-	-
Escape and jail break ..	51	16	14	-	-	2	35	34	1	-
Kidnaping	6	-	-	-	-	-	6	6	-	-
Perjury	20	9	5	-	-	4	11	10	1	-
Other offenses:										
Minor assault	54	20	16	-	1	3	34	20	5	9
Nonsupport or neglect ...	178	62	26	4	-	32	116	99	10	7
Violating liquor laws	175	66	41	5	1	19	109	87	8	14
Driving while intoxicated	26	3	1	-	1	1	23	17	3	3
Other motor vehicle laws .	48	11	6	1	2	2	37	32	-	5
Disorderly conduct and vagrancy	99	3	1	1	-	1	96	91	3	2
Gambling	257	46	35	8	-	3	211	195	15	1
All other offenses	586	247	192	16	7	32	339	290	25	24

The procedural outcome of cases against defendants charged with major offenses, shown in table 1, indicates that although there has been some decrease in the proportion convicted during the last four years, nevertheless, approximately four-fifths of those charged were convicted each year.

In 1938 there was a decided increase in the proportion of cases which were tried by the court after waiver of jury. Of the total dispositions, 11.0 percent were by this method, while only 8.4 percent were disposed of by jury trial. This is the first year in which the number of trials by court has exceeded the number of trials by jury.

From the detailed figures in table 2, showing the number of cases and their disposition for each offense group, it appears that the most frequent charge made against defendants disposed of by these Michigan courts during 1938 was burglary.

The type of sentence imposed on those convicted of major offenses is shown for each of the past four years in table 3. In 1938 approximately half of those convicted were sentenced to prison, over one-third were given probation or a suspended sentence, and the remainder received jail sentences or were fined. These proportions are quite similar to those shown for the three previous years, although there appears to be a slight decrease in the use of probation and suspended sentence and a corresponding increase in the use of jail sentences during the last two years.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	3,674	100.0	3,901	100.0	2,189	100.0	2,257	100.0
Death	-	-	-	-	-	-	-	-
Prison or reformatory	1,786	48.6	1,856	47.6	1,109	50.7	1,154	51.1
Probation or suspended sentence	1,293	35.2	1,463	37.5	835	38.1	818	36.2
Local jails	472	12.8	458	11.7	160	7.3	207	9.2
Fine or costs only	123	3.3	123	3.2	85	3.9	76	3.4
Juvenile institutions	-	-	1	-	-	-	-	-
Other sentences	-	-	-	-	-	-	2	0.1

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE TRIAL COURTS OF MICHIGAN, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	4,639	-	1,910	1,760	582	387	-	-
Major offenses, total	3,674	-	1,786	1,293	472	123	-	-
Murder	32	-	32	-	-	-	-	-
Manslaughter	66	-	29	25	8	4	-	-
Robbery	296	-	257	22	17	-	-	-
Aggravated assault	176	-	92	47	29	8	-	-
Burglary	1,043	-	456	432	141	14	-	-
Larceny, except auto theft	584	-	221	230	103	30	-	-
Auto theft	352	-	160	148	43	1	-	-
Embezzlement and fraud	194	-	63	79	21	31	-	-
Stolen property	57	-	12	27	10	8	-	-
Forgery	203	-	105	76	16	6	-	-
Rape	142	-	103	27	8	4	-	-
Commercialized vice	41	-	17	7	9	8	-	-
Other sex offenses	282	-	126	89	43	4	-	-
Violating drug laws	16	-	11	4	1	-	-	-
Carrying weapons, etc.	117	-	51	53	10	3	-	-
Other major offenses	93	-	51	27	13	2	-	-
Abortion	9	-	1	3	4	1	-	-
Arson	14	-	5	6	3	-	-	-
Bigamy	15	-	7	7	-	1	-	-
Blackmail and extortion	3	-	1	2	-	-	-	-
Escape and jail break	35	-	27	6	2	-	-	-
Kidnaping	6	-	6	-	-	-	-	-
Perjury	11	-	4	3	4	-	-	-
Other offenses:								
Minor assault	34	-	-	15	11	8	-	-
Nonsupport or neglect	116	-	20	89	3	4	-	-
Violating liquor laws	109	-	10	33	30	36	-	-
Driving while intoxicated	23	-	9	3	7	4	-	-
Other motor vehicle laws	37	-	5	15	13	4	-	-
Disorderly conduct and vagrancy	96	-	41	37	17	1	-	-
Gambling	211	-	4	32	15	160	-	-
All other offenses	339	-	35	243	14	47	-	-

JUDICIAL CRIMINAL STATISTICS: 1938

MINNESOTA

The proportion of defendants charged with major offenses who were convicted in the district courts of Minnesota has been approximately the same for each of the past four years. The data presented in table 1 show that during this time about 87 percent of these defendants were convicted and that approximately 83 percent of them were convicted by pleas of guilty.

The chief method by which defendants were eliminated without conviction was through dismissal of the charges, 10.1 percent of the cases being disposed of by this method in 1938. The fact that only 6.2 percent of all defendants were disposed of by means of a court or jury trial shows very clearly the relatively minor part that trials play in the administration of criminal justice.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	2,295	100.0	1,908	100.0	1,911	100.0	2,164	100.0
Eliminated without conviction	294	12.8	232	12.2	231	12.1	284	13.1
Dismissed	231	10.1	161	8.4	168	8.8	202	9.3
Jury waived, acquitted by court ..	2	0.1	1	0.1	1	0.1	1	(*)
Acquitted by jury	43	1.9	55	2.9	46	2.4	60	2.8
Other no-penalty dispositions	18	0.8	15	0.8	16	0.8	21	1.0
Convicted	2,001	87.2	1,676	87.8	1,680	87.9	1,880	86.9
Plea of guilty	1,903	82.9	1,578	82.7	1,586	83.0	1,762	81.4
Court finds guilty	6	0.3	8	0.4	6	0.3	3	0.1
Jury verdict guilty	92	4.0	90	4.7	88	4.6	115	5.3

*Percent not shown where less than 0.1.

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURTS OF MINNESOTA, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	2,713	373	303	4	48	18	2,340	2,223	10	107
Major offenses, total ..	2,295	294	231	2	43	18	2,001	1,903	6	92
Murder	16	5	-	-	2	3	11	7	-	4
Manslaughter	36	14	6	1	7	-	22	20	-	2
Robbery	106	6	3	-	1	2	100	94	-	6
Aggravated assault	97	37	28	1	5	3	60	50	-	10
Burglary	272	18	16	-	1	1	254	249	-	5
Larceny, except auto theft ..	772	59	51	-	5	3	713	678	4	31
Auto theft	171	19	17	-	-	2	152	151	-	1
Embezzlement and fraud ...	75	20	18	-	2	-	55	51	-	4
Stolen property	75	24	20	-	4	-	51	45	1	5
Forgery	374	31	28	-	3	-	343	336	1	6
Rape	87	24	18	-	4	2	63	58	-	5
Commercialized vice	14	4	3	-	1	-	10	9	-	1
Other sex offenses	103	18	14	-	3	1	85	77	-	8
Violating drug laws	12	1	-	-	1	-	11	10	-	1
Carrying weapons, etc. ...	13	3	3	-	-	-	10	10	-	-
Other major offenses	72	11	6	-	4	1	61	58	-	3
Abortion	9	1	-	-	1	-	8	8	-	-
Arson	30	5	2	-	3	-	25	22	-	3
Bigamy	11	2	1	-	-	1	9	9	-	-
Blackmail and extortion ..	2	-	-	-	-	-	2	2	-	-
Escape and jail break ..	18	2	2	-	-	-	16	16	-	-
Kidnaping	-	-	-	-	-	-	-	-	-	-
Perjury	2	1	1	-	-	-	1	1	-	-
Other offenses:										
Minor assault	15	2	2	-	-	-	13	9	1	3
Nonsupport or neglect	140	32	31	1	-	-	108	103	2	3
Violating liquor laws	72	12	9	-	3	-	60	57	-	3
Driving while intoxicated ..	6	2	2	-	-	-	4	3	-	1
Other motor vehicle laws ..	15	2	2	-	-	-	13	12	-	1
Disorderly conduct and vagrancy	1	1	1	-	-	-	-	-	-	-
Gambling	83	4	4	-	-	-	79	78	1	-
All other offenses	86	24	21	1	2	-	62	58	-	4

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order of frequency by forgery and burglary. These three groups together accounted for 61.8 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938, 45.1 percent of these defendants were sentenced to

prison or reformatory, 39.4 percent were placed on probation or received a suspended sentence, 13.3 percent received jail sentences, and 1.7 percent were given fines.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	2,001	100.0	1,676	100.0	1,664	100.0	1,878	100.0
Death	-	-	-	-	-	-	-	-
Prison or reformatory	903	45.1	757	45.2	789	47.4	966	51.4
Probation or suspended sentence	788	39.4	672	40.1	573	34.4	585	31.2
Local jails	267	13.3	180	10.7	243	14.6	260	13.8
Fine or costs only	35	1.7	61	3.6	58	3.5	59	3.1
Juvenile institutions	8	0.4	6	0.4	1	0.1	6	0.3
Other sentences	-	-	-	-	-	-	2	0.1

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURTS OF MINNESOTA, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	2,340	-	922	1,003	313	94	8	-
Major offenses, total	2,001	-	903	788	267	35	8	-
Murder	11	-	11	-	-	-	-	-
Manslaughter	22	-	11	6	4	-	1	-
Robbery	100	-	86	12	-	-	2	-
Aggravated assault	60	-	27	18	9	6	-	-
Burglary	254	-	108	114	29	-	3	-
Larceny, except auto theft	713	-	319	288	98	7	1	-
Auto theft	152	-	59	79	7	6	1	-
Embezzlement and fraud	55	-	15	25	9	6	-	-
Stolen property	51	-	10	22	15	4	-	-
Forgery	343	-	114	160	67	2	-	-
Rape	63	-	41	16	6	-	-	-
Commercialized vice	10	-	8	-	2	-	-	-
Other sex offenses	85	-	59	19	5	2	-	-
Violating drug laws	11	-	4	4	2	1	-	-
Carrying weapons, etc.	10	-	-	5	4	1	-	-
Other major offenses	61	-	31	20	10	-	-	-
Abortion	8	-	4	4	-	-	-	-
Arson	25	-	13	8	4	-	-	-
Bigamy	9	-	4	5	-	-	-	-
Blackmail and extortion	2	-	1	1	-	-	-	-
Escape and jail break	16	-	9	1	6	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	1	-	-	1	-	-	-	-
Other offenses:								
Minor assault	13	-	-	6	4	3	-	-
Nonsupport or neglect	108	-	12	93	3	-	-	-
Violating liquor laws	60	-	1	35	18	6	-	-
Driving while intoxicated	4	-	-	2	-	2	-	-
Other motor vehicle laws	13	-	-	3	7	3	-	-
Disorderly conduct and vagrancy	-	-	-	-	1	-	-	-
Gambling	79	-	-	49	1	29	-	-
All other offenses	62	-	6	27	13	16	-	-

JUDICIAL CRIMINAL STATISTICS: 1938

MONTANA

More than five-sixths (85.8 percent) of the defendants disposed of on major criminal charges in the district courts of Montana during 1938 were convicted. This is a considerably higher percentage of convictions than was reported during the three previous years. Pleas of guilty accounted for 79.7 percent of all dispositions.

Table 1 shows the disposition of defendants as reported by the district courts of the State for each of the past four years. On the basis of the 1930 population, the reports received from the courts covered the whole State in 1935, 98.8 percent in 1936, 95.8 percent in 1937, and 62.9 percent in 1938.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	345	100.0	586	100.0	563	100.0	596	100.0
Eliminated without conviction	49	14.2	134	22.9	166	29.5	173	29.0
Dismissed	35	10.1	100	17.1	131	23.3	125	21.0
Jury waived, acquitted by court ..	-	-	-	-	-	-	4	0.7
Acquitted by jury	14	4.1	28	4.8	22	3.9	31	5.2
Other no-penalty dispositions	-	-	6	1.0	13	2.3	13	2.2
Convicted	296	85.8	452	77.1	397	70.5	423	71.0
Plea of guilty	275	79.7	379	64.7	347	61.6	370	62.1
Court finds guilty	3	0.9	4	0.7	10	1.8	10	1.7
Jury verdict guilty	18	5.2	69	11.8	40	7.1	43	7.2

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURTS OF MONTANA, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	422	81	64	-	17	-	341	308	5	28
Major offenses, total ..	345	49	35	-	14	-	296	275	3	18
Murder	5	-	-	-	-	-	5	2	-	3
Manslaughter	6	4	-	-	4	-	2	2	-	-
Robbery	19	3	1	-	2	-	16	15	-	1
Aggravated assault	18	3	2	-	1	-	15	14	1	-
Burglary	89	8	8	-	-	-	81	78	-	3
Larceny, except auto theft ..	81	12	10	-	2	-	69	61	1	7
Auto theft	21	1	1	-	-	-	20	19	-	1
Embezzlement and fraud ...	12	2	2	-	-	-	10	10	-	-
Stolen property	6	1	1	-	-	-	5	5	-	-
Forgery	46	2	1	-	1	-	44	43	-	1
Rape	17	5	3	-	2	-	12	10	-	2
Commercialized vice	1	1	1	-	-	-	-	-	-	-
Other sex offenses	12	1	-	-	1	-	11	11	-	-
Violating drug laws	1	-	-	-	-	-	1	1	-	-
Carrying weapons, etc. ...	3	-	-	-	-	-	3	3	-	-
Other major offenses	8	6	5	-	1	-	2	1	1	-
Abortion	-	-	-	-	-	-	-	-	-	-
Arson	5	5	4	-	1	-	-	-	-	-
Bigamy	-	-	-	-	-	-	-	-	-	-
Blackmail and extortion ..	1	-	-	-	-	-	1	1	-	-
Escape and jail break ..	-	-	-	-	-	-	-	-	-	-
Kidnaping	1	1	1	-	-	-	-	-	-	-
Perjury	1	-	-	-	-	-	1	-	1	-
Other offenses:										
Minor assault	14	4	3	-	1	-	10	4	-	6
Nonsupport or neglect	1	1	1	-	-	-	-	-	-	-
Violating liquor laws	6	4	3	-	1	-	2	1	-	1
Driving while intoxicated ..	8	2	2	-	-	-	6	5	-	1
Other motor vehicle laws ..	10	5	5	-	-	-	5	4	-	1
Disorderly conduct and vagrancy	1	1	1	-	-	-	-	-	-	-
Gambling	2	-	-	-	-	-	2	2	-	-
All other offenses	35	15	14	-	1	-	20	17	2	1

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order of frequency by larceny and forgery. These three groups together accounted for 62.6 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938, 70.9

percent of these defendants were sentenced to prison or reformatory, 19.6 percent were placed on probation or given a suspended sentence, and 7.4 percent received jail sentences.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	296	100.0	452	100.0	387	100.0	422	100.0
Death	1	0.3	-	-	-	-	2	0.5
Prison or reformatory	210	70.9	338	74.8	296	76.5	303	71.8
Probation or suspended sentence	58	19.6	90	19.9	58	15.0	79	18.7
Local jails	22	7.4	15	3.3	13	3.4	27	6.4
Fine or costs only	1	0.3	4	0.9	6	1.6	2	0.5
Juvenile institutions	4	1.4	5	1.1	14	3.6	9	2.1
Other sentences	-	-	-	-	-	-	-	-

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURTS OF MONTANA, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	341	1	215	61	34	22	8	-
Major offenses, total	296	1	210	59	22	1	4	-
Murder	5	1	4	-	-	-	-	-
Manslaughter	2	-	1	1	-	-	-	-
Robbery	16	-	13	2	-	1	-	-
Aggravated assault	15	-	13	2	-	-	-	-
Burglary	81	-	51	26	2	-	2	-
Larceny, except auto theft	69	-	51	15	3	-	-	-
Auto theft	20	-	11	2	5	-	2	-
Embezzlement and fraud	10	-	8	1	1	-	-	-
Stolen property	5	-	2	3	-	-	-	-
Forgery	44	-	32	3	9	-	-	-
Rape	12	-	12	-	-	-	-	-
Commercialized vice	-	-	-	-	-	-	-	-
Other sex offenses	11	-	8	2	1	-	-	-
Violating drug laws	1	-	1	-	-	-	-	-
Carrying weapons, etc.	3	-	2	-	1	-	-	-
Other major offenses	2	-	1	1	-	-	-	-
Abortion	-	-	-	-	-	-	-	-
Arson	-	-	-	-	-	-	-	-
Bigamy	-	-	-	-	-	-	-	-
Blackmail and extortion	1	-	1	-	-	-	-	-
Escape and jail break	-	-	-	-	-	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	1	-	-	1	-	-	-	-
Other offenses:								
Minor assault	10	-	-	1	6	3	-	-
Nonsupport or neglect	-	-	-	-	-	-	-	-
Violating liquor laws	2	-	-	-	1	1	-	-
Driving while intoxicated	6	-	1	2	-	3	-	-
Other motor vehicle laws	5	-	2	-	1	2	-	-
Disorderly conduct and vagrancy	-	-	-	-	-	-	-	-
Gambling	2	-	-	-	-	2	-	-
All other offenses	20	-	2	-	4	10	4	-

JUDICIAL CRIMINAL STATISTICS: 1938

NEW HAMPSHIRE

During the past four years there has been a steady increase in the number of defendants charged with major offenses who were disposed of in the superior courts of New Hampshire. For the calendar year 1938 the clerks of court reported to the Bureau of the Census that 496 such defendants were disposed of, as compared with 422 dispositions reported for 1937, 414 for 1936, and 397 for 1935.

Nearly four-fifths (78.2 percent) of all defendants disposed of were convicted, a proportion which is lower than that for the years 1936 and 1937. As usual, most convictions resulted from a plea of guilty, 71.2 percent of all dispositions being by this means. Most eliminations without conviction were dismissals. Approximately 16 percent were dismissed, an increase in this type of disposition over the past two years.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	496	100.0	422	100.0	414	100.0	397	100.0
Eliminated without conviction	108	21.8	65	15.4	70	16.9	87	21.9
Dismissed	80	16.1	49	11.6	54	13.0	75	18.9
Jury waived, acquitted by court ..	2	0.4	-	-	-	-	-	-
Acquitted by jury	8	1.6	6	1.4	9	2.2	4	1.0
Other no-penalty dispositions	18	3.6	10	2.4	7	1.7	8	2.0
Convicted	388	78.2	357	84.6	344	83.1	310	78.1
Plea of guilty	353	71.2	331	78.4	286	69.1	283	71.3
Court finds guilty	3	0.6	3	0.7	45	10.9	13	3.3
Jury verdict guilty	32	6.5	23	5.5	13	3.1	14	3.5

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE SUPERIOR COURTS OF NEW HAMPSHIRE, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	612	167	131	2	14	20	445	401	5	39
Major offenses, total ..	496	108	80	2	8	18	388	353	3	32
Murder	3	2	-	-	1	1	1	1	-	-
Manslaughter	4	-	-	-	-	-	4	2	-	2
Robbery	15	4	3	-	-	1	11	11	-	-
Aggravated assault	15	4	3	-	1	-	11	11	-	-
Burglary	150	31	25	-	-	6	119	112	-	7
Larceny, except auto theft	105	16	14	-	2	-	89	80	1	8
Auto theft	16	2	2	-	-	-	14	14	-	-
Embezzlement and fraud ...	75	23	17	2	1	3	52	49	2	1
Stolen property	5	1	1	-	-	-	4	4	-	-
Forgery	10	-	-	-	-	-	10	8	-	2
Rape	30	6	4	-	1	1	24	19	-	5
Commercialized vice	-	-	-	-	-	-	-	-	-	-
Other sex offenses	50	7	4	-	2	1	43	38	-	5
Violating drug laws	-	-	-	-	-	-	-	-	-	-
Carrying weapons, etc.	-	-	-	-	-	-	-	-	-	-
Other major offenses	18	12	7	-	-	5	6	4	-	2
Abortion	2	-	-	-	-	-	2	2	-	-
Arson	11	9	4	-	-	5	2	1	-	1
Bigamy	2	-	-	-	-	-	2	1	-	1
Blackmail and extortion	-	-	-	-	-	-	-	-	-	-
Escape and jail break ..	1	1	1	-	-	-	-	-	-	-
Kidnaping	-	-	-	-	-	-	-	-	-	-
Perjury	2	2	2	-	-	-	-	-	-	-
Other offenses:										
Minor assault	9	5	5	-	-	-	4	4	-	-
Nonsupport or neglect	14	7	6	-	-	1	7	6	1	-
Violating liquor laws	-	-	-	-	-	-	-	-	-	-
Driving while intoxicated	11	6	5	-	1	-	5	4	-	1
Other motor vehicle laws .	51	22	20	-	1	1	29	26	1	2
Disorderly conduct and vagrancy	2	2	2	-	-	-	-	-	-	-
Gambling	1	1	1	-	-	-	-	-	-	-
All other offenses	28	16	12	-	4	-	12	8	-	4

It is well known that in most jurisdictions relatively few criminal defendants are disposed of by means of trial. This is particularly true in New Hampshire, where in 1938 only 9.1 percent of all dispositions resulted from trial by court or by jury. The proportion of defendants reported as disposed of by trial was 7.6 percent in 1937, 16.2 percent in 1936, and 7.8 percent in 1935.

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order by larceny and embezzlement and fraud. In fact, these three groups account for approximately two-thirds of all major offenses prosecuted.

The type of sentence imposed on those convicted of major offenses is shown for each of the past four years in table 3. In 1938 there was a marked increase in the proportion of defendants receiving probation or a suspended sentence as compared with former years. Of those convicted, 29.1 percent were sentenced to prison, 50.3 percent received probation or a suspended sentence, 18.0 percent were given jail sentences, and 2.1 percent were fined.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	388	100.0	357	100.0	344	100.0	310	100.0
Death	-	-	1	0.3	-	-	-	-
Prison or reformatory	113	29.1	113	31.7	106	30.8	92	29.7
Probation or suspended sentence	195	50.3	140	39.2	147	42.7	142	45.8
Local jails	70	18.0	83	23.2	81	23.5	62	20.0
Fine or costs only	8	2.1	15	4.2	8	2.3	11	3.5
Juvenile institutions	1	0.3	4	1.1	2	0.6	3	1.0
Other sentences	1	0.3	1	0.3	-	-	-	-

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE SUPERIOR COURTS OF NEW HAMPSHIRE, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	445	-	120	215	81	27	1	1
Major offenses, total	388	-	113	195	70	8	1	1
Murder	1	-	1	-	-	-	-	-
Manslaughter	4	-	2	1	1	-	-	-
Robbery	11	-	8	3	-	-	-	-
Aggravated assault	11	-	1	4	3	2	1	-
Burglery	119	-	36	81	2	-	-	-
Larceny, except auto theft	89	-	10	40	37	2	-	-
Auto theft	14	-	3	10	1	-	-	-
Embezzlement and fraud	52	-	9	29	10	4	-	-
Stolen property	4	-	1	2	1	-	-	-
Forgery	10	-	4	4	2	-	-	-
Rape	24	-	21	2	1	-	-	-
Commercialized vice	-	-	-	-	-	-	-	-
Other sex offenses	43	-	16	16	11	-	-	-
Violating drug laws	-	-	-	-	-	-	-	-
Carrying weapons, etc.	-	-	-	-	-	-	-	-
Other major offenses	6	-	1	3	1	-	-	1
Abortion	2	-	-	1	1	-	-	-
Arson	2	-	1	-	-	-	-	1
Bigamy	2	-	-	2	-	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	-	-	-	-	-	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	-	-	-	-	-	-	-	-
Other offenses:								
Minor assault	4	-	1	1	2	-	-	-
Nonsupport or neglect	7	-	-	5	2	-	-	-
Violating liquor laws	-	-	-	-	-	-	-	-
Driving while intoxicated	5	-	-	1	1	3	-	-
Other motor vehicle laws	29	-	3	7	5	14	-	-
Disorderly conduct and vagrancy	-	-	-	-	-	-	-	-
Gambling	-	-	-	-	-	-	-	-
All other offenses	12	-	3	6	1	2	-	-

DEPARTMENT OF COMMERCE
Bureau of the Census
Washington

JUDICIAL CRIMINAL STATISTICS: 1938

NEW JERSEY

Approximately four-fifths (80.2 percent) of the defendants charged with major offenses in the trial courts of New Jersey were convicted in 1938. From table 1, showing the disposition of criminal defendants in these courts for the past four years, it is seen that the proportion of convictions was higher in 1938 than in any of the three previous years.

Over two-thirds (68.9 percent) of all defendants prosecuted for major offenses plead guilty, and only 19.4 percent were disposed of by means of a court or jury trial. In 1935, 1936, and 1938 reports were received from all of the trial courts of the State, but in 1937, on the basis of the 1930 population, reports were received from courts covering only 90.8 percent of the State.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	6,104	100.0	5,260	100.0	5,836	100.0	6,590	100.0
Eliminated without conviction	1,208	19.8	1,068	20.3	1,455	24.9	1,976	30.0
Dismissed	681	11.2	584	11.1	844	14.5	1,040	15.8
Jury waived, acquitted by court ..	292	4.8	218	4.1	289	5.0	261	4.0
Acquitted by jury	201	3.3	229	4.4	272	4.7	266	4.0
Other no-penalty dispositions	34	0.6	37	0.7	50	0.9	409	6.2
Convicted	4,896	80.2	4,192	79.7	4,381	75.1	4,614	70.0
Plea of guilty	4,207	68.9	3,628	69.0	3,640	62.4	3,832	58.1
Court finds guilty	386	6.3	310	5.9	414	7.1	376	5.7
Jury verdict guilty	303	5.0	254	4.8	327	5.6	406	6.2

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE TRIAL COURTS OF NEW JERSEY, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dis-missed	Jury waived, acquitted by court	Acquit-ted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	8,828	1,908	1,089	476	282	61	6,920	5,759	794	367
Major offenses, total ..	6,104	1,208	681	292	201	34	4,896	4,207	386	303
Murder	43	6	3	-	3	-	37	25	-	12
Manslaughter	110	55	18	9	26	2	55	38	1	16
Robbery	504	110	67	19	23	1	394	330	28	36
Aggravated assault	674	203	100	64	34	5	471	331	49	91
Burglary	1,361	137	83	31	17	6	1,224	1,128	55	41
Larceny, except auto theft	1,046	133	80	29	20	4	913	825	63	25
Auto theft	262	25	11	10	3	1	237	212	24	1
Embezzlement and fraud ...	506	124	75	29	17	3	382	342	37	3
Stolen property	205	64	34	21	7	2	141	117	12	12
Forgery	167	42	35	2	4	1	125	120	4	1
Rape	182	62	24	14	23	1	120	93	9	18
Commercialized vice	148	29	17	12	-	-	119	92	25	2
Other sex offenses	539	128	81	30	12	5	411	333	47	31
Violating drug laws	24	4	3	1	-	-	20	15	3	2
Carrying weapons, etc.	198	49	32	12	3	2	149	125	19	5
Other major offenses	135	37	18	9	9	1	98	81	10	7
Abortion	24	8	4	1	3	-	16	12	1	3
Arson	38	9	3	1	4	1	29	22	4	3
Bigamy	15	4	4	-	-	-	11	9	2	-
Blackmail and extortion	1	-	-	-	-	-	1	-	1	-
Escape and jail break ..	30	2	2	-	-	-	28	27	1	-
Kidnaping	10	6	-	5	1	-	4	3	1	-
Perjury	17	8	5	2	1	-	9	8	-	1
Other offenses:										
Minor assault	584	186	84	78	15	9	398	292	92	14
Nonsupport or neglect	606	176	133	34	4	5	430	323	99	8
Violating liquor laws	589	103	63	22	15	3	486	440	37	9
Driving while intoxicated	68	22	5	14	-	3	46	2	44	-
Other motor vehicle laws .	41	12	4	6	2	-	29	18	11	-
Disorderly conduct and vagrancy	142	2	-	-	-	2	140	53	87	-
Gambling	216	37	19	12	4	2	179	157	13	9
All other offenses	478	162	100	18	41	3	316	267	25	24

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order of frequency by larceny and aggravated assault. These three groups together accounted for 50.5 percent of all major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938 about one-third (34.7 percent) of those convicted were

sentenced to prison or reformatory, 36.7 percent were placed on probation or received a suspended sentence, 21.3 percent were sentenced to local jails or workhouses, and 6.3 percent were fined.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	4,896	100.0	4,192	100.0	4,352	100.0	4,534	100.0
Death	-	-	4	0.1	4	0.1	5	0.1
Prison or reformatory	1,698	34.7	1,425	34.0	1,524	35.0	1,447	31.9
Probation or suspended sentence	1,797	36.7	1,563	37.3	1,874	43.1	1,886	41.6
Local jails	1,044	21.3	920	21.9	767	17.6	903	19.9
Fine or costs only	308	6.3	190	4.5	126	2.9	225	5.0
Juvenile institutions	33	0.7	75	1.8	55	1.3	58	1.3
Other sentences	16	0.3	15	0.4	2	-	10	0.2

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE TRIAL COURTS OF NEW JERSEY, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	6,920	-	1,820	2,803	1,434	794	50	19
Major offenses, total	4,896	-	1,698	1,797	1,044	308	33	16
Murder	37	-	37	-	-	-	-	-
Manslaughter	55	-	25	9	18	2	-	1
Robbery	394	-	247	80	58	4	3	2
Aggravated assault	471	-	97	150	171	52	-	1
Burglary	1,224	-	496	451	199	57	17	4
Larceny, except auto theft	913	-	234	409	211	50	5	4
Auto theft	237	-	78	100	47	12	-	-
Embezzlement and fraud	382	-	72	181	86	42	-	1
Stolen property	141	-	31	64	31	15	-	-
Forgery	125	-	35	62	26	2	-	-
Rape	120	-	61	35	19	5	-	-
Commercialized vice	119	-	42	34	39	3	1	-
Other sex offenses	411	-	135	146	77	46	5	2
Violating drug laws	20	-	14	4	2	-	-	-
Carrying weapons, etc.	149	-	40	45	50	12	1	1
Other major offenses	98	-	54	27	10	6	1	-
Abortion	16	-	5	4	3	4	-	-
Arson	29	-	10	16	1	2	-	-
Bigamy	11	-	6	3	2	-	-	-
Blackmail and extortion	1	-	-	-	-	-	1	-
Escape and jail break	28	-	25	1	2	-	-	-
Kidnaping	4	-	4	-	-	-	-	-
Perjury	9	-	4	3	2	-	-	-
Other offenses:								
Minor assault	398	-	28	192	114	62	1	1
Nonsupport or neglect	430	-	17	368	40	4	1	-
Violating liquor laws	486	-	16	137	130	200	3	-
Driving while intoxicated	46	-	-	1	7	38	-	-
Other motor vehicle laws	29	-	-	10	5	14	-	-
Disorderly conduct and vagrancy	140	-	1	71	25	43	-	-
Gambling	179	-	7	60	18	94	-	-
All other offenses	316	-	53	167	51	31	12	2

JUDICIAL CRIMINAL STATISTICS: 1938

NEW MEXICO

More defendants charged with major offenses were disposed of by the district courts of New Mexico during the calendar year 1938 than in any of the three previous years. Table 1 presents the figures on defendants disposed of as reported by the clerks of court to the Bureau of the Census. Three-fourths (75.1 percent) of all defendants disposed of were convicted, a percentage almost the same as shown for 1937.

Dismissal of the charges was the most frequent method of elimination of defendants without conviction, accounting for 19.2 percent of all dispositions. Only 15.4 percent of the defendants charged with major offenses were disposed of by means of a court or jury trial, a decrease from the 19.3 percent reported for 1937. About two out of every three defendants charged plead guilty (65.1 percent).

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	955	100.0	838	100.0	867	100.0	944	100.0
Eliminated without conviction	238	24.9	205	24.5	319	36.8	383	40.6
Dismissed	183	19.2	143	17.1	266	30.7	302	32.0
Jury waived, acquitted by court ..	1	0.1	-	-	11	1.3	1	0.1
Acquitted by jury	51	5.3	57	6.8	36	4.2	54	5.7
Other non-penalty dispositions	3	0.3	5	0.6	6	0.7	26	2.8
Convicted	717	75.1	633	75.5	548	63.2	561	59.4
Plea of guilty	622	65.1	528	63.0	461	53.2	464	49.2
Court finds guilty	33	3.5	19	2.3	8	0.9	6	0.6
Jury verdict guilty	62	6.5	86	10.3	79	9.1	91	9.6

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURTS OF NEW MEXICO, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	1,475	411	341	3	64	3	1,064	950	41	73
Major offenses, total ..	955	238	183	1	51	3	717	622	33	62
Murder	50	15	4	-	10	1	35	24	-	11
Manslaughter	24	11	5	-	6	-	13	9	-	4
Robbery	24	3	2	-	1	-	21	20	-	1
Aggravated assault	126	60	53	-	7	-	66	57	2	7
Burglary	81	15	14	-	1	-	66	63	2	1
Larceny, except suto theft	288	46	34	-	12	-	242	226	2	14
Auto theft	36	4	4	-	-	-	32	30	-	2
Embezzlement and fraud ...	69	22	18	-	3	1	47	43	1	3
Stolen property	50	10	9	-	1	-	40	14	23	3
Forgery	81	8	8	-	-	-	73	70	-	3
Rape	58	27	18	1	8	-	31	24	1	6
Commercialized vice	3	-	-	-	-	-	3	3	-	-
Other sex offenses	13	4	3	-	1	-	9	6	-	3
Violating drug laws	12	1	1	-	-	-	11	11	-	-
Carrying weapons, etc. ...	26	9	8	-	1	-	17	14	1	2
Other major offenses	14	3	2	-	-	1	11	8	1	2
Abortion	-	-	-	-	-	-	-	-	-	-
Arson	5	1	1	-	-	-	4	3	-	1
Bigamy	4	1	1	-	-	-	3	3	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-	-	-
Escape and jail break ..	4	1	-	-	-	1	3	2	-	1
Kidnaping	-	-	-	-	-	-	-	-	-	-
Perjury	1	-	-	-	-	-	1	-	1	-
Other offenses:										
Minor assault	52	35	33	-	2	-	17	17	-	-
Nonsupport or neglect	13	8	8	-	-	-	5	4	-	1
Violating liquor laws	38	12	9	1	2	-	26	20	5	1
Driving while intoxicated	192	33	27	1	5	-	159	155	2	2
Other motor vehicle laws .	70	23	22	-	1	-	47	47	-	-
Disorderly conduct and vagrancy	11	4	4	-	-	-	7	7	-	-
Gambling	31	11	10	-	1	-	20	19	-	1
All other offenses	113	47	45	-	2	-	66	59	1	6

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order of frequency by aggravated assault, burglary, and forgery. These four groups together accounted for 60.3 percent of all of the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. There were four death sentences imposed during 1938. A

little more than half of all convicted defendants were sentenced to prison, slightly more than one-third were placed on probation or given a suspended sentence, 5.4 percent received jail sentences, 2.0 percent were fined, and 3.2 percent were committed to juvenile institutions.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	717	100.0	633	100.0	547	100.0	557	100.0
Death	4	0.6	3	0.5	1	0.2	-	-
Prison or reformatory	389	54.3	404	63.8	324	59.2	336	60.3
Probation or suspended sentence	248	34.6	154	24.3	150	27.4	140	25.1
Local jails	39	5.4	38	6.0	48	8.8	43	7.7
Fine or costs only	14	2.0	29	4.6	16	2.9	24	4.3
Juvenile institutions	23	3.2	5	0.8	4	0.7	14	2.5
Other sentences	-	-	-	-	4	0.7	-	-

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURTS OF NEW MEXICO, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	1,064	4	408	330	158	133	31	-
Major offenses, total	717	4	389	248	39	14	23	-
Murder	35	4	31	-	-	-	-	-
Manslaughter	13	-	12	1	-	-	-	-
Robbery	21	-	19	2	-	-	-	-
Aggravated assault	66	-	28	25	6	7	-	-
Burglary	66	-	38	19	2	-	9	-
Larceny, except auto theft	242	-	110	102	16	4	10	-
Auto theft	32	-	13	14	5	-	-	-
Embezzlement and fraud	47	-	19	22	4	2	-	-
Stolen property	40	-	12	23	3	-	2	-
Forgery	73	-	52	20	-	1	-	-
Rape	31	-	25	4	-	-	2	-
Commercialized vice	3	-	1	2	-	-	-	-
Other sex offenses	9	-	6	3	-	-	-	-
Violating drug laws	11	-	7	4	-	-	-	-
Carrying weapons, etc.	17	-	9	6	2	-	-	-
Other major offenses	11	-	9	1	1	-	-	-
Abortion	-	-	-	-	-	-	-	-
Arson	4	-	3	1	-	-	-	-
Bigamy	3	-	3	-	-	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	3	-	3	-	-	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	1	-	-	-	1	-	-	-
Other offenses:								
Minor assault	17	-	-	6	3	8	-	-
Nonsupport or neglect	5	-	-	3	2	-	-	-
Violating liquor laws	26	-	-	7	8	11	-	-
Driving while intoxicated	159	-	7	39	66	47	-	-
Other motor vehicle laws	47	-	1	8	17	21	-	-
Disorderly conduct and vagrancy	7	-	-	-	3	3	1	-
Gambling	20	-	1	-	-	19	-	-
All other offenses	66	-	10	19	20	10	7	-

DEPARTMENT OF COMMERCE
Bureau of the Census
Washington

JUDICIAL CRIMINAL STATISTICS: 1938

NEW YORK

A slightly larger number of defendants charged with major offenses was disposed of by the trial courts of New York during the calendar year 1938 than during 1937. Table 1 shows the disposition of defendants disposed of during the past two years according to figures furnished the Bureau of the Census by the State Department of Correction.

Convictions decreased from 75.2 percent in 1937 to 73.0 percent in 1938. Only 15.1 percent of all major offenders were disposed of by means of a jury trial during 1938 as compared with 17.0 percent during 1937. Approximately two out of every three defendants were disposed of by plea of guilty.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937	
	Number	Percent	Number	Percent
Defendants disposed of	10,687	100.0	10,316	100.0
Eliminated without conviction	2,884	27.0	2,556	24.8
Dismissed	1,986	18.6	1,659	16.1
Jury waived, acquitted by court ..	-	-	-	-
Acquitted by jury	765	7.2	897	8.7
Other no-penalty dispositions	133	1.2	-	-
Convicted	7,803	73.0	7,760	75.2
Plea of guilty	6,955	65.1	6,904	66.9
Court finds guilty	-	-	-	-
Jury verdict guilty	848	7.9	856	8.3

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE TRIAL COURTS OF NEW YORK, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dis-mised	Jury waived, acquitted by court	Acquit- ted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	12,263	3,283	2,325	-	801	157	8,980	8,025	-	955
Major offenses, total ..	10,687	2,884	1,986	-	765	133	7,803	6,955	-	848
Murder	112	45	19	-	21	5	67	27	-	40
Manslaughter	222	97	52	-	44	1	125	73	-	52
Robbery	1,169	376	234	-	132	10	793	623	-	170
Aggravated assault	924	317	146	-	154	17	607	486	-	121
Burglary	2,491	431	304	-	96	31	2,060	1,917	-	143
Larceny, except auto theft	2,453	408	306	-	76	26	2,045	1,925	-	120
Auto theft	653	118	87	-	28	3	535	500	-	35
Embezzlement and fraud ...	41	26	24	-	2	-	15	12	-	3
Stolen property	231	151	95	-	53	3	80	59	-	21
Forgery	446	113	84	-	17	12	333	323	-	10
Rape	398	149	102	-	44	3	249	229	-	20
Commercialized vice	28	14	13	-	1	-	14	13	-	1
Other sex offenses	350	119	71	-	40	8	231	205	-	26
Violating drug laws	43	7	6	-	-	1	36	29	-	7
Carrying weapons, etc. ...	409	118	93	-	23	2	291	257	-	34
Other major offenses	717	395	350	-	34	11	322	277	-	45
Abortion	(*)									
Arson	100	24	18	-	4	2	76	73	-	3
Bigamy	(*)									
Blackmail and extortion	(*)									
Escape and jail break ..	(*)									
Kidnaping	(*)									
Perjury	(*)									
Other offenses:										
Minor assault	484	-	-	-	-	-	484	423	-	61
Nonsupport or neglect	490	275	251	-	13	11	215	209	-	6
Violating liquor laws	-	-	-	-	-	-	-	-	-	-
Driving while intoxicated	98	18	4	-	14	-	80	67	-	13
Other motor vehicle laws .	5	-	-	-	-	-	5	5	-	-
Disorderly conduct and										
vagrancy	27	-	-	-	-	-	27	27	-	-
Gambling	27	-	-	-	-	-	27	27	-	-
All other offenses	445	106	84	-	9	13	339	312	-	27

*Not returned separately. Offenses reported as "other felonies" included in other major offenses.

(OVER)

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order of frequency by larceny, robbery, and aggravated assault. These four groups together accounted for 65.8 percent of all major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for both 1937 and 1938 in table 3. Twenty defendants were sentenced to the death penalty during 1938. There was a slight increase in the proportion of sentences to prisons and reformatories in 1938 as

compared with 1937 and also a slight increase in the proportion placed on probation or given a suspended sentence. A little more than two-fifths (43.6 percent) were sentenced to prison or reformatory and one-third were placed on probation or given a suspended sentence. Slightly over one-fifth (21.8 percent) received jail sentences.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937	
	Number	Percent	Number	Percent
Defendants sentenced	7,803	100.0	7,760	100.0
Death	20	0.3	18	0.2
Prison or reformatory	3,400	43.6	3,317	42.7
Probation or suspended sentence	2,633	33.7	2,465	31.8
Local jails	1,699	21.8	1,877	24.2
Fine or costs only	20	0.3	40	0.5
Juvenile institutions	-	-	-	-
Other sentences	31	0.4	43	0.6

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE TRIAL COURTS OF NEW YORK, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	8,980	20	3,465	3,209	2,153	100	-	33
Major offenses, total	7,803	20	3,400	2,633	1,699	20	-	31
Murder	67	20	47	-	-	-	-	-
Manslaughter	125	-	96	23	4	2	-	-
Robbery	793	-	712	57	21	-	-	3
Aggravated assault	607	-	350	117	137	2	-	1
Burglary	2,060	-	761	817	474	1	-	7
Larceny, except auto theft	2,045	-	546	870	614	1	-	14
Auto theft	535	-	162	225	144	-	-	4
Embezzlement and fraud	15	-	1	9	3	2	-	-
Stolen property	80	-	21	41	13	5	-	-
Forgery	333	-	153	132	48	-	-	-
Rape	249	-	136	82	31	-	-	-
Commercialized vice	14	-	5	5	4	-	-	-
Other sex offenses	231	-	157	42	32	-	-	-
Violating drug laws	36	-	11	3	22	-	-	-
Carrying weapons, etc.	291	-	101	84	104	1	-	1
Other major offenses	322	-	141	126	48	6	-	1
Abortion	(*)	-	-	-	-	-	-	-
Arson	76	-	39	26	10	-	-	1
Bigamy	(*)	-	-	-	-	-	-	-
Blackmail and extortion	(*)	-	-	-	-	-	-	-
Escape and jail break	(*)	-	-	-	-	-	-	-
Kidnaping	(*)	-	-	-	-	-	-	-
Perjury	(*)	-	-	-	-	-	-	-
Other offenses:								
Minor assault	484	-	21	213	246	3	-	1
Nonsupport or neglect	215	-	28	140	46	1	-	-
Violating liquor laws	-	-	-	-	-	-	-	-
Driving while intoxicated	80	-	8	18	52	2	-	-
Other motor vehicle laws	5	-	-	2	3	-	-	-
Disorderly conduct and vagrancy	27	-	-	18	2	6	-	1
Gambling	27	-	-	1	3	23	-	-
All other offenses	339	-	8	184	102	45	-	-

*Not returned separately. Offenses reported as "other felonies" included in other major offenses.

JUDICIAL CRIMINAL STATISTICS: 1938

NORTH DAKOTA

There was a slight increase in the percentage of convictions resulting from charges of major offenses in the district courts of North Dakota in 1938 as compared with 1937. This increase, however, is very small and is accounted for by a slight increase in the proportion of dispositions by pleas of guilty and a corresponding decrease in the proportion dismissed.

Table 1 shows the disposition of defendants in the district courts of the State for each of the past four years. Reports were received in 1935 from the district courts of every county in the State. In 1936, 1937, and 1938, respectively, the reports, on the basis of the 1930 population, covered 77.4 percent, 98.6 percent, and 93.5 percent of the State.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	533	100.0	536	100.0	330	100.0	504	100.0
Eliminated without conviction	93	17.4	109	20.3	59	17.9	116	23.0
Dismissed	78	14.6	92	17.2	47	14.2	100	19.8
Jury waived, acquitted by court ..	-	-	-	-	-	-	-	-
Acquitted by jury	12	2.3	15	2.8	5	1.5	6	1.2
Other no-penalty dispositions	3	0.6	2	0.4	7	2.1	10	2.0
Convicted	440	82.6	427	79.7	271	82.1	388	77.0
Plea of guilty	414	77.7	396	73.9	238	72.1	353	70.0
Court finds guilty	10	1.9	3	0.6	6	1.8	10	2.0
Jury verdict guilty	16	3.0	28	5.2	27	8.2	25	5.0

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURTS OF NORTH DAKOTA, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dis-missed	Jury waived, acquitted by court	Acquit- ted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	841	177	155	1	18	3	664	622	17	25
Major offenses, total ..	533	93	78	-	12	3	440	414	10	16
Murder	4	1	-	-	1	-	3	2	-	1
Manslaughter	4	2	-	-	2	-	2	2	-	-
Robbery	12	4	1	-	3	-	8	8	-	-
Aggravated assault	29	5	4	-	1	-	24	24	-	-
Burglary	82	10	10	-	-	-	72	68	3	1
Larceny, except auto theft	134	12	12	-	-	-	122	120	-	2
Auto theft	31	5	4	-	-	1	26	26	-	-
Embezzlement and fraud ...	55	6	5	-	1	-	49	48	-	1
Stolen property	8	1	1	-	-	-	7	6	-	1
Forgery	43	7	5	-	2	-	36	34	1	1
Rape	38	10	9	-	1	-	28	17	4	7
Commercialized vice	4	-	-	-	-	-	4	4	-	-
Other sex offenses	67	25	23	-	-	2	42	38	2	2
Violating drug laws	-	-	-	-	-	-	-	-	-	-
Carrying weapons, etc. ...	9	2	2	-	-	-	7	7	-	-
Other major offenses	13	3	2	-	1	-	10	10	-	-
Abortion	-	-	-	-	-	-	-	-	-	-
Arson	6	1	-	-	1	-	5	5	-	-
Bigamy	3	1	1	-	-	-	2	2	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-	-	-
Escape and jail break ..	2	-	-	-	-	-	2	2	-	-
Kidnaping	2	1	1	-	-	-	1	1	-	-
Perjury	-	-	-	-	-	-	-	-	-	-
Other offenses:										
Minor assault	17	6	6	-	-	-	11	11	-	-
Nonsupport or neglect	29	11	10	1	-	-	18	16	2	-
Violating liquor laws	32	16	16	-	-	-	16	15	-	1
Driving while intoxicated	124	12	9	-	3	-	112	109	-	3
Other motor vehicle laws .	21	7	5	-	2	-	14	13	-	1
Disorderly conduct and vagrancy	7	1	1	-	-	-	6	5	1	-
Gambling	8	8	8	-	-	-	-	-	-	-
All other offenses	70	23	22	-	1	-	47	39	4	4

The most frequent method of elimination of defendants without conviction was by dismissal of the charges. As usual, the great majority of convictions resulted from pleas of guilty, over three-fourths of all cases being disposed of by this means. Only about 1 defendant in each 14 (7.2 percent) defendants charged with major offenses was disposed of by means of a court or jury trial.

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged was larceny, with burglary the next most frequent offense charged. These two offense groups alone account for more than two-fifths of all major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. There is very little difference between 1937 and 1938 in the sentences imposed. In 1938 slightly more than half of the convicted defendants were given a prison sentence, 12.5 percent received probation or a suspended sentence, about one-fourth were given jail sentences, 2.3 percent were fined, and 8.9 percent were sent to juvenile institutions.

The variety of sentences used for the same general classes of offenses will be observed in table 4. In interpreting these data, however, it must be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	440	100.0	427	100.0	275	100.0	387	100.0
Death	-	-	-	-	-	-	-	-
Prison or reformatory	228	51.8	219	51.3	158	57.5	190	49.1
Probation or suspended sentence ...	55	12.5	53	12.4	32	11.6	60	15.5
Local jails	108	24.5	118	27.6	55	20.0	91	23.5
Fine or costs only	10	2.3	13	3.0	6	2.2	9	2.3
Juvenile institutions	39	8.9	24	5.6	24	8.7	28	7.2
Other sentences	-	-	-	-	-	-	9	2.3

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURTS OF NORTH DAKOTA, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juveniles delinquents only	Other
All offenses	664	-	238	110	229	44	41	2
Major offenses, total	440	-	228	55	108	10	39	-
Murder	3	-	3	-	-	-	-	-
Manslaughter	2	-	1	1	-	-	-	-
Robbery	8	-	5	1	-	-	2	-
Aggravated assault	24	-	15	1	6	-	2	-
Burglary	72	-	32	5	22	1	12	-
Larceny, except auto theft	122	-	63	12	33	6	8	-
Auto theft	26	-	15	1	6	-	4	-
Embezzlement and fraud	49	-	19	17	12	1	-	-
Stolen property	7	-	4	1	2	-	-	-
Forgery	36	-	24	5	4	1	2	-
Rape	28	-	20	3	5	-	-	-
Commercialized vice	4	-	-	-	4	-	-	-
Other sex offenses	42	-	15	7	11	1	8	-
Violating drug laws	-	-	-	-	-	-	-	-
Carrying weapons, etc.	7	-	4	1	2	-	-	-
Other major offenses	10	-	8	-	1	-	1	-
Abortion	-	-	-	-	-	-	-	-
Arson	5	-	5	-	-	-	-	-
Bigamy	2	-	2	-	-	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	2	-	1	-	1	-	-	-
Kidnaping	1	-	-	-	-	-	1	-
Perjury	-	-	-	-	-	-	-	-
Other offenses:								
Minor assault	11	-	-	2	6	3	-	-
Nonsupport or neglect	18	-	5	13	7	-	-	-
Violating liquor laws	16	-	-	2	7	-	-	-
Driving while intoxicated	112	-	1	24	81	6	-	-
Other motor vehicle laws	14	-	-	3	9	2	-	-
Disorderly conduct and vagrancy	6	-	-	-	5	-	1	-
Gambling	-	-	-	-	-	-	-	-
All other offenses	47	-	4	11	13	16	1	2

JUDICIAL CRIMINAL STATISTICS: 1938

OHIO

There has been a steady increase in the percentage of convictions resulting from charges of major crimes in the common pleas courts of Ohio during the last three years. Table 1 shows that 84.6 percent of the defendants disposed of in 1938 were convicted, as compared to 80.8 percent in 1937 and 73.6 percent in 1936. Nearly three-fourths of all dispositions in 1938 were convictions resulting from pleas of guilty.

The chief method by which defendants were eliminated without conviction was through dismissal of the charges, 10.6 percent of the cases being disposed of by this method. The fact that only 15.3 percent of all defendants were disposed of by means of a court or jury trial illustrates the relatively minor part that trials play in the administration of criminal justice.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	6,459	100.0	6,010	100.0	5,732	100.0	6,591	100.0
Eliminated without conviction	997	15.4	1,153	19.2	1,515	26.4	1,643	24.9
Dismissed	682	10.6	796	13.2	1,171	20.4	1,239	18.8
Jury waived, acquitted by court ..	83	1.3	129	2.1	110	1.9	101	1.5
Acquitted by jury	179	2.8	158	2.6	139	2.4	192	2.9
Other no-penalty dispositions	53	0.8	70	1.2	95	1.7	111	1.7
Convicted	5,462	84.6	4,857	80.8	4,217	73.6	4,948	75.1
Plea of guilty	4,737	73.3	4,152	69.1	3,550	61.9	4,177	63.4
Court finds guilty	253	3.9	300	5.0	278	4.8	318	4.8
Jury verdict guilty	472	7.3	405	6.7	389	6.8	453	6.9

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE COMMON PLEAS COURTS OF OHIO, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dis-missed	Jury waived, acquitted by court	Acquit- ted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	8,935	1,627	1,226	118	223	60	7,308	6,381	365	562
Major offenses, total ..	6,459	997	682	83	179	53	5,462	4,737	253	472
Murder	115	26	6	1	12	7	89	23	14	52
Manslaughter	201	32	15	4	12	1	169	122	12	35
Robbery	778	104	66	19	17	2	674	550	36	88
Aggravated assault	340	68	42	7	14	5	272	199	28	45
Burglary	1,682	190	130	11	36	13	1,492	1,326	62	104
Larceny, except auto theft	804	98	81	4	12	1	706	660	20	26
Auto theft	661	73	45	10	13	5	588	547	13	28
Embezzlement and fraud ...	378	110	89	7	12	2	268	243	9	16
Stolen property	157	26	22	2	2	-	131	111	9	11
Forgery	601	89	80	3	3	3	512	491	7	14
Rape	191	54	35	4	11	4	137	94	16	27
Commercialized vice	55	15	14	-	1	-	40	36	2	2
Other sex offenses	123	32	17	3	8	4	91	69	12	10
Violating drug laws	29	5	1	1	2	1	24	21	-	3
Carrying weapons, etc.	226	27	13	7	4	3	199	183	11	5
Other major offenses	118	48	26	-	20	2	70	62	2	6
Abortion	14	5	3	-	2	-	9	9	-	-
Arson	37	20	15	-	4	1	17	13	1	3
Bigamy	9	1	1	-	-	-	8	8	-	-
Blackmail and extortion	8	-	-	-	-	-	8	5	1	2
Escape and jail break ..	3	-	-	-	-	-	3	3	-	-
Kidnaping	18	11	-	-	10	1	7	7	-	-
Perjury	29	11	7	-	4	-	18	17	-	1
Other offenses:										
Minor assault	400	73	65	3	5	-	327	256	35	36
Nonsupport or neglect	642	256	230	14	7	5	396	340	33	13
Violating liquor laws	288	69	63	2	3	1	219	201	8	10
Driving while intoxicated	511	52	36	1	15	-	459	437	6	16
Other motor vehicle laws .	161	47	35	9	3	-	114	108	6	-
Disorderly conduct and										
vagrancy	75	10	10	-	-	-	65	61	4	-
Gambling	153	29	27	-	2	-	124	118	5	1
All other offenses	246	94	78	6	9	1	152	123	15	14

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order of frequency by larceny, robbery, auto theft, and forgery. These five groups together accounted for 70.1 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938, 45.9

percent of these defendants were sentenced to prison or reformatory, 42.1 percent were placed on probation or received a suspended sentence, 8.6 percent received jail sentences, and 3.2 percent were fined.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	5,462	100.0	4,857	100.0	4,040	100.0	4,847	100.0
Death	18	0.3	3	0.1	4	0.1	13	0.3
Prison or reformatory	2,506	45.9	2,279	46.9	1,893	46.9	2,292	47.3
Probation or suspended sentence	2,297	42.1	1,932	39.8	1,433	35.5	1,742	35.9
Local jails	468	8.6	427	8.8	512	12.7	568	11.7
Fine or costs only	173	3.2	212	4.4	182	4.5	217	4.5
Juvenile institutions	-	-	4	0.1	11	0.3	-	-
Other sentences	-	-	-	-	5	0.1	15	0.3

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE COMMON PLEAS COURTS OF OHIO, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	7,308	18	2,574	2,876	958	882	-	-
Major offenses, total	5,462	18	2,506	2,297	468	173	-	-
Murder	89	18	70	1	-	-	-	-
Manslaughter	169	-	75	58	33	3	-	-
Robbery	674	-	477	197	-	-	-	-
Aggravated assault	272	-	131	123	12	6	-	-
Burglary	1,492	-	760	715	10	7	-	-
Larceny, except auto theft	706	-	176	238	237	55	-	-
Auto theft	588	-	270	317	1	-	-	-
Embezzlement and fraud	268	-	68	159	22	19	-	-
Stolen property	131	-	26	75	24	6	-	-
Forgery	512	-	227	257	13	15	-	-
Repe	137	-	99	24	14	-	-	-
Commercialized vice	40	-	2	3	5	30	-	-
Other sex offenses	91	-	66	10	9	6	-	-
Violating drug laws	24	-	7	12	3	2	-	-
Carrying weapons, etc.	199	-	23	74	80	22	-	-
Other major offenses	70	-	29	34	5	2	-	-
Abortion	9	-	2	5	-	2	-	-
Arson	17	-	12	5	-	-	-	-
Bigamy	8	-	3	5	-	-	-	-
Blackmail and extortion	8	-	3	5	-	-	-	-
Escape and jail break	3	-	-	-	3	-	-	-
Kidnaping	7	-	6	1	-	-	-	-
Perjury	18	-	3	13	2	-	-	-
Other offenses:								
Minor assault	327	-	-	68	180	79	-	-
Nonsupport or neglect	386	-	51	319	11	5	-	-
Violating liquor laws	219	-	2	29	70	118	-	-
Driving while intoxicated	459	-	-	71	165	223	-	-
Other motor vehicle laws	114	-	-	31	16	67	-	-
Disorderly conduct and vagrancy	65	-	-	4	4	57	-	-
Gambling	124	-	-	8	1	115	-	-
All other offenses	152	-	15	49	43	45	-	-

DEPARTMENT OF COMMERCE
Bureau of the Census
Washington

JUDICIAL CRIMINAL STATISTICS: 1938

OREGON

More than seven-eighths (88.3 percent) of the defendants charged with major offenses and disposed of in the circuit courts of Oregon during the year 1938 were convicted. As usual, pleas of guilty accounted for nearly all of the convictions and for the great majority of all dispositions. Only 9.3 percent of the cases were disposed of by means of trial.

Table 1 shows the disposition of defendants for each of the past four years as reported by the clerks of court to the Bureau of the Census. In 1938 reports were received from courts covering, on the basis of the 1930 population, 91.5 percent of the State. In 1937 the coverage was 54.9 percent, in 1936 it was complete, and in 1935 it was 64.5 percent.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	1,089	100.0	832	100.0	1,045	100.0	784	100.0
Eliminated without conviction	127	11.7	101	12.1	162	15.5	236	30.1
Dismissed	94	8.6	60	7.2	123	11.8	186	23.7
Jury waived, acquitted by court ..	3	0.3	-	-	1	0.1	2	0.3
Acquitted by jury	27	2.5	35	4.2	34	3.3	34	4.3
Other non-sensy dispositions	3	0.3	6	0.7	4	0.4	14	1.8
Convicted	962	88.3	731	87.9	883	84.5	548	69.9
Plea of guilty	891	81.8	683	82.1	809	77.4	500	63.8
Court finds guilty	4	0.4	5	0.6	3	0.3	5	0.6
Jury verdict guilty	67	6.2	43	5.2	71	6.8	43	5.5

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE CIRCUIT COURTS OF OREGON, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	1,315	178	132	4	37	5	1,137	1,046	4	87
Major offenses, total ..	1,089	127	94	3	27	3	962	891	4	67
Murder	12	5	1	-	4	-	7	2	-	5
Manslaughter	17	6	2	-	3	1	11	6	-	5
Robbery	50	6	3	-	3	-	44	42	-	2
Aggravated assault	29	5	5	-	-	-	24	16	1	7
Burglary	171	16	13	1	2	-	155	142	2	11
Larceny, except auto theft ..	296	17	13	1	3	-	279	268	1	10
Auto theft	84	5	4	-	-	1	79	78	-	1
Embezzlement and fraud ...	137	22	17	1	4	-	115	108	-	7
Stolen property	45	6	5	-	1	-	39	39	-	-
Forgery	119	9	7	-	1	1	110	108	-	2
Rape	51	10	8	-	2	-	41	30	-	11
Commercialized vice	2	-	-	-	-	-	2	2	-	-
Other sex offenses	37	5	3	-	2	-	32	30	-	2
Violating drug laws	-	-	-	-	-	-	-	-	-	-
Carrying weapons, etc. ...	9	6	6	-	-	-	3	3	-	-
Other major offenses	30	9	7	-	2	-	21	17	-	4
Abortion	-	-	-	-	-	-	-	-	-	-
Arson	13	5	3	-	2	-	8	6	-	2
Bigamy	1	-	-	-	-	-	1	-	-	1
Blackmail and extortion ..	-	-	-	-	-	-	-	-	-	-
Escape and jail break ..	5	-	-	-	-	-	5	5	-	-
Kidnaping	5	4	4	-	-	-	1	-	-	1
Perjury	6	-	-	-	-	-	6	6	-	-
Other offenses:										
Minor assault	28	3	1	-	2	-	25	17	-	8
Nonsupport or neglect	47	7	6	-	1	-	40	40	-	-
Violating liquor laws	10	4	3	-	1	-	6	6	-	-
Driving while intoxicated ..	22	3	1	-	1	1	19	17	-	2
Other motor vehicle laws ..	13	4	4	-	-	-	9	8	-	1
Disorderly conduct and vagrancy	3	-	-	-	-	-	3	3	-	-
Gambling	5	2	1	-	1	-	3	3	-	-
All other offenses	98	28	22	1	4	1	70	61	-	9

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order of frequency by burglary, embezzlement and fraud, and forgery. These four offense groups together accounted for 66.4 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938, 44.7

percent of these defendants were sentenced to the penitentiary, 36.9 percent were placed on probation or received a suspended sentence, and 16.3 percent received jail sentences.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	962	100.0	731	100.0	882	100.0	548	100.0
Death	1	0.1	-	-	-	-	-	-
Prison or reformatory	430	44.7	348	47.6	492	55.8	309	56.4
Probation or suspended sentence	355	36.9	283	38.7	266	30.2	142	25.9
Local jails	157	16.3	85	11.6	110	12.5	74	13.5
Fines or costs only	14	1.5	13	1.8	8	0.9	15	2.7
Juvenile institutions	5	0.5	2	0.3	5	0.6	1	0.2
Other sentences	-	-	-	-	1	0.1	7	1.3

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE CIRCUIT COURTS OF OREGON, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	1,137	1	449	426	205	51	5	-
Major offenses, total	962	1	430	355	157	14	5	-
Murder	7	1	6	-	-	-	-	-
Manslaughter	11	-	7	4	-	-	-	-
Robbery	44	-	25	18	-	-	1	-
Aggravated assault	24	-	10	7	5	2	-	-
Burglary	155	-	92	55	8	-	-	-
Larceny, except auto theft	279	-	100	108	61	7	3	-
Auto theft	79	-	16	31	30	2	-	-
Embezzlement and fraud	115	-	45	55	13	2	-	-
Stolen property	39	-	17	12	9	-	1	-
Forgery	110	-	62	40	8	-	-	-
Rape	41	-	26	8	7	-	-	-
Commercialized vice	2	-	1	-	-	1	-	-
Other sex offenses	32	-	14	11	7	-	-	-
Violating drug laws	-	-	-	-	-	-	-	-
Carrying weapons, etc.	3	-	2	1	-	-	-	-
Other major offenses	21	-	7	5	9	-	-	-
Abortion	-	-	-	-	-	-	-	-
Arson	8	-	5	3	-	-	-	-
Bigamy	1	-	1	-	-	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	5	-	-	-	5	-	-	-
Kidnaping	1	-	1	-	-	-	-	-
Perjury	6	-	-	2	4	-	-	-
Other offenses:								
Minor assault	25	-	-	7	11	7	-	-
Nonsupport or neglect	40	-	4	27	2	7	-	-
Violating liquor laws	6	-	-	2	1	3	-	-
Driving while intoxicated	19	-	-	4	9	6	-	-
Other motor vehicle laws	9	-	1	6	1	1	-	-
Disorderly conduct and vagrancy	3	-	-	3	-	-	-	-
Gambling	3	-	-	-	-	3	-	-
All other offenses	70	-	14	22	24	10	-	-

DEPARTMENT OF COMMERCE
Bureau of the Census
Washington

JUDICIAL CRIMINAL STATISTICS: 1938

PENNSYLVANIA

Nearly three-fourths (74.5 percent) of the defendants disposed of on major criminal charges by the general trial courts of Pennsylvania in 1938 were convicted, according to the data reported to the Bureau of the Census by the State Department of Welfare. As shown by table 1, this is a higher percentage of convictions than was reported for any of the three previous years.

Plea of guilty accounted for 45.8 percent of all dispositions and dismissals for 9.2 percent. Pennsylvania shows a rather large proportion of defendants disposed of by means of trial; 40.2 percent of all 1938 major offense dispositions resulted from jury trials and 3.8 percent from trials by the court after waiver of jury.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	24,548	100.0	22,603	100.0	22,067	100.0	23,019	100.0
Eliminated without conviction	6,255	25.5	6,699	29.6	6,727	30.5	7,465	32.4
Dismissed	2,259	9.2	2,684	11.9	2,674	12.1	2,848	12.4
Jury waived, acquitted by court ..	409	1.7	145	0.6	122	0.6	123	0.5
Acquitted by jury	3,348	13.6	3,602	15.9	3,769	17.1	4,251	18.5
Other no-penalty dispositions	239	1.0	268	1.2	162	0.7	243	1.1
Convicted	18,293	74.5	15,904	70.4	15,340	69.5	15,554	67.6
Plea of guilty	11,252	45.8	9,799	43.4	9,048	41.0	9,429	41.0
Court finds guilty	514	2.1	457	2.0	498	2.3	375	1.6
Jury verdict guilty	6,527	26.6	5,648	25.0	5,794	26.3	5,750	25.0

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE TRIAL COURTS OF PENNSYLVANIA, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	46,023	13,052	5,343	1,211	5,916	582	32,971	19,188	4,074	9,709
Major offenses, total ..	24,548	6,255	2,259	409	3,348	239	18,293	11,252	514	6,527
Murder	197	92	19	2	70	1	105	33	2	70
Manslaughter	403	228	89	10	126	3	175	63	3	109
Robbery	2,660	386	53	6	321	6	2,274	878	8	1,388
Aggravated assault	2,651	1,244	514	87	596	47	1,407	669	84	654
Burglary	3,105	359	125	29	193	12	2,746	2,249	51	446
Larceny, except auto theft	6,025	1,212	362	100	714	36	4,813	3,278	147	1,388
Auto theft	1,015	239	65	9	163	2	776	544	6	226
Embezzlement and fraud ...	1,995	696	393	45	229	29	1,299	777	42	480
Stolen property	379	132	50	20	60	2	247	146	20	81
Forgery	776	114	60	8	37	9	662	573	13	76
Rape	804	314	112	12	177	13	490	230	6	254
Commercialized vice	551	159	39	25	92	3	392	229	37	126
Other sex offenses	2,018	608	254	34	252	68	1,410	862	67	481
Violating drug laws	402	42	8	1	33	-	360	103	5	252
Carrying weapons, etc. ...	1,136	295	67	15	208	5	841	436	13	392
Other major offenses	431	135	49	6	77	3	296	182	10	104
Abortion	86	33	13	1	18	1	53	24	1	28
Arson	98	42	11	4	25	2	56	38	5	13
Bigamy	51	12	-	-	10	-	39	16	1	22
Blackmail and extortion	23	6	4	-	2	-	17	15	-	2
Escape and jail break ..	81	6	2	1	3	-	75	71	2	2
Kidnaping	4	4	2	-	2	-	-	-	-	-
Perjury	88	32	15	-	17	-	56	18	1	37
Other offenses:										
Minor assault	2,857	1,425	596	121	666	42	1,432	755	117	560
Nonsupport or neglect	4,405	865	715	68	8	74	3,540	1,170	2,346	24
Violating liquor laws	2,318	593	196	74	277	46	1,725	1,149	161	415
Driving while intoxicated	4,324	1,048	197	91	743	17	3,276	2,145	113	1,018
Other motor vehicle laws .	2,511	1,039	395	276	337	31	1,472	901	255	316
Disorderly conduct and vegrancy	273	117	85	12	12	8	156	100	44	12
Gambling	1,263	325	87	49	161	8	938	571	91	276
All other offenses	3,524	1,385	813	111	344	117	2,139	1,145	433	561

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offenses charged in these courts was larceny, followed in order of frequency by burglary, robbery, and aggravated assault. These four offense groups together accounted for 58.8 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938, 13.5

percent of these defendants were sentenced to prisons and reformatories, 30.8 percent were placed on probation or received a suspended sentence, 44.7 percent received jail sentences, and 9.1 percent were fined.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	18,293	100.0	15,904	100.0	15,340	100.0	15,554	100.0
Death	8	(*)	7	(*)	16	0.1	6	(*)
Prison or reformatory	2,474	13.5	2,292	14.4	1,897	12.4	1,925	12.4
Probation or suspended sentence	5,631	30.8	4,701	29.6	4,332	28.4	4,513	29.0
Local jails	8,170	44.7	7,131	44.8	6,926	45.1	6,983	44.9
Fine or costs only	1,664	9.1	1,637	10.3	1,918	12.5	1,857	11.9
Juvenile institutions	226	1.2	94	0.6	201	1.3	90	0.6
Other sentences	120	0.7	42	0.3	20	0.1	180	1.2

*Percent not shown where less than 0.1.

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE TRIAL COURTS OF PENNSYLVANIA, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	32,971	8	2,619	9,657	12,272	7,853	336	226
Major offenses, total	18,293	8	2,474	5,631	8,170	1,664	226	120
Murder	105	8	70	7	19	-	-	1
Manslaughter	175	-	32	27	104	12	-	-
Robbery	2,274	-	395	520	1,316	25	18	-
Aggravated assault	1,407	-	71	459	711	160	6	-
Burglary	2,746	-	681	900	935	147	72	11
Larceny, except auto theft	4,813	-	624	1,805	2,025	291	64	4
Auto theft	776	-	154	243	308	49	21	1
Embezzlement and fraud	1,299	-	31	462	605	198	1	2
Stolen property	247	-	9	104	104	28	2	-
Forgery	662	-	102	180	310	69	1	-
Rape	490	-	102	56	258	63	5	6
Commercialized vice	392	-	19	153	118	94	-	8
Other sex offenses	1,410	-	79	325	484	428	10	84
Violating drug laws	360	-	5	56	290	9	-	-
Carrying weapons, etc.	841	-	34	294	441	70	2	-
Other major offenses	296	-	66	40	142	21	24	3
Abortion	53	-	2	18	27	6	-	-
Arson	36	-	20	5	25	3	-	3
Bigamy	39	-	1	6	23	9	-	-
Blackmail and extortion	17	-	3	2	12	-	-	-
Escape and jail break	75	-	30	3	17	1	24	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	56	-	10	6	38	2	-	-
Other offenses:								
Minor assault	1,432	-	41	547	570	271	1	2
Nonsupport or neglect	3,540	-	5	799	68	2,668	-	-
Violating liquor laws	1,725	-	7	352	540	822	3	1
Driving while intoxicated	3,276	-	7	951	1,510	808	-	-
Other motor vehicle laws	1,472	-	16	413	534	506	2	1
Disorderly conduct and vagrancy	156	-	7	45	38	65	-	1
Gambling	938	-	4	210	314	408	2	-
All other offenses	2,139	-	58	709	528	641	102	101

JUDICIAL CRIMINAL STATISTICS: 1938

RHODE ISLAND

More defendants charged with major offenses were disposed of by the superior courts of Rhode Island during the calendar year 1938 than in 1937 and 1936. Table 1 shows that 96.0 percent of all defendants disposed of were convicted and that all convictions were reported as pleas of guilty. Defendants who were convicted on a plea of nolo contendere are included with pleas of guilty.

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary and that the next most frequent offense was auto theft. These two offense groups together accounted for nearly three-fifths (59.8 percent) of all major offenses.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	651	100.0	568	100.0	560	100.0	676	100.0
Eliminated without conviction	26	4.0	8	1.4	22	3.9	37	5.5
Dismissed	26	4.0	4	0.7	17	3.0	29	4.3
Jury waived, acquitted by court ..	-	-	-	-	-	-	6	0.9
Acquitted by jury	-	-	4	0.7	2	0.4	2	0.3
Other no-penalty dispositions	-	-	-	-	3	0.5	-	-
Convicted	625	96.0	560	98.6	538	96.1	639	94.5
Plea of guilty	625	96.0	557	98.1	534	95.4	627	92.8
Court finds guilty	-	-	-	-	-	-	1	0.1
Jury verdict guilty	-	-	3	0.5	4	0.7	11	1.6

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE SUPERIOR COURTS OF RHODE ISLAND, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	777	34	34	-	-	-	743	743	-	-
Major offenses, total ..	651	26	26	-	-	-	625	625	-	-
Murder	2	-	-	-	-	-	2	2	-	-
Manslaughter	3	-	-	-	-	-	3	3	-	-
Robbery	43	2	2	-	-	-	41	41	-	-
Aggravated assault	11	-	-	-	-	-	11	11	-	-
Burglary	304	2	2	-	-	-	302	302	-	-
Larceny, except auto theft ..	15	-	-	-	-	-	15	15	-	-
Auto theft	85	-	-	-	-	-	85	85	-	-
Embezzlement and fraud ...	17	2	2	-	-	-	15	15	-	-
Stolen property	1	-	-	-	-	-	1	1	-	-
Forgery	25	-	-	-	-	-	25	25	-	-
Rape	35	-	-	-	-	-	35	35	-	-
Commercialized vice	17	1	1	-	-	-	16	16	-	-
Other sex offenses	5	1	1	-	-	-	4	4	-	-
Violating drug laws	3	-	-	-	-	-	3	3	-	-
Carrying weapons, etc. ...	47	-	-	-	-	-	47	47	-	-
Other major offenses	38	18	18	-	-	-	20	20	-	-
Abortion	3	-	-	-	-	-	3	3	-	-
Arson	9	-	-	-	-	-	9	9	-	-
Bigamy	5	-	-	-	-	-	5	5	-	-
Blackmail and extortion ..	-	-	-	-	-	-	-	-	-	-
Escape and jail break ..	2	-	-	-	-	-	2	2	-	-
Kidnaping	-	-	-	-	-	-	-	-	-	-
Perjury	19	18	18	-	-	-	1	1	-	-
Other offenses:										
Minor assault	3	-	-	-	-	-	3	3	-	-
Nonsupport or neglect	1	-	-	-	-	-	1	1	-	-
Violating liquor laws	-	-	-	-	-	-	-	-	-	-
Driving while intoxicated ..	35	-	-	-	-	-	35	35	-	-
Other motor vehicle laws ..	33	4	4	-	-	-	29	29	-	-
Disorderly conduct and vagrancy	18	-	-	-	-	-	18	18	-	-
Gambling	9	-	-	-	-	-	9	9	-	-
All other offenses	27	4	4	-	-	-	23	23	-	-

The type of sentence imposed on defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938 approximately one-fourth of all convicted defendants were sentenced to prison or reformatory, 64.8 percent were placed on probation or given a suspended sentence, while 9.1 percent received jail sentences.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	625	100.0	560	100.0	538	100.0	639	100.0
Death	-	-	-	-	-	-	-	-
Prison or reformatory	162	25.9	146	26.1	116	21.6	120	18.8
Probation or suspended sentence	405	64.8	346	61.8	354	65.8	396	62.0
Local jails	57	9.1	59	10.5	63	11.7	104	16.3
Fine or costs only	1	0.2	3	0.5	5	0.9	14	2.2
Juvenile institutions	-	-	6	1.1	-	-	5	0.8
Other sentences	-	-	-	-	-	-	-	-

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE SUPERIOR COURTS OF RHODE ISLAND, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	743	-	165	439	81	58	-	-
Major offenses, total	625	-	162	405	57	1	-	-
Murder	2	-	2	-	-	-	-	-
Manslaughter	3	-	1	2	-	-	-	-
Robbery	41	-	23	16	2	-	-	-
Aggravated assault	11	-	-	10	-	1	-	-
Burglary	302	-	75	202	25	-	-	-
Larceny, except auto theft	15	-	5	5	5	-	-	-
Auto theft	85	-	20	58	7	-	-	-
Embezzlement and fraud	15	-	2	10	3	-	-	-
Stolen property	1	-	-	1	-	-	-	-
Forgery	25	-	4	14	7	-	-	-
Rape	35	-	12	22	1	-	-	-
Commercialized vice	16	-	5	11	-	-	-	-
Other sex offenses	4	-	1	3	-	-	-	-
Violating drug laws	3	-	1	-	2	-	-	-
Carrying weapons, etc.	47	-	7	37	3	-	-	-
Other major offenses	20	-	4	14	2	-	-	-
Abortion	3	-	1	2	-	-	-	-
Arson	9	-	1	8	-	-	-	-
Bigamy	5	-	2	2	1	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	2	-	-	1	1	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	1	-	-	1	-	-	-	-
Other offenses:								
Minor assault	3	-	-	2	1	-	-	-
Nonsupport or neglect	1	-	-	1	-	-	-	-
Violating liquor laws	-	-	-	-	-	-	-	-
Driving while intoxicated	35	-	-	-	11	24	-	-
Other motor vehicle laws	29	-	2	-	1	26	-	-
Disorderly conduct and vagrancy	18	-	-	10	7	1	-	-
Gambling	9	-	1	5	-	3	-	-
All other offenses	23	-	-	16	4	3	-	-

#19566

JUDICIAL CRIMINAL STATISTICS: 1938

SOUTH DAKOTA

Nearly seven-eighths (87.0 percent) of the defendants charged with major offenses in the circuit courts of South Dakota were convicted in 1938. The most frequent method of disposition was by plea of guilty which accounted for more than three-fourths of all defendants. Only 51 defendants, or 13.0 percent of the total, were reported as disposed of by means of trial.

Table 1 shows the disposition of defendants prosecuted for major offenses in the circuit courts of the State for each of the past four years. On the basis of the 1930 population, the reports received from the courts covered the whole State in 1935, 97.3 percent in 1936, 99.6 percent in 1937, and 76.3 percent in 1938.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	392	100.0	526	100.0	512	100.0	567	100.0
Eliminated without conviction	51	13.0	85	16.2	71	13.9	64	11.3
Dismissed	35	8.9	70	13.3	48	9.4	31	5.5
Jury waived, acquitted by court ..	2	0.5	1	0.2	-	-	-	-
Acquitted by jury	13	3.3	13	2.5	18	3.5	29	5.1
Other non-penalty dispositions	1	0.3	1	0.2	5	1.0	4	0.7
Convicted	341	87.0	441	83.8	441	86.1	503	88.7
Plea of guilty	305	77.8	406	77.2	419	81.8	461	81.3
Court finds guilty	26	6.6	9	1.7	2	0.4	6	1.1
Jury verdict guilty	10	2.6	26	4.9	20	3.9	36	6.3

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE CIRCUIT COURTS OF SOUTH DAKOTA, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	597	85	63	2	18	2	512	466	30	16
Major offenses, total ..	392	51	35	2	13	1	341	305	26	10
Murder	-	-	-	-	-	-	-	-	-	-
Menslaughter	4	2	1	-	1	-	2	1	-	1
Robbery	5	2	2	-	-	-	3	3	-	-
Aggravated assault	12	2	1	-	1	-	10	8	-	2
Burglary	74	9	8	-	-	1	65	60	5	-
Larceny, except auto theft	151	19	11	1	7	-	132	121	8	3
Auto theft	9	-	-	-	-	-	9	8	1	-
Embezzlement and fraud ...	21	3	3	-	-	-	18	17	-	1
Stolen property	8	-	-	-	-	-	8	8	-	-
Forgery	50	2	2	-	-	-	48	44	3	1
Rape	21	3	2	-	1	-	18	14	3	1
Commercialized vice	-	-	-	-	-	-	-	-	-	-
Other sex offenses	26	5	4	1	-	-	21	15	5	1
Violating drug laws	-	-	-	-	-	-	-	-	-	-
Carrying weapons, etc. ...	4	1	1	-	-	-	3	3	-	-
Other major offenses	7	3	-	-	3	-	4	3	1	-
Abortion	-	-	-	-	-	-	-	-	-	-
Arson	5	2	-	-	3	-	2	2	-	-
Bigamy	-	-	-	-	-	-	-	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-	-	-
Escape and jail break ...	1	-	-	-	-	-	1	1	-	-
Kidnaping	-	-	-	-	-	-	-	-	-	-
Perjury	1	-	-	-	-	-	1	-	1	-
Other offenses:										
Minor assault	13	6	6	-	-	-	7	6	-	1
Nonsupport or neglect	32	3	3	-	-	-	29	27	-	2
Violating liquor laws	17	3	2	-	1	-	14	14	-	-
Driving while intoxicated	79	6	5	-	-	1	73	71	1	1
Other motor vehicle laws	26	5	2	-	3	-	21	20	-	1
Disorderly conduct and vagrancy	1	-	-	-	-	-	1	-	1	-
Gambling	2	-	-	-	-	-	2	2	-	-
All other offenses	35	11	10	-	1	-	24	21	2	1

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order of frequency by burglary and forgery. These three groups together accounted for 70.2 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938, 56.0 percent of these defendants were sentenced to

prison, approximately one-fifth (19.9 percent) were placed on probation or received a suspended sentence, and an almost equal number received jail sentences.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	341	100.0	441	100.0	441	100.0	503	100.0
Death	-	-	-	-	-	-	-	-
Prison or reformatory	191	56.0	257	58.3	271	61.5	314	62.4
Probation or suspended sentence	68	19.9	82	18.6	95	21.5	92	18.3
Local jails	69	20.2	79	17.9	66	15.0	63	12.5
Fine or costs only	7	2.1	16	3.6	7	1.6	23	4.6
Juvenile institutions	6	1.8	7	1.6	2	0.5	10	2.0
Other sentences	-	-	-	-	-	-	1	0.2

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE CIRCUIT COURTS OF SOUTH DAKOTA, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	512	-	197	120	136	50	8	1
Major offenses, total	341	-	191	68	69	7	6	-
Murder	-	-	-	-	-	-	-	-
Manslaughter	2	-	1	-	-	-	1	-
Robbery	3	-	2	-	-	-	1	-
Aggravated assault	10	-	7	3	-	-	-	-
Burglary	65	-	43	14	5	-	3	-
Larceny, except auto theft	132	-	71	23	36	2	-	-
Auto theft	9	-	7	-	-	2	-	-
Embezzlement and fraud	18	-	7	5	4	2	-	-
Stolen property	8	-	1	2	5	-	-	-
Forgery	48	-	25	10	12	1	-	-
Rape	18	-	14	2	2	-	-	-
Commercialized vice	-	-	-	-	-	-	-	-
Other sex offenses	21	-	9	7	4	-	1	-
Violating drug laws	-	-	-	-	-	-	-	-
Carrying weapons, etc.	3	-	1	2	-	-	-	-
Other major offenses	4	-	3	-	1	-	-	-
Abortion	-	-	-	-	-	-	-	-
Arson	2	-	2	-	-	-	-	-
Bigamy	-	-	-	-	-	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	1	-	-	-	1	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	1	-	1	-	-	-	-	-
Other offenses:								
Minor assault	7	-	-	4	2	1	-	-
Nonsupport or neglect	29	-	5	11	11	2	-	-
Violating liquor laws	14	-	-	2	6	6	-	-
Driving while intoxicated	73	-	-	24	34	14	-	1
Other motor vehicle laws	21	-	1	3	4	13	-	-
Disorderly conduct and vagrancy	1	-	-	-	-	1	-	-
Gambling	2	-	-	-	-	2	-	-
All other offenses	24	-	-	8	10	4	2	-

JUDICIAL CRIMINAL STATISTICS: 1938

UTAH

There was a slight decrease in the percentage of convictions resulting from charges of major crimes in the district courts of Utah in 1938 as compared with 1937. This decrease, however, is so small and the number of cases involved is so few that the differences observed between the two years in disposition of major offenders are of no significance.

Table 1 shows the summary data on the disposition of defendants charged with major offenses for the past four years. The figures for 1937 and 1938 are based on reports received from all district courts of the State. In 1935 and 1936, respectively, reports were received from courts covering, on the basis of the 1930 population, 98.1 percent and 98.3 percent of the State.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	383	100.0	377	100.0	291	100.0	415	100.0
Eliminated without conviction	102	26.6	81	21.5	95	32.6	120	28.9
Dismissed	41	10.7	47	12.5	61	21.0	71	17.1
Jury waived, acquitted by court ..	14	3.7	1	0.3	-	-	4	1.0
Acquitted by jury	45	11.7	31	8.2	28	9.6	31	7.5
Other no-penalty dispositions	2	0.5	2	0.5	6	2.1	14	3.4
Convicted	281	73.4	296	78.5	196	67.4	295	71.1
Plea of guilty	208	54.3	221	58.6	139	47.8	192	46.3
Court finds guilty	13	3.4	9	2.4	5	1.7	6	1.4
Jury verdict guilty	60	15.7	66	17.5	52	17.9	97	23.4

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURTS OF UTAH, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	582	178	89	20	67	2	404	292	28	84
Major offenses, total ..	383	102	41	14	45	2	281	208	13	60
Murder	6	3	-	-	3	-	3	-	-	3
Manslaughter	18	11	1	1	9	-	7	1	-	6
Robbery	25	9	3	3	3	-	16	15	-	1
Aggravated assault	12	3	1	-	1	1	9	5	2	2
Burglary	120	16	10	2	4	-	104	91	2	11
Larceny, except auto theft	49	16	5	2	8	1	33	22	1	10
Auto theft	11	5	3	-	2	-	6	4	2	-
Embezzlement and fraud ...	21	9	4	1	4	-	12	9	1	2
Stolen property	2	1	-	-	1	-	1	1	-	-
Forgery	57	10	6	2	2	-	47	29	4	14
Rape	16	6	1	2	3	-	10	7	-	3
Commercialized vice	-	-	-	-	-	-	-	-	-	-
Other sex offenses	31	8	5	1	2	-	23	16	1	6
Violating drug laws	3	-	-	-	-	-	3	3	-	-
Carrying weapons, etc. ...	1	1	-	-	1	-	-	-	-	-
Other major offenses	11	4	2	-	2	-	7	5	-	2
Abortion	-	-	-	-	-	-	-	-	-	-
Arson	6	3	2	-	1	-	3	2	-	1
Bigamy	-	-	-	-	-	-	-	-	-	-
Bribe and extortion	-	-	-	-	-	-	-	-	-	-
Escape and jail break ..	-	-	-	-	-	-	-	-	-	-
Kidnaping	2	1	-	-	1	-	1	1	-	-
Perjury	3	-	-	-	-	-	3	2	-	1
Other offenses:										
Minor assault	11	4	1	2	1	-	7	3	-	4
Nonsupport or neglect	27	11	10	-	1	-	16	13	3	-
Violating liquor laws	56	10	8	-	2	-	46	35	5	6
Driving while intoxicated	24	16	8	-	8	-	8	2	-	6
Other motor vehicle laws .	26	10	4	1	5	-	16	6	3	7
Disorderly conduct and vagrancy	2	2	1	1	-	-	-	-	-	-
Gambling	-	-	-	-	-	-	-	-	-	-
All other offenses	53	23	16	2	5	-	30	25	4	1

While over half of all dispositions resulted from pleas of guilty, more than one-third of the defendants were disposed of by means of trial; court and jury trials resulting in acquittal accounted for 15.4 percent of all dispositions and trials resulting in convictions accounted for 19.1 percent of all dispositions.

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was burglary, followed in order by forgery and larceny. These three offense groups accounted for 59.0 percent of all of the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. A larger proportion of defendants was placed on probation or received a suspended sentence in 1938 than in any of the three previous years. Over half of the convicted defendants were sentenced to prison, while 7.5 percent were given jail sentences.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	281	100.0	296	100.0	190	100.0	295	100.0
Death	1	0.4	-	-	-	-	-	-
Prison or reformatory	151	53.7	168	56.8	118	62.1	185	62.7
Probation or suspended sentence	104	37.0	86	29.1	36	18.9	44	14.9
Local jails	21	7.5	33	11.1	27	14.2	42	14.2
Fines or costs only	1	0.4	5	1.7	9	4.7	16	5.4
Juvenile institutions	3	1.1	4	1.4	-	-	7	2.4
Other sentences	-	-	-	-	-	-	1	0.3

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURTS OF UTAH, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	404	1	152	141	48	58	3	1
Major offenses, total	281	1	151	104	21	1	3	-
Murder	3	1	2	-	-	-	-	-
Manslaughter	7	-	1	2	4	-	-	-
Robbery	16	-	12	4	-	-	-	-
Aggravated assault	9	-	6	2	1	-	-	-
Burglery	104	-	61	40	-	-	3	-
Larceny, except auto theft	33	-	14	10	9	-	-	-
Auto theft	6	-	-	6	-	-	-	-
Embezzlement and fraud	12	-	4	5	3	-	-	-
Stolen property	1	-	1	-	-	-	-	-
Forgery	47	-	26	19	2	-	-	-
Rape	10	-	8	1	-	1	-	-
Commercialized vice	-	-	-	-	-	-	-	-
Other sex offenses	23	-	13	9	1	-	-	-
Violating drug laws	3	-	-	3	-	-	-	-
Carrying weapons, etc.	-	-	-	-	-	-	-	-
Other major offenses	7	-	3	3	1	-	-	-
Abortion	-	-	-	-	-	-	-	-
Arson	3	-	1	2	-	-	-	-
Bigamy	-	-	-	-	-	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	-	-	-	-	-	-	-	-
Kidnaping	1	-	-	-	1	-	-	-
Perjury	3	-	2	1	-	-	-	-
Other offenses:								
Minor assault	7	-	-	2	3	2	-	-
Nonsupport or neglect	16	-	-	12	-	3	-	1
Violating liquor laws	46	-	-	12	11	23	-	-
Driving while intoxicated	8	-	-	-	3	5	-	-
Other motor vehicle laws	16	-	1	2	2	11	-	-
Disorderly conduct and vagrancy	-	-	-	-	-	-	-	-
Gambling	-	-	-	-	-	-	-	-
All other offenses	30	-	-	9	8	13	-	-

DEPARTMENT OF COMMERCE
Bureau of the Census
Washington

JUDICIAL CRIMINAL STATISTICS: 1938

VERMONT

More than three-fourths (77.9 percent) of the defendants charged with major offenses and disposed of in the county and municipal courts of Vermont during the calendar year 1938 were convicted. As usual, pleas of guilty accounted for nearly all of the convictions and for the great majority of all dispositions. Only 5.5 percent of the cases were disposed of by means of trial.

Table 1 shows the disposition of defendants as reported by the clerks of court for each of the past four years. For 1938 it is estimated that the reports received, on the basis of the 1930 population, covered approximately 56 percent of the State. In 1937 the coverage was estimated at 90 percent, in 1936 at 65 percent, and in 1935 at 98.9 percent.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	434	100.0	649	100.0	377	100.0	659	100.0
Eliminated without conviction	96	22.1	144	22.2	96	25.5	172	26.1
Dismissed	86	19.8	117	18.0	76	20.2	121	18.4
Jury waived, acquitted by court ..	1	0.2	1	0.2	3	0.8	2	0.3
Acquitted by jury	2	0.5	8	1.2	4	1.1	8	1.2
Other no-penalty dispositions	7	1.6	18	2.8	13	3.4	41	6.2
Convicted	338	77.9	505	77.8	281	74.5	487	73.9
Plea of guilty	317	73.0	486	74.9	256	67.9	446	67.7
Court finds guilty	1	0.2	-	-	2	0.5	18	2.7
Jury verdict guilty	20	4.6	19	2.9	23	6.1	23	3.5

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE TRIAL COURTS OF VERMONT, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dismissed	Jury waived, acquitted by court	Acquitted by jury	Other	Total	Plee guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	2,776	379	352	5	13	9	2,397	2,353	7	37
Major offenses, total ..	434	96	86	1	2	7	338	317	1	20
Murder	4	3	1	-	-	2	1	1	-	-
Manslaughter	1	-	-	-	-	-	1	1	-	-
Robbery	2	2	2	-	-	-	-	-	-	-
Aggravated assault	5	-	-	-	-	-	5	5	-	-
Burglary	40	5	5	-	-	-	35	34	-	1
Larceny, except auto theft ..	196	46	44	1	-	1	150	146	-	4
Auto theft	15	2	2	-	-	-	13	13	-	-
Embezzlement and fraud ...	19	3	2	-	1	-	16	16	-	-
Stolen property	4	2	2	-	-	-	2	2	-	-
Forgery	10	3	2	-	-	1	7	7	-	-
Rape	23	5	4	-	-	1	18	11	-	7
Commercialized vice	12	1	1	-	-	-	11	11	-	-
Other sex offenses	74	16	16	-	-	-	58	56	-	2
Violating drug laws	-	-	-	-	-	-	-	-	-	-
Carrying weapons, etc. ...	1	-	-	-	-	-	1	1	-	-
Other major offenses	28	8	5	-	1	2	20	13	1	6
Abortion	-	-	-	-	-	-	-	-	-	-
Arson	18	4	1	-	1	2	14	8	-	6
Bigamy	2	1	1	-	-	-	1	1	-	-
Blackmail and extortion ..	-	-	-	-	-	-	-	-	-	-
Escape and jail break ..	6	1	1	-	-	-	5	4	1	-
Kidnaping	-	-	-	-	-	-	-	-	-	-
Perjury	2	2	2	-	-	-	-	-	-	-
Other offenses:										
Minor assault	15	5	5	-	-	-	10	10	-	-
Nonsupport or neglect	49	26	26	-	-	-	23	21	-	2
Violating liquor laws	48	8	7	-	1	-	40	37	-	3
Driving while intoxicated ..	127	11	8	-	3	-	116	107	1	8
Other motor vehicle laws ..	629	51	43	2	5	1	578	573	2	3
Disorderly conduct and vagrancy	1,369	152	149	2	1	-	1,217	1,213	3	1
Gambling	5	-	-	-	-	-	5	5	-	-
All other offenses	100	30	28	-	1	1	70	70	-	-

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order of frequency by other sex offenses and burglary. These three offense groups together accounted for 71.4 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938, 37.9

percent of the defendants convicted were sentenced to prison, 25.7 percent were given probation or received a suspended sentence, and 24.6 percent received jail sentences.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	338	100.0	505	100.0	281	100.0	487	100.0
Death	-	-	-	-	-	-	-	-
Prison or reformatory	128	37.9	184	36.4	134	47.7	193	39.6
Probation or suspended sentence	87	25.7	132	26.1	59	21.0	96	19.7
Local jails	83	24.6	122	24.2	43	15.3	117	24.0
Fine or costs only	34	10.1	59	11.7	40	14.2	63	12.9
Juvenile institutions	6	1.8	8	1.6	5	1.8	15	3.1
Other sentences	-	-	-	-	-	-	3	0.6

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE TRIAL COURTS OF VERMONT, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	2,397	-	178	169	930	1,113	7	-
Major offenses, total	338	-	128	87	83	34	6	-
Murder	1	-	1	-	-	-	-	-
Manslaughter	1	-	1	-	-	-	-	-
Robbery	-	-	-	-	-	-	-	-
Aggravated assault	5	-	4	1	-	-	-	-
Burglary	35	-	13	13	7	-	2	-
Larceny, except auto theft	150	-	23	37	64	23	3	-
Auto theft	13	-	11	-	1	1	-	-
Embezzlement and fraud	16	-	5	4	5	2	-	-
Stolen property	2	-	-	2	-	-	-	-
Forgery	7	-	3	2	2	-	-	-
Rape	18	-	14	3	1	-	-	-
Commercialized vice	11	-	8	3	-	-	-	-
Other sex offenses	58	-	29	22	2	4	1	-
Violating drug laws	1	-	-	-	-	-	-	-
Carrying weapons, etc.	1	-	-	-	1	-	-	-
Other major offenses	20	-	16	-	-	4	-	-
Abortion	-	-	-	-	-	-	-	-
Arson	14	-	10	-	-	4	-	-
Bigamy	1	-	1	-	-	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	5	-	5	-	-	-	-	-
Kidnaping	-	-	-	-	-	-	-	-
Perjury	-	-	-	-	-	-	-	-
Other offenses:								
Minor assault	10	-	-	-	-	10	-	-
Nonsupport or neglect	23	-	6	16	1	-	-	-
Violating liquor laws	40	-	14	15	1	10	-	-
Driving while intoxicated	116	-	9	17	19	71	-	-
Other motor vehicle laws	578	-	8	19	38	512	1	-
Disorderly conduct and vagrancy	1,217	-	7	10	777	423	-	-
Gambling	5	-	-	-	3	2	-	-
All other offenses	70	-	6	5	8	51	-	-

JUDICIAL CRIMINAL STATISTICS: 1938

WASHINGTON

Of the 1,637 defendants disposed of on major offense charges in the superior courts of the State of Washington during 1938, over four-fifths, or 82.9 percent, were convicted. From table 1, showing the disposition of defendants during the past four years, it is seen that the proportion convicted has increased slightly each year.

Elimination of defendants charged with major offenses occurred most frequently through a dismissal of the charges, 12.2 percent of the cases being dismissed. Pleas of guilty accounted for nearly three-fourths of all dispositions. However, less than one-seventh of the defendants (13.1 percent) were disposed of by means of a trial.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	1,637	100.0	1,579	100.0	1,501	100.0	1,721	100.0
Eliminated without conviction	280	17.1	290	18.4	315	21.0	390	22.7
Dismissed	200	12.2	219	13.9	199	13.3	251	14.6
Jury waived, acquitted by court ..	6	0.4	2	0.1	2	0.1	1	0.1
Acquitted by jury	58	3.5	52	3.3	47	3.1	70	4.1
Other no-penalty dispositions	16	1.0	17	1.1	67	4.5	68	4.0
Convicted	1,357	82.9	1,289	81.6	1,186	79.0	1,331	77.3
Plea of guilty	1,206	73.7	1,128	71.4	1,015	67.6	1,080	62.8
Court finds guilty	19	1.2	18	1.1	8	0.5	64	3.7
Jury verdict guilty	132	8.1	143	9.1	163	10.9	187	10.9

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE SUPERIOR COURTS OF WASHINGTON, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dis-missed	Jury waived, acquitted by court	Acquit- ted by jury	Other	Total	Plee guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	1,991	396	301	7	72	16	1,595	1,420	27	148
Major offenses, total ..	1,637	280	200	6	58	16	1,357	1,206	19	132
Murder	32	13	2	-	10	1	19	9	-	10
Manslaughter	44	16	3	-	13	-	28	18	1	9
Robbery	83	13	10	-	3	-	70	60	-	10
Aggravated assault	66	13	6	-	4	3	53	42	2	9
Burglary	361	38	30	3	3	2	323	298	4	21
Larceny, except auto theft ..	456	73	61	-	10	2	383	359	1	23
Auto theft	97	15	8	-	5	2	82	76	-	6
Embezzlement and fraud ...	30	19	18	-	1	-	11	10	-	1
Stolen property	13	3	3	-	-	-	10	10	-	-
Forgery	205	27	23	2	1	1	178	161	1	16
Repe	45	15	9	-	4	2	30	22	1	7
Commercialized vice	2	1	1	-	-	-	1	-	-	1
Other sex offenses	123	20	16	-	2	2	103	92	3	8
Violating drug laws	21	2	1	-	-	1	19	14	5	-
Carrying weapons, etc. ...	12	4	3	-	1	-	8	7	-	1
Other major offenses	47	8	6	1	1	-	39	28	1	10
Abortion	5	-	-	-	-	-	5	4	-	1
Arson	10	2	2	-	-	-	8	7	-	1
Bigamy	7	1	1	-	-	-	6	4	-	2
Blackmail and extortion ..	4	2	2	-	-	-	2	2	-	-
Escape and jail break ...	4	-	-	-	-	-	4	4	-	-
Kidnaping	9	1	-	-	1	-	8	3	-	5
Perjury	8	2	1	1	-	-	6	4	1	1
Other offenses:										
Minor assault	51	7	4	-	3	-	44	38	-	6
Nonsupport or neglect	15	9	9	-	-	-	6	3	2	1
Violating liquor laws ...	11	7	7	-	-	-	4	3	-	1
Driving while intoxicated ..	69	22	17	-	5	-	47	46	1	-
Other motor vehicle laws .	40	11	11	-	-	-	29	28	-	1
Disorderly conduct and vagrancy	38	13	12	1	-	-	25	22	3	-
Gambling	23	14	14	-	-	-	9	6	-	3
All other offenses	107	33	27	-	6	-	74	68	2	4

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order of frequency by burglary and forgery. These three groups together accounted for more than three-fifths (62.4 percent) of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938

over three-fifths (62.9 percent) of these defendants were sentenced to prison or reformatory, a little more than one-fifth (21.2 percent) were placed on probation or received a suspended sentence, and 14.6 percent received jail sentences.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	1,357	100.0	1,289	100.0	1,170	100.0	1,323	100.0
Death	4	0.3	5	0.4	1	0.1	4	0.3
Prison or reformatory	853	62.9	847	65.7	763	65.2	867	65.5
Probation or suspended sentence	288	21.2	193	15.0	202	17.3	205	15.5
Local jails	198	14.6	231	17.9	182	15.6	190	14.4
Fine or costs only	7	0.5	13	1.0	15	1.3	36	2.7
Juvenile institutions	7	0.5	-	-	7	0.6	13	1.0
Other sentences	-	-	-	-	-	-	8	0.6

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE SUPERIOR COURTS OF WASHINGTON, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	1,595	4	862	344	303	74	8	-
Major offenses, total	1,357	4	853	288	198	7	7	-
Murder	19	4	15	-	-	-	-	-
Manslaughter	28	-	13	2	13	-	-	-
Robbery	70	-	67	2	1	-	-	-
Aggravated assault	53	-	40	5	7	-	1	-
Burglary	323	-	237	82	2	-	2	-
Larceny, except auto theft	383	-	173	90	114	6	-	-
Auto theft	82	-	52	24	5	-	1	-
Embezzlement and fraud	11	-	2	8	1	-	-	-
Stolen property	10	-	-	7	1	-	2	-
Forgery	178	-	143	33	2	-	-	-
Rape	30	-	25	1	4	-	-	-
Commercialized vice	1	-	1	-	-	-	-	-
Other sex offenses	103	-	50	17	34	1	1	-
Violating drug laws	19	-	12	5	2	-	-	-
Carrying weapons, etc.	8	-	3	3	2	-	-	-
Other major offenses	39	-	20	9	10	-	-	-
Abortion	5	-	3	1	1	-	-	-
Arson	8	-	5	3	-	-	-	-
Bigamy	6	-	3	3	-	-	-	-
Blackmail and extortion	2	-	-	-	2	-	-	-
Escape and jail break	4	-	-	-	4	-	-	-
Kidnaping	8	-	6	2	-	-	-	-
Perjury	6	-	3	-	3	-	-	-
Other offenses:								
Minor assault	44	-	-	11	23	10	-	-
Nonsupport or neglect	6	-	-	5	1	-	-	-
Violating liquor laws	4	-	-	1	2	1	-	-
Driving while intoxicated	47	-	-	8	23	16	-	-
Other motor vehicle laws	29	-	2	9	9	9	-	-
Disorderly conduct and vagrancy	25	-	3	9	12	-	1	-
Gambling	9	-	-	-	-	9	-	-
All other offenses	74	-	4	13	35	22	-	-

JUDICIAL CRIMINAL STATISTICS: 1938

WISCONSIN

Of the 3,430 defendants charged with major offenses and disposed of in the trial courts of Wisconsin during 1938, 86.2 percent were convicted. Pleas of guilty accounted for the great majority of the convictions and dispositions. Only 13.9 percent of all dispositions were by means of trial.

Table 1 shows the disposition of defendants in the trial courts of the State as reported to the Bureau of the Census for each of the past four years. On the basis of the 1930 population, the reports received from the courts covered 97.8 percent of the State in 1935, 99.2 percent in 1936, 99.7 percent in 1937, and 95.0 percent in 1938.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	3,430	100.0	3,024	100.0	3,005	100.0	3,417	100.0
Eliminated without conviction	472	13.8	476	15.7	670	22.3	714	20.9
Dismissed	335	9.8	332	11.0	454	15.1	480	14.0
Jury waived, acquitted by court ..	71	2.1	41	1.4	42	1.4	49	1.4
Acquitted by jury	34	1.0	39	1.3	41	1.4	52	1.5
Other no-penalty dispositions	32	0.9	64	2.1	133	4.4	133	3.9
Convicted	2,958	86.2	2,548	84.3	2,335	77.7	2,703	79.1
Plea of guilty	2,585	75.4	2,275	75.2	2,049	68.2	2,346	68.7
Court finds guilty	290	8.5	190	6.3	199	6.6	244	7.1
Jury verdict guilty	83	2.4	83	2.7	87	2.9	113	3.3

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE TRIAL COURTS OF WISCONSIN, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dis-missed	Jury waived, acquitted by court	Acquit- ted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	27,548	2,912	1,874	916	60	62	24,636	23,802	709	125
Major offenses, total ..	3,430	472	335	71	34	32	2,958	2,585	290	83
Murder	23	3	1	-	2	-	20	9	2	10
Manslaughter	41	7	2	1	4	-	34	25	4	5
Robbery	95	8	2	-	4	2	87	75	7	5
Aggravated assault	169	32	20	2	7	3	137	102	20	15
Burglary	533	34	23	6	3	2	499	444	44	11
Larceny, except auto theft ..	860	103	86	14	1	2	757	665	83	9
Auto theft	227	34	22	11	-	1	193	177	16	-
Embezzlement and fraud ...	363	82	66	10	2	4	281	258	22	1
Stolen property	45	9	7	2	-	-	36	36	-	-
Forgery	294	27	20	3	1	3	267	256	9	2
Rape	198	38	20	10	6	2	160	133	17	10
Commercialized vice	20	4	4	-	-	-	16	13	3	-
Other sex offenses	446	71	49	9	2	11	375	313	51	11
Violating drug laws	16	2	1	1	-	-	14	11	3	-
Carrying weapons, etc.	32	3	2	-	-	1	29	27	2	-
Other major offenses	68	15	10	2	2	1	53	42	7	4
Abortion	8	2	1	1	-	-	6	5	-	1
Arson	25	7	5	-	2	-	18	14	2	2
Bigamy	8	-	-	-	-	-	8	6	2	-
Blackmail and extortion ..	2	1	-	-	-	1	1	1	-	-
Escape and jail break ..	10	1	1	-	-	-	9	9	-	-
Kidnaping	4	1	1	-	-	-	3	3	-	-
Perjury	11	3	2	1	-	-	8	4	3	1
Other offenses:										
Minor assault	254	78	67	4	1	6	176	126	43	7
Nonsupport or neglect ...	501	174	147	20	3	4	327	268	57	2
Violating liquor laws	235	57	45	2	4	6	178	166	8	4
Driving while intoxicated ..	854	22	16	4	-	2	832	750	78	4
Other motor vehicle laws ..	15,746	261	182	75	3	1	15,485	15,415	66	4
Disorderly conduct and vagrancy	5,387	1,589	862	724	-	3	3,798	3,720	77	1
Gambling	53	12	8	4	-	-	41	36	5	-
All other offenses	1,088	247	212	12	15	8	841	736	85	20

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order of frequency by burglary, other sex offenses, embezzlement and fraud, and forgery. These five offense groups together accounted for 72.8 percent of all major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938, 30.4

percent of these defendants were sentenced to prison or reformatory, 39.1 percent were placed on probation or received a suspended sentence, 19.0 percent were given jail sentences, and 10.6 percent were fined.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	2,958	100.0	2,548	100.0	2,330	100.0	2,703	100.0
Death	-	-	-	-	-	-	-	-
Prison or reformatory	899	30.4	730	28.6	717	30.8	867	32.1
Probation or suspended sentence	1,158	39.1	1,053	41.3	855	36.7	969	35.8
Local jails	561	19.0	500	19.6	488	20.9	621	23.0
Fine or costs only	315	10.6	235	9.2	252	10.8	237	8.8
Juvenile institutions	25	0.8	30	1.2	13	0.6	6	0.2
Other sentences	-	-	-	-	5	0.2	3	0.1

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE TRIAL COURTS OF WISCONSIN, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	24,636	-	976	2,944	2,430	18,149	28	109
Major offenses, total	2,958	-	899	1,158	561	315	25	-
Murder	20	-	20	-	-	-	-	-
Manslaughter	34	-	16	7	5	6	-	-
Robbery	87	-	64	13	8	1	1	-
Aggravated assault	137	-	66	23	29	18	1	-
Burglary	499	-	188	234	68	2	7	-
Larceny, except auto theft	757	-	141	307	196	100	13	-
Auto theft	193	-	68	90	27	9	1	-
Embezzlement and fraud	281	-	34	132	44	71	-	-
Stolen property	36	-	5	19	4	8	-	-
Forgery	267	-	96	127	39	5	-	-
Rape	160	-	54	81	16	8	1	-
Commercialized vice	16	-	2	-	7	7	-	-
Other sex offenses	375	-	116	102	91	65	1	-
Violating drug laws	14	-	1	3	7	3	-	-
Carrying weapons, etc.	29	-	1	7	14	7	-	-
Other major offenses	53	-	29	13	6	5	-	-
Abortion	6	-	4	-	1	1	-	-
Arson	18	-	10	8	-	-	-	-
Bigamy	8	-	2	1	2	3	-	-
Blackmail and extortion	1	-	-	-	-	1	-	-
Escape and jail break	9	-	9	-	-	-	-	-
Kidnaping	3	-	3	-	-	-	-	-
Perjury	8	-	1	4	3	-	-	-
Other offenses:								
Minor assault	176	-	-	36	43	96	1	-
Nonsupport or neglect	327	-	25	263	36	3	-	-
Violating liquor laws	178	-	5	25	8	140	-	-
Driving while intoxicated	832	-	3	51	87	682	-	9
Other motor vehicle laws	15,485	-	8	151	83	15,143	-	100
Disorderly conduct and vagrancy	3,798	-	17	1,078	1,484	1,219	-	-
Gambling	41	-	-	1	-	40	-	-
All other offenses	841	-	19	181	128	511	2	-

JUDICIAL CRIMINAL STATISTICS: 1938

WYOMING

There was a slight decrease in the percentage of convictions resulting from charges of major crimes in the district courts of Wyoming in 1938 as compared with 1937. This decrease, however, is so small and the cases involved are so few in number that the differences observed between the two years in the disposition of major offenders are of no significance.

Table 1 shows the disposition of defendants in the district courts of the State for the past four years. Reports were received in 1935 from every district court in the State. In 1936, 1937, and 1938, respectively, the reports, on the basis of the 1930 population, covered 92.5 percent, 96.4 percent, and 93.9 percent of the State.

Table 1. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of	317	100.0	328	100.0	273	100.0	356	100.0
Eliminated without conviction	70	22.1	62	18.9	71	26.0	82	23.0
Dismissed	53	16.7	51	15.5	49	17.9	73	20.5
Jury waived, acquitted by court ..	5	1.6	-	-	1	0.4	-	-
Acquitted by jury	11	3.5	10	3.0	6	2.2	3	0.8
Other no-penalty dispositions	1	0.3	1	0.3	15	5.5	6	1.7
Convicted	247	77.9	266	81.1	202	74.0	274	77.0
Plea of guilty	233	73.5	241	73.5	187	68.5	234	65.7
Court finds guilty	8	2.5	11	3.4	3	1.1	19	5.3
Jury verdict guilty	6	1.9	14	4.3	12	4.4	21	5.9

Table 2. DISPOSITION OF DEFENDANTS IN CRIMINAL CASES IN THE DISTRICT COURTS OF WYOMING, BY OFFENSE: 1938

OFFENSE	Total defendants disposed of	DISPOSED OF WITHOUT CONVICTION					CONVICTED			
		Total	Dis-missed	Jury waived, acquitted by court	Acquit- ted by jury	Other	Total	Plea guilty	Jury waived, court finds guilty	Jury verdict guilty
All offenses	504	132	111	7	12	2	372	308	56	8
Major offenses, total ..	317	70	53	5	11	1	247	233	8	6
Murder	6	-	-	-	-	-	6	4	-	2
Manslaughter	1	-	-	-	-	-	1	1	-	-
Robbery	6	2	-	-	2	-	4	4	-	-
Aggravated assault	15	5	2	-	3	-	10	10	-	-
Burglary	64	4	2	2	-	-	60	59	1	-
Larceny, except auto theft	82	20	20	-	-	-	62	57	5	-
Auto theft	19	-	-	-	-	-	19	19	-	-
Embezzlement and fraud ...	30	9	6	-	2	1	21	19	-	2
Stolen property	8	2	2	-	-	-	6	6	-	-
Forgery	50	7	5	1	1	-	43	42	1	-
Rape	14	10	9	-	1	-	4	2	-	2
Commercialized vice	-	-	-	-	-	-	-	-	-	-
Other sex offenses	3	3	2	-	1	-	-	-	-	-
Violating drug laws	5	2	-	2	-	-	3	3	-	-
Carrying weapons, etc.	2	-	-	-	-	-	2	1	1	-
Other major offenses	12	6	5	-	1	-	6	6	-	-
Abortion	1	1	1	-	-	-	-	-	-	-
Arson	2	1	-	-	1	-	1	1	-	-
Bigamy	1	-	-	-	-	-	1	1	-	-
Blackmail and extortion	4	4	4	-	-	-	-	-	-	-
Escape and jail break ..	3	-	-	-	-	-	3	3	-	-
Kidnaping	1	-	-	-	-	-	1	1	-	-
Perjury	-	-	-	-	-	-	-	-	-	-
Other offenses:										
Minor assault	12	6	5	1	-	-	6	3	2	1
Nonsupport or neglect	13	7	6	-	1	-	6	4	1	1
Violating liquor laws	11	11	11	-	-	-	-	-	-	-
Driving while intoxicated	47	7	7	-	-	-	40	14	26	-
Other motor vehicle laws ..	9	3	3	-	-	-	6	6	-	-
Disorderly conduct and vagrancy	11	3	3	-	-	-	8	6	2	-
Gambling	6	3	3	-	-	-	3	3	-	-
All other offenses	78	22	20	1	-	1	56	39	17	-

From the detailed figures presented in table 2, showing the method of disposition by offense groups, it is seen that the most frequent major offense charged in these courts was larceny, followed in order by burglary, forgery, and embezzlement and fraud. These four groups together accounted for 71.3 percent of all the major offenses.

The type of sentence imposed on those defendants convicted of major offenses is shown for each of the past four years in table 3. In 1938 more

than 60 percent of these defendants were sentenced to prison, one-sixth (16.6 percent) were placed on probation or received a suspended sentence, 5.3 percent received jail sentences, and 12.6 percent were sent to juvenile institutions.

Table 4 shows the variety of sentences used for the same general classes of offenses. In interpreting these data, however, it should be remembered that several of these classes of offenses include charges of widely varying degrees of seriousness.

Table 3. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED OF MAJOR OFFENSES

Type of sentence	1938		1937		1936		1935	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants sentenced	247	100.0	266	100.0	202	100.0	272	100.0
Death	1	0.4	-	-	1	0.5	-	-
Prison or reformatory	155	62.8	181	68.0	144	71.3	195	71.7
Probation or suspended sentence	41	16.6	46	17.3	28	13.9	54	19.9
Local jails	13	5.3	25	9.4	18	8.9	15	5.5
Fine or costs only	6	2.4	14	5.3	10	5.0	7	2.6
Juvenile institutions	31	12.6	-	-	-	-	-	-
Other sentences	-	-	-	-	1	0.5	1	0.4

Table 4. TYPES OF SENTENCES IMPOSED ON DEFENDANTS CONVICTED IN THE DISTRICT COURTS OF WYOMING, BY OFFENSE: 1938

OFFENSE	Total number of defendants sentenced	Death penalty	State prisons and reformatories	Probation or suspended sentence	Local jails	Fine or costs only	Institutions for juvenile delinquents only	Other
All offenses	372	1	162	63	22	67	54	3
Major offenses, total	247	1	155	41	13	6	31	-
Murder	6	1	4	1	-	-	-	-
Manslaughter	1	-	-	-	-	1	-	-
Robbery	4	-	2	-	-	-	2	-
Aggravated assault	10	-	8	2	-	-	-	-
Burglary	60	-	43	11	-	-	6	-
Larceny, except auto theft	62	-	32	10	5	3	12	-
Auto theft	19	-	9	4	-	-	6	-
Embezzlement and fraud	21	-	15	5	-	-	1	-
Stolen property	6	-	3	2	-	1	-	-
Forgery	43	-	31	5	2	1	4	-
Rape	4	-	3	1	-	-	-	-
Commercialized vice	-	-	-	-	-	-	-	-
Other sex offenses	-	-	-	-	-	-	-	-
Violating drug laws	3	-	-	-	3	-	-	-
Carrying weapons, etc.	2	-	-	-	2	-	-	-
Other major offenses	6	-	5	-	1	-	-	-
Abortion	-	-	-	-	-	-	-	-
Arson	1	-	1	-	-	-	-	-
Bigamy	1	-	1	-	-	-	-	-
Blackmail and extortion	-	-	-	-	-	-	-	-
Escape and jail break	3	-	2	-	1	-	-	-
Kidnaping	1	-	1	-	-	-	-	-
Perjury	-	-	-	-	-	-	-	-
Other offenses:								
Minor assault	6	-	1	2	1	2	-	-
Nonsupport or neglect	6	-	1	4	1	-	-	-
Violating liquor laws	-	-	-	-	-	-	-	-
Driving while intoxicated	40	-	-	2	3	32	-	3
Other motor vehicle laws	6	-	1	3	-	2	-	-
Disorderly conduct and vagrancy	8	-	-	-	-	6	2	-
Gembling	3	-	-	-	-	3	-	-
All other offenses	56	-	4	11	4	16	21	-

