Criminal Justice in America

in **America**

EIGHTH EDITION

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2 | Crime and Crime Causation

LEARNING OBJECTIVES

- LO1 – Categorize crimes by their type.
- LO2 – Describe the different methods of measuring crime.
- LO3 – Explain why some people are at higher risk of victimization
- than others.
- LO4 – Summarize the negative consequences of victimization.
- LO5 – Name the theories put forward to explain criminal behavior.
- LO6 - Explain why there are gender differences in crime.

CRIME AND CRIME CAUSATION

- In 2014, in West Palm Beach, Florida, Tia Lashonda Miller sat in jail, awaiting trial for identity theft and tax fraud. She was accused of stealing over 700 identities in order to file false tax returns to pay her debts.

- Miller did not physically harm anyone, but what was the impact of her crime on victims, on the government, on the IRS? How might we explain Miller's behavior?

TYPES OF CRIME

- Crimes can be categorized into seven types:
  - Visible crime
  - Occupational crime
  - Organized crime
  - Transnational crime
  - Victimless crime
  - Political crime
  - Cyber crime

VISIBLE CRIME

- Often called "street crime" and "ordinary crime"
- Three categories:
  - Violent crime
    - death or physical injury results
  - Property crimes
    - acts that threaten property
  - Public-order crimes
    - acts that threaten general well-being of society

OCCUPATIONAL CRIME

- Offenses committed through opportunities created in legal or business occupation
- Crimes that result in huge costs to society
- Estimates indicate that for every $1 lost in street crime, $60 is lost as a result of occupational crime

ORGANIZED CRIME

- Continuing enterprise for purpose of making a profit through illegal activities
- Network of activities that typically cross state and national borders
- Increased among outlaw motorcycle gangs, Hispanic and African American gangs

AP Images/Steve K. Doi

TRANSNATIONAL CRIME

- Refers to crimes that cross country borders
- Three categories:
    - Provision of illicit goods
        - Drug trafficking, moving stolen property
    - Provision of illegal services
        - Human trafficking, child pornography
    - Infiltration of business of government
        - Bribery, extortion, money laundering

CHALLENGES OF TRANSNATIONAL CRIME

- American police agencies must depend on assistance from officials abroad
- Difficult to coordinate with countries with different laws and priorities
- Some countries protect transnational crime through bribery and other forms of corruption

VICTIMLESS CRIMES

- Involve willing and private exchange of goods or services
- Offenses against morality
  - Prostitution, gambling, drug sales and use
- "War on Drugs" is an example of policies against a victimless crime

Douglas Engle/The New York Times/Redux

POLITICAL CRIME

- Criminal acts by the government or against the government for ideological purposes. Examples:
  - Murder of abortion doctors
  - Bombing of abortion clinics
  - Bombing of federal building in Oklahoma City
  - Release of classified documents

CYBER CRIME

- Involve use of computers and the Internet to commit acts against people, property, public order, or morality

AP Images/Damian Dovarganes

CRIME RATE

- Generally declined since the 1980s

- As of 2009, rates of violent and property crime were at lowest overall level

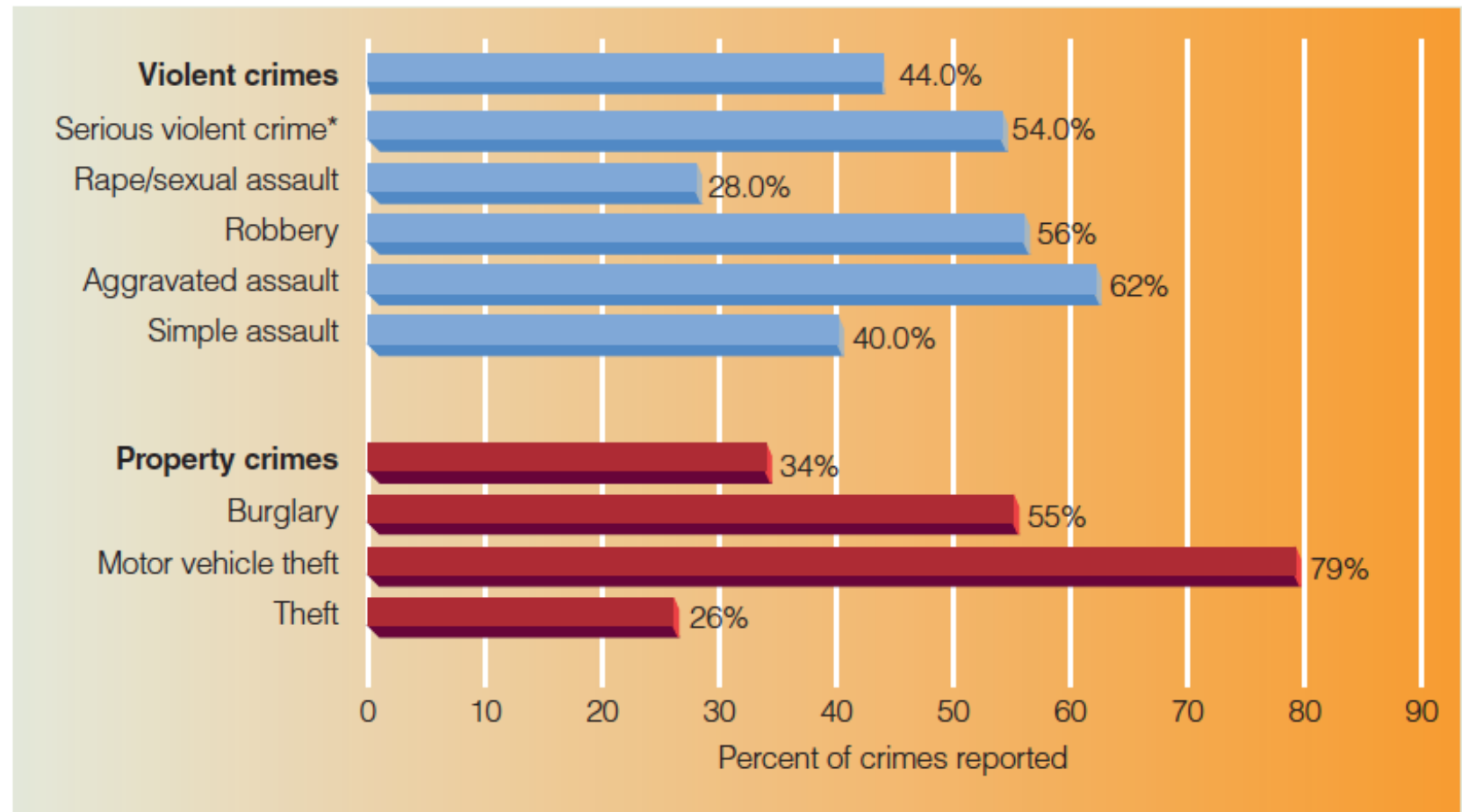- Knowledge of crime rates aids in decisions on officer deployment and crime-fighting strategies

VIOLENT AND PROPERTY CRIME

FIGURE 2.1

Violent and Property Victimizations Reported to Police, 2010 Why are some crimes less likely to be reported to the police than others? What can be done to increase the likelihood that victims will report crimes to the police?

*Includes rape or sexual assault, robbery, and aggravated assault.

Source: Jennifer L. Truman, Lynn Langton, and Michael Planty, "Criminal Victimization, 2012," *Bureau of Justice Statistics Bulletin*, October 2013, Table 4.

Violent crimes — 44.0%
Serious violent crime* — 54.0%
Rape/sexual assault — 28.0%
Robbery — 56%
Aggravated assault — 62%
Simple assault — 40.0%

Property crimes — 34%
Burglary — 55%
Motor vehicle theft — 79%
Theft — 26%

Percent of crimes reported

PROBLEMS WITH ACCURATE CRIME DATA

- Lack of accurate means of knowing amount of crime
- More crime occurs than is reported
  - **Dark figure of crime** – crimes never reported to police
- Until 1972, only crimes counted were those reported to police and entered into Uniform Crime Reports (UCR)

UNIFORM CRIME REPORTS (UCR)

- Publication issued every year by FBI

- Statistical summary of crimes reported to the police

- Data provided from voluntary network of local, state, and federal law enforcement agencies

UNIFORM CRIME REPORTS (UCR)

- Uses standard definitions of crimes to ensure uniform data
- **Part I (Index Offenses)**
  - 8 major crimes
  - Data shows age, race, number of reported crimes solved
- **Part II (Other Offenses)**
  - 21 other crimes
  - Less complete data than that provided for Part I offenses

UNIFORM CRIME REPORTS (UCR)

TABLE 2.1   Uniform Crime Report Offenses

The UCR presents data on 8 index offenses and 21 other crimes for which there is less information.
A limitation of the UCR is that it tabulates only crimes that are reported to the police.

Part I (Index Offenses)	Part II (Other Offenses)	
1. Criminal homicide	9. Other assaults	19. Gambling
2. Forcible rape	10. Forgery and counterfeiting	20. Offenses against the family and children
3. Robbery	11. Fraud	21. Driving under the influence
4. Aggravated assault	12. Embezzlement	22. Liquor laws
5. Burglary	13. Stolen property: Buying, receiving, possessing	23. Drunkenness
6. Larceny/theft	14. Vandalism	24. Disorderly conduct
7. Auto theft	15. Weapons (carrying, possessing, etc.)	25. Vagrancy
8. Arson	16. Prostitution and commercialized vice	26. All other offenses
	17. Sex offenses	27. Suspicion
	18. Drug abuse violations	28. Curfew and loitering laws (juvenile)
		29. Runaways (juvenile)

Source: Federal Bureau of Investigation, 2004, *Uniform Crime Reporting Handbook* (Washington, DC: U.S. Government Printing Office).

CRITICISMS OF UCR

- Covers only reported crimes
- Does not measure occupational crimes
- Only covers 29 types of crime
- Reporting is voluntary, meaning police departments may not make complete, accurate reports

NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS)

- FBI's response to criticisms of UCR

- Detailed incident data on 46 offenses in 22 crime categories

- Reports all crimes committed during an incident, whereas UCR only reports most serious crime in an incident

- Reports all available data on offenders, victims, and places

ISSUES WITH NIBRS

- Reporting process is more difficult
- All agencies must adopt same reporting format
- Not all states currently participate
- As of 2014, only 15 states report **NIBRS** data for all jurisdictions

NATIONAL CRIME VICTIMIZATION SURVEYS (NCVS)

- Developed by the Census Bureau in 1972 to better understand the "dark figure of crime"

- Can also be used to track serial or "repeat" victimization

- "Self-reported" measure of criminal behavior

- Method
  - Interviews conducted twice a year
  - Sample of 74,000 people in 41,000 households
  - Same people are interviewed twice a year for three years

FLAWS OF NCVS

- People interviewed are unlikely to report crimes committed by themselves, friends or family members

- Too embarrassed to admit victimization

- Survey covers limited range of crimes

- Relatively small sample can result in erroneous conclusions

- Data depends on victim's perceptions and memories

UCR AND NCVS

TABLE 2.2 The UCR and the NCVS

Compare the data sources. Remember that the UCR tabulates only crimes reported to the police, whereas the NCVS data are based on interviews with victims.

	UCR	NCVS
Offenses Measured	Homicide Rape Robbery (personal and commercial) Assault (aggravated) Burglary (commercial and household) Larceny (commercial and household) Motor vehicle theft Arson	Rape/sexual assault Robbery (personal) Assault (aggravated and simple) Household burglary Larceny (personal and household) Motor vehicle theft
Scope	Crimes reported to the police in most jurisdictions; in 2012, the data submitted represented 98.1% of the U.S. population.	Crimes both reported and not reported to police; all data are for the nation as a whole; some data are available for a few large geographic areas.
Collection Method	Police department reports to Federal Bureau of Investigation	Survey interviews: periodically measures the total number of crimes committed by asking a national sample of households about their experiences as victims of crime during a specific period. In 2012, 92,390 households were interviewed, representing 162,940 persons aged 12 or older.
Kinds of Information	In addition to offense counts, provides information on crime clearances, persons arrested, persons charged, law enforcement officers killed and assaulted, and characteristics of homicide victims	Provides details about victims (such as age, race, sex, education, income, and whether the victim and offender were related) and about crimes (such as time and place of occurrence, whether or not reported to police, use of weapons, occurrence of injury, and economic consequences)
Sponsor	Department of Justice's Federal Bureau of Investigation	Department of Justice's Bureau of Justice Statistics

Sources: Truman et al. (2013) and FBI (2013a).

TRENDS IN CRIME

- NCVS shows victimization rate has dropped over past decade
- UCR data shows decline in violent and property crime
    - Aging of the baby boom population
    - Increased use of security systems
    - Aggressive police efforts to keep handguns off streets
   - Decline in use of crack cocaine

CRIME VICTIMIZATION

- Victimology emerged in 1950s with a focus on:
  - Who is victimized?
  - What is the impact of crime?
  - What happens to victims in the criminal justice system?
  - What role do victims play in causing the crimes they suffer?

WHO IS VICTIMIZED?

- Women, Youths, Nonwhites
  - Lifestyle exposure model demonstrates the link between personal characteristics and victimization
  - Race is key factor in exposure to crime

- Low-Income City Dwellers
  - Low income closely linked to exposure to crime

- Acquaintances and Strangers
  - Most robberies are committed by strangers
  - Most sexual assaults are committed by an acquaintance

AP Images/Kevork Djansezian
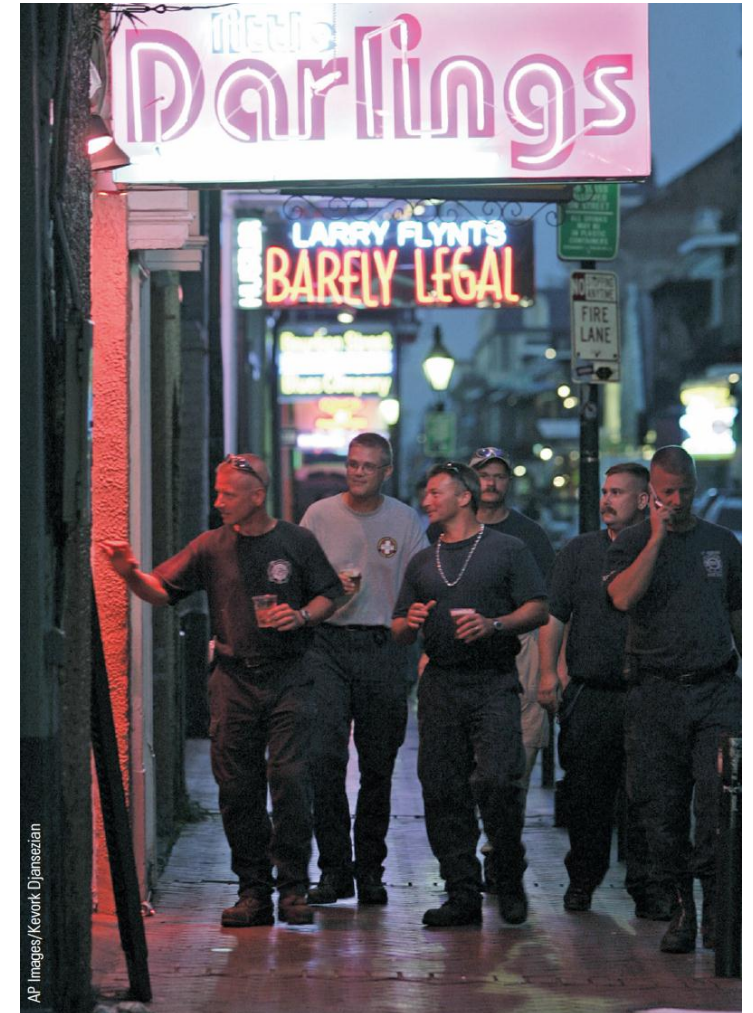
IMPACT OF CRIME

- Fear of crime
  - Fear limits freedom
- Costs of crime
  - Economic costs
    - Lost property, lower productivity, medical expenses
  - Psychological and emotional costs
    - Pain, trauma, diminished quality of life
  - Costs of operating the criminal justice system
    - Court services, law enforcement

QUESTION FOR DISCUSSION

- Crime rates, particularly violent crime rates, have been decreasing since the early 1990s. However, fear of victimization has consistently exceeded crime rates based on public opinion polls. People gain perception about crime from workplace conversations, statements of politicians, and campaign promises. Their views about crime also seem to be shaped more by what they see on television than reality.

- What obligation do politicians and the media have in making the public aware of the true picture of crime? Of the actual risks of victimization that occur within a particular jurisdiction?

CAUSES OF CRIME

- Classical and Positivist theories
- Biological explanations
- Psychological explanations
- Sociological explanations
- Life Course theories
- Integrated theories

CLASSICAL AND POSITIVIST THEORIES

- Classical School
    - Developed by Cesare Beccaria
    - Views behavior as stemming from free will
    - People are responsible and should be held accountable for actions
    - Stresses the need for punishment severe enough to deter others
- Positivist School
    - Behavior stems from social, biological, and psychological factors
    - Punishment should be tailored to individual needs of offender

BIOLOGICAL EXPLANATIONS

- Emphasizes physiological and neurological factors that predispose a person to commit a crime
- Early work of Cesare Lombroso
  - Physical traits distinguish criminals from law-abiding citizens
  - Some people are in a more primitive state of evolution and are born criminal
- Later work of James Q. Wilson
  - Biological factors predispose some individuals to commit crimes

- Emphasizes mental processes and behavior
  - Psychoanalytic theory
  - Psychiatrists have linked criminal behavior to innate impulses, psychic conflict, and repression of personality

AP Images/Steve Helber

SOCIOLOGICAL EXPLANATIONS

- Social Structure Theories – criminal behavior is related to social class
  - Anomie Theory
    - Deviant behavior is the result of weakened rules and norms
  - Strain Theory
    - Negative relationships can lead to negative emotions
    - Negative emotions are expressed through crime and delinquency
    - Strain is produced by the failure to achieve valued goals
    - Those who cannot cope with negative emotions may be predisposed to crime

SOCIOLOGICAL EXPLANATIONS

- Social Process Theories – assumes that any person has potential to become a criminal
  - Learning theories
    - Criminal activity is learned behavior
  - Control theories
    - Social links keep people in line with accepted norms
  - Labeling theories
    - Stress social process through which certain acts and people are labeled deviant
    - Justice system creates criminals by labeling people

SOCIOLOGICAL EXPLANATIONS

- Critical theories – assumes that criminal law and the justice system are designed by those in power, whose purpose is to oppress those who are not
  - Social conflict theories
    - Crime is the result of conflict within societies
    - Class structure causes certain groups to be labeled as deviant
  - Feminist theories
    - Based on the idea that traditional theory centers on male criminality and ignores female offending
    - Underscores the need to integrate race and class with gender

LIFE COURSE THEORIES

- Seek to identify factors that explain when and why offenders begin to commit crime, and what factors lead them to stop participating in crime
- These types of studies try to follow individuals from childhood to adulthood
- Emphasizes turning points in life that move people from criminal behavior

INTEGRATED THEORIES

- Theories that combine differing theoretical perspectives into a larger model
- Criminologists currently debate whether multiple theories can be integrated

QUESTION FOR DISCUSSION

- The City of Los Angeles has instituted several social programs in an attempt to decrease gang violence. One of these programs, Summer Night Lights, keeps city parks open until midnight, providing meals, sporting events, and activities for local teens. Analysis has shown that gang violence is lower in L.A. neighborhoods with this program.

- What theory might best explain this lower level of gang violence?

MAJOR THEORIES OF CRIME

TABLE 2.3 | **Major Theories of Criminality and Their Policy Implications**

Scholars and the public support various types of policies. We know little about the real causes of crime, but note how many people think they have the answers!

Theory	Major Premise	Policy Implications	Policy Implementation
Biological	Genetic, biochemical, or neurological defects cause some people to commit crime.	Identification and treatment or control of persons with crime-producing biological factors; selective incapacitation; intensive supervision.	1. Use of drugs to inhibit biological urges of sex offenders. 2. Use of controlled diet to reduce levels of antisocial behavior caused by biochemical imbalances. 3. Identification of neurological defects through CAT scans. Use of drugs to suppress violent impulses. 4. Special education for those with learning disabilities.
Psychological	Personality and learning factors cause some people to commit crime.	Treatment of those with personality disorders to achieve mental health; employment of punishment for those whose illegal behavior stems from learned behavior so that they realize crime is not rewarded.	1. Psychotherapy and counseling to treat personality disorders. 2. Behavior modification strategies, such as electric shock and other negative impulses, to change learned behavior. 3. Counseling to enhance moral development. 4. Intensive individual and group therapies.

MAJOR THEORIES OF CRIME

Social Structure	Crime is the result of underlying social conditions such as poverty, inequality, and unemployment.	Actions taken to reform social conditions that breed crime.	1. Education and job-training programs. 2. Urban redevelopment to improve housing, education, and health care. 3. Community development to provide economic opportunities.
Social Process	Crime is normal learned behavior and is subject to either social control or labeling effects.	Treatment of individuals in groups, with emphasis on building conventional bonds and avoiding stigmatization.	1. Youth programs that emphasize positive role models. 2. Community organizing to establish neighborhood institutions and bonds that emphasize following society's norms. 3. Programs designed to promote family stability.
Critical	Criminal definitions and punishments are used by some groups to control other groups.	Fundamental changes in the political and social systems to reduce class conflict.	1. Development of programs to remove injustice in society. 2. Provision of resources to assist women, minorities, and the poor in dealing with the criminal justice system and other government agencies. 3. Modification of criminal justice to deal similarly with crimes committed by upper-class members and crimes committed by lower-class members.
Life Course	Offenders have criminal careers that often begin with pathways into youth crime but can change and end through turning points in life.	Fostering of positive turning points such as marriage and stable employment.	1. Policies to reduce entry pathways associated with youth incarceration and substance abuse. 2. Policies to promote educational success, full employment, successful marriages, and stable families.

- Theorists in the 1990s began to recognize importance of explaining female criminality
  - Society is structured to create different opportunities for men and women
  - Power differentials exist between men and women
  - Differences in sexuality shape behavior of men and women

AP Images/Bill Trojan