Fifth Edition

CRIMINOLOGY

Frank Schmalleger

CRIMINOLOGY

Fifth Edition

Frank Schmalleger, Ph.D.

Distinguished Professor Emeritus

The University of North Carolina at Pembroke

Dedication

*For Ava
and Malia*

Major Theoretical Developments

Classical School

Classical Criminology

1764 **Cesare Beccaria** Deterrence through punishment, free will, social contract

1789 **Jeremy Bentham** Hedonistic calculus, utilitarianism

Neoclassical Criminology

1974 **Robert Martinson** Nothing-works doctrine

1975 **James Q. Wilson** Thinking about crime

1986 **Clarke & Cornish** Rational choice

1988 **Jack Katz** Seductions of crime, emotions and crime

1992 **Clarke & Cornish** Situational choice, situational crime prevention

Biological and Biosocial Theories

Early Positivism

1810 **Franz Joseph Gall** Phrenology, scientific understanding of crime

1830s **Johann Gaspar Spurzheim** Brought phrenology to America

Criminal Anthropology

1863 **Cesare Lombroso** Atavism, born criminals, criminaloids, Italian School

1913 **Charles Buckman Goring** Challenged Lombroso's theory

1939 **Earnest Hooton** Environment + low-grade human = crime

Criminal Families

1877 **Richard Dugdale** The Juke family

1912 **Henry Goddard** The Kallikak family

1915 **Arthur Estabrook**

Constitutional Theories

1925 **Ernst Kretschmer** Somatotyping

1949 **William Sheldon** Body types, behavioral genetics/twins, heritability, human genome

Twin studies

1968 **Karl Christiansen and Sarnoff Mednick** Genetic determinism

Sociobiology

1975 **Edward O. Wilson** Altruism, territoriality, tribalism, survival of gene pool

Biosocial Criminology

1980 **Darrell J. Steffensmeier**

1997 **Anthony Walsh** Environmental mediation of genetic influences

1990s **Adrian Raine** Brain dysfunction

2003 **Kevin M. Beaver and Anthony Walsh** Biosocial criminology

2010 **Thomas Bernard** Gender-ratio problem

2010 **Kevin M. Beaver, John P. Wright, and Anthony Walsh** Evolutionary theory

Psychological/ Psychiatric Theories

Modeling Theory

1890 **Gabriel Tarde** Imitation

1973 **Albert Bandura** Aggression is learned, aggression is rewarded, disengagement, social cognition theory, modeling

Psychoanalytic Criminology

1920s– **Sigmund Freud** Psychoanalysis,

1930s Id, ego, superego, sublimation

1930s **August Aichorn** Damaged egos

Personality Theory

1941 **Hervey Cleckley** Psychopathology, psychopath, sociopath

1964 **Hans Eysenck** Traits, supertraits

1968 **DSM-II** Antisocial personality disorder

Behavior Theory

1950s **B. F. Skinner** Operant

1970s Conditioning, operant behavior, rewards/punishments, stimulus-response

Frustration–Aggression Theory

1939 **J. Dollard** Displacement, catharsis

Cognitive Theory

1955 **Jean Piaget** Stages of human intellectual development

1969 **Lawrence Kohlberg** Stages of moral development

1970 **Stanton Samenow and Samuel Yochelson** The criminal mindset

1979 **Roger Shank and Robert Abelson** Script theory

Crime as Adaptation

1950s **John Bowlby** Secure attachment, anxious resistant attachment, anxious avoidance attachment

1971 **S. M. Halleck** Alloplastic adaptation, autoplastic adaptation

1995 **Linksy, Bachman, Straus** Societal stress, aggression

1998 **Donald Andrews and James Bonta** Criminogenic needs, criminogenic domains

Social Structure Approaches

Social Disorganization

1920 **Thomas & Znaniecki** Displaced immigrants

1920s **Park & Burgess** Social ecology

1930s Social pathology, concentric zones (Chicago School)

1929 **Shaw & McKay** Cultural transmission (Chicago School)

1973 **Oscar Newman** Defensible space

1982 **James Q. Wilson & George L. Kelling** Broken windows, criminology of place

1987 **Rodney Stark** Theory of deviant neighborhoods

Culture Conflict

1927 **Frederic Thrasher** Gangs and gang typologies

1938 **Thorsten Sellin** Conduct norms, primary conflict, secondary conflict

1943 **William F. Whyte** Subcultures

1955 **Albert Cohen** Gangs, reaction formation

1957 **Sykes & Matza** Techniques of neutralization

1958 **Walter B. Miller** Focal concerns

1960s **Cloward & Ohlin** Illegitimate opportunity structure, delinquent subcultures

1967 **Ferracuti & Wolfgang** Violent subcultures

Strain Theory

1938 **Robert Merton** Anomie, conformity, innovation, ritualism, retreatism, rebellion

1982 **Blau & Blau** Relative deprivation, frustration, distributive justice

1992 **Robert Agnew** General strain theory

1994 **Messner & Rosenfeld** American Dream

In Criminology

Social Process & Social Development Theories

Social Learning Theory

1939   **Edwin Sutherland** Differential association

1960   **Daniel Glaser** Differential identification theory

1966   **Burgess & Akers** Differential association-reinforcement

Social Control Theory

1950s   **Walter Reckless** Containment theory, inner and outer containment

1969   **Travis Hirschi** Social bond and self-control: attachment, commitment, belief, involvement

1970s   **Howard Kaplan** Self-degradation

1990   **Hirschi & Gottfredson** Social bonds and self-control, general theory of crime

1995   **Charles Tittle** Control-balance, control surplus, control deficit

1995   **Per-Olof H. Wikström** Situational action theory

Labeling Theory

1938   **Frank Tannenbaum** Tagging, dramatization of evil

1951   **Edwin Lemert** Primary deviance, secondary deviance

1963   **Howard Becker** Outsiders, moral enterprise

1997   **John Braithwaite** Reintegrative shaming, stigmatic shaming

Social Development

1920s   **Sheldon & Eleanor Glueck** Family dynamics and delinquent careers

1960s   **Marvin Wolfgang** Chronic offending

1980s   **David P. Farrington** Delinquent development theory

1987   **Terrence Thornberry** Interactional theory

1988   **Lawrence E. Cohen and Richard Machalek** Evolutionary ecology

1993   **Robert J. Sampson and John H. Laub** Life course criminology

1993   **Terrie Moffitt** Life course persisters, adolescence-limited offenders

Social Conflict and Emergent Theories

Conflict Theories

1848   **Karl Marx** The *Communist Manifesto*

1916   **Willem Bonger** Class struggle

1938   **Thorsten Sellin** Culture conflict

Radical Criminology

1958   **George Vold** Political conflict between groups, conflict is normal

1959   **Ralf Dahrendorf** Conflict is normal, destructive change

1969   **Austin Turk** Social order = pattern of conflict, laws serve to control

1970s   **William Chambliss** Power gaps, crime reduces surplus labor

1974   **Richard Quinney** Contradictions of capitalism, socialist principles

Left-realist Criminology

1973   **Jock Young, Ian Taylor, Paul Walton** The new criminology

Feminist Criminology

1975   **Adler & Simon** Gender socialization

1977   **Carol Smart** Gender bias in criminology

1988   **Daly & Chesney-Lind** Androcentricity, crime may not be normal

1989   **John Hagan** Power-control theory

Peacemaking Criminology

1986   **Pepinsky & Quinney** Restorative justice, participatory justice

1989   **Lozoff & Braswell** New Age principles

Postmodern Criminology

1980s   **Stuart Henry, Dragan Milovanovic, Ian Taylor, Jock Young, Paul Walton** Deconstructionism; constitutive criminology, semiotics, androcentric

Cultural Criminology

1995   **Jeff Ferrell, Clinton R. Sanders** Crime as a cultural product

1998   **Mark S. Hamm** Ethnographic research into deviant populations

2000   **Mike Presdee** The carnival of crime, edgework

Convict Criminology

2001   **John Irwin, Ian Ross, K. C. Carceral, Thomas J. Bernard, Stephen Richards** Insights from convicted offenders

Theories of Victimology

Victim Precipitation Theory

1947   **Beniamin Mendelssohn** Coined the term "victimology"

1948   **Hans von Hentig** The criminal and his victim

1958   **Marvin Wolfgang** Some victims are positive precipitators in crime

1968   **Stephen Schafer** The victim and his criminal

1970   **Menachem Amir** Victim contribution to victimization

Lifestyle Exposure/Lifestyle Theory

1970   **Michael J. Hindelang & Michael R. Gottfredson James Garofalo** Demographic variables influence lifestyles and determine victimization risk

Routine Activities Theory (RAT)

1970   **Lawrence Cohen and Marcus Felson** Motivated offenders combine with suitable targets in the absence of a capable guardian

Deviant Places Theory

1980s   **Rodney Stark** Stigmatized neighborhoods produce crime

This page intentionally left blank

Brief Contents

This page intentionally left blank

Contents

PART 4   Crime in the Modern World—*Today's Headlines*

Preface

Introducing the Justice Series

When best-selling authors and instructional designers come together focused on one goal—to improve student performance across the criminal justice (CJ) curriculum—they come away with a groundbreaking new series of print and digital content: the *Justice Series.*

Several years ago, we embarked on a journey to create affordable texts that engage students without sacrificing academic rigor. We tested this new format with Fagin's *CJ 2010* and Schmalleger's *Criminology* and received overwhelming support from students and instructors.

The Justice Series expands this format and philosophy to more core CJ and criminology courses, providing affordable, engaging instructor and student resources across the curriculum. As you flip through the pages, you'll notice that this book doesn't rely on distracting, overly used photos to add visual appeal. Every piece of art serves a purpose—to help students learn. Our authors and instructional designers worked tirelessly to build engaging infographics, flowcharts, pull-out statistics, and other visuals that flow with the body of the text, provide context and engagement, and promote recall and understanding.

We organized our content around key learning objectives for each chapter and tied everything together in a new objective-driven end-of-chapter layout. The content not only is engaging to students but also is easy to follow and focuses students on the key learning objectives.

Although brief, affordable, and visually engaging, the Justice Series is no quick, cheap way to appeal to the lowest common denominator. It's a series of texts and support tools that are instructionally sound and student-approved.

Additional Highlights to the Author's Approach

- The lavish use of figures, charts, and line art visually attracts readers to the subject matter of criminology, making for ease of learning.

- This book moves beyond the confusing terminology found in other criminology texts to provide students with straightforward explanations of criminology's important concepts and most fascinating schools of thought. Content is readily accessible through the use of plain language and commonsense definitions of key terms.

- Cases in every chapter illustrate the principles discussed and provide true-to-life stories of criminal offenders. Thought-provoking questions within the cases provide students with the opportunity to apply what they've learned.

New to This Edition

Chapter 1

- The issue of illegal immigration and sanctuary cities is raised.

- The legal status of medical and recreational marijuana use in the United States has been significantly updated.

- Added a discussion of NCS-X, a BJS-led statistical sampling program that aims to collect complete crime data from 400 large city police departments with the goal of providing detailed national estimates of the volume and characteristics of crimes known to law enforcement throughout the United States.

- The relatively new Crime and Justice Research Alliance (CJRA), formed jointly by the ASC and the Academy of Criminal Justice Sciences (ACJS), is discussed.

- The information on mass shootings in the United States has been updated.

- The creation, by the American Society of Criminology, of a new division called the "Biopsychosocial Division" is discussed, including reasons for its creation.

Chapter 2

- A new figure diagrams the steps that are likely to be involved in making a choice to commit a property crime.

- The 2017 rash of Swedish car burnings is discussed within the context of the excitement of crime.

- The crime-prevention strategy now being employed in some jurisdictions—paying known criminals not to commit further crimes—is discussed within the section on the policy implications of the Classical School.

Chapter 3

- The influence of the Positivist School on early criminological thought is now discussed.

- The growing acceptance of biologically based theories within the field of criminology is discussed.

- A new key term, *Positivist School*, has been added to the chapter, and is defined.

Chapter 4

- Details of a new study on variations in the MAO-A gene and its relationship to criminality have been added to the chapter.

- Discussion about the Stockholm Prize in Criminology has been added to the chapter.

- The key term *genetic memory* has been added to the chapter and is now discussed.
- Discussion of a new study on lead levels in the blood and their relationship to things like impulsivity, anxiety, and depression has been added.
- New information on heart rate and crime is now found in the chapter.
- Discussion of the digit ratio and its apparent relationship to criminality is now discussed.

Chapter 5

- The chapter now begins with a new opening story.
- The section on cognitive theories has been restructured.

Chapter 6

- A new section on street crime has been added to the chapter.
- The chapter now includes a discussion of the pattern theory of crime.
- The purpose of the American Society of Criminology's new Division of Communities and Place is described.
- A new section on crime and the economy has been added to the chapter.
- Web links to a number of YouTube videos that discuss the issue of crime and the economy are now available.
- A discussion of criminal street gangs is now a major part of the chapter.

Chapter 7

- The results of new studies supporting the theory of differential association have been added.
- Discussion of an article reporting on an analysis of Wikström's situational action theory (SAT) has been added.
- Additional information on turning points has been added.
- The "Ban the Box" movement is discussed.

Chapter 8

- The name of the chapter has been changed to "Social Conflict and Emergent Theories" to allow for the inclusion of contemporary theories, many of which grew out of earlier social conflict perspectives.
- A section describing postmodern criminology and related concepts has been added to the Theory in Perspective box in the chapter.
- A discussion of cultural criminology (to include the concepts of edgework, carnival, media loops and spirals, liquid ethnography, and *verstehen*) has been added to the chapter as well as to the Theory in Perspective box in the chapter.

Chapter 9

- The chapter now begins with a discussion of the National Memorial for Peace and Justice and its relationship to the concept of continued victimization.
- The costs of criminal victimization are clarified, including use of a visual diagram.
- The difference between victim compensation and victim restitution has been clarified.
- A new section on victimization and social movements has been added.
- A new Case Study has been added at the end of the chapter describing the criminal conviction of comedian Bill Cosby and the relationship of the #MeToo movement to criminal victimization.

Chapter 10

- A new chapter-opening story about gun-related violence in the City of Chicago now sets the tone for this chapter.
- The assault by Stephen Paddock on concertgoers in Las Vegas in 2017 is included in the chapter discussion.
- Discussion of the mass shooting by Nikolas Cruz at Parkland High School in Florida is now included.
- A typology of child molesters has been added to the chapter.
- The hate crimes section of the chapter now includes discussion of the Charleston Church Shooter, Dylann Roof.
- The discussion of cyberstalking has been enhanced to include real-life examples.

Chapter 11

- The results of a new study on decision-making by burglars is now part of the chapter.
- The results of a study of car thieves has been added to the chapter.

Chapter 12

- The criminality of the Volkswagen emissions scandal is discussed within the framework of white-collar crime.
- A new section on intellectual property theft has been incorporated into the chapter.
- Gary S. Becker's use of mathematical models to show the trade-offs involved in rational decision-making has been added.
- The significance of the book *Why They Do It* by Harvard Business School professor Eugene Soltes is discussed relative to white-collar crime.

Chapter 13

- America's opioid crisis is now discussed in significant detail.
- All of the statistical data on drug use and abuse has been updated.
- A discussion of the 2016 federal 21st Century Cures Act has been added to the chapter.
- The 2014 and 2018 Rohrabacher-Farr amendment to the Consolidated Appropriations Act is discussed as it relates to medical marijuana.
- The contemporary situation with regard to marijuana legalization is now explored.

Chapter 14

- A new chapter-opening story describes Congressional investigations into claims that Russian hackers influenced the 2016 presidential election.
- Computer intrusions in international context are now discussed.
- The data on Cybercrime-related Criminal Complaints and estimated Financial Loss has been updated, and now includes a new diagram.

- A discussion of ransomware is now part of the chapter.
- The Cybersecurity Information Sharing Act of 2015 is discussed.
- The arrest of the Golden State Killer through the innovative use of DNA technology is included.
- The federal Rapid DNA Act of 2017 is described.
- A brief discussion of the Internet of Things is now included in the chapter.

Chapter 15

- The chapter-opening story now describes a 2017 Russian law that decriminalizes some forms of domestic violence.
- "Carding," or the selling of stolen credit card information, is now discussed, along with the Infraud Organization which specialized in such selling.
- The terrorism discussion has been significantly shortened, and a section on cyberterrorism has been added.
- A new section on "Explaining Violent Extremism" has been incorporated into the chapter, along with new graphic art.

▶ Instructor Supplements

Instructor's Manual with Test Bank

Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.

TestGen

This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen's random generator provides the option to display different text or calculated number values each time questions are used.

PowerPoint Presentations

Our presentations offer clear, straightforward outlines. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.

To access supplementary materials online, instructors need to request an instructor access code. Go to **www.pearsonhighered.com/irc**, where you can register for an instructor access code. Within 48 hours after registering, you will receive a confirming email, including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

Alternate Versions

eBooks This text is also available in multiple eBook formats. These are an exciting new choice for students looking to save money. As an alternative to purchasing the printed textbook, students can purchase an electronic version of the same content. With an eTextbook, students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or visit **www.mypearsonstore.com**.

► REVEL *for* Criminology, 5e *by Schmalleger*

Designed for how you want to teach – and how your students want to learn

Revel is an interactive learning environment that engages students and helps them prepare for your class. Reimagining their content, our authors integrate media and assessment throughout the narrative so students can read, explore, and practice, all at the same time. Thanks to this dynamic reading experience, students come to class prepared to discuss, apply, and learn about criminal justice — from you and from each other.

Revel seamlessly combines the full content of Pearson's bestselling criminal justice titles with multimedia learning tools. You assign the topics your students cover. Author Explanatory Videos, application exercises, survey questions, interactive CJ data maps, and short quizzes engage students and enhance their understanding of core topics as they progress through the content. Through its engaging learning experience, Revel helps students better understand course material while preparing them to meaningfully participate in class.

Author Explanatory Videos

Short 2-3 minute Author Explanatory Videos, embedded in the narrative, provide students with a verbal explanation of an important topic or concept and illuminating the concept with additional examples.

Point/CounterPoint Videos

Instead of simply reading about criminal justice, students are empowered to think critically about key topics through Point/Counterpoint videos that explore different views on controversial issues such as the effectiveness of the fourth amendment, privacy, search and seizure, Miranda, prisoner rights, death penalty and many other topics.
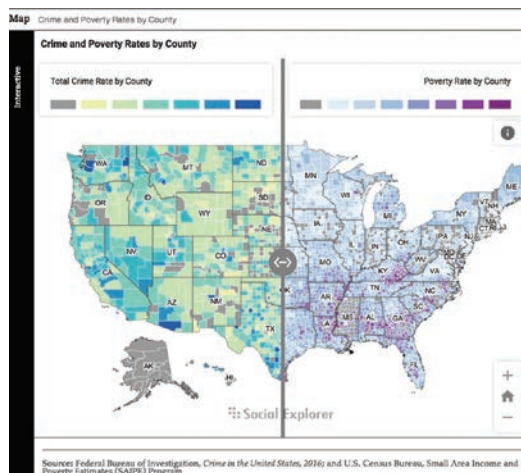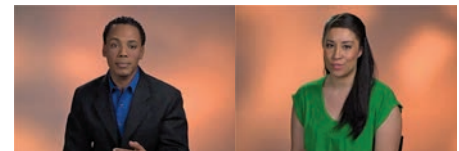
New Social Explorer Criminal Justice Data Maps

Social Explorer Maps integrated into the narrative ask students to examine crime and corrections data correlated with socio-economic and other criminal justice data. Maps also show differences in state statutes on major issues such as marijuana legalization, the death penalty, and the distribution of hate organizations across the US.

New Student Survey Questions

Student Survey Questions appear within the narrative asking students to respond to questions about controversial topics and important concepts. Students then see their response versus the responses of all other students who have answered the question in the form of a bar chart. We provide the instructor with a PowerPoint deck with links to each survey and map, making it easy to pull these items up in class for discussion.

Rogues Gallery of Criminals Exercises

Integrated throughout the narrative, this feature presents a profile of a famous person with a criminal history. Students are asked to identify the theory of crime that best explains the person's actions and then what the implications are for preventing the type of behavior.

Track time-on-task throughout the course

The Performance Dashboard allows you to see how much time the class or individual students have spent reading a section or doing an assignment, as well as points earned per assignment. This data helps correlate study time with performance and provides a window into where students may be having difficulty with the material.

Theory in Action Video Exercises

At the end of each theory chapters are exercises that ask students to watch a short video scenario, read a case file and then decide which theory best explains the criminal behavior.

Learning Management System Integration

Pearson provides Blackboard Learn™, Canvas™, Brightspace by D2L, and Moodle integration, giving institutions, instructors, and students easy access to Revel. Our Revel integration delivers streamlined access to everything your students need for the course in these learning management system (LMS) environments.

The Revel App

The Revel mobile app lets students read, practice, and study—anywhere, anytime, on any device. Content is available both online and offline, and the app syncs work across all registered devices automatically, giving students great flexibility to toggle between phone, tablet, and laptop as they move through their day. The app also lets students set assignment notifications to stay on top of all due dates. Available for download from the App Store or Google Play. Visit www.pearsonhighered.com/revel/ to learn more.

▶ Acknowledgments

This book has benefited greatly from the quick availability of information and other resources through online services and in various locations on the World Wide Web. I am grateful to the many information providers who, although they are too numerous to list, have helped establish such useful resources.

Manuscript reviewers who have contributed to the development of *Criminology* include:

Carly Hilinski-Rosick, University of Tampa
Russ Pomrenke, Gwinnett Technical College
Cindy Shireman, Southeastern Community College
Pamela Tontodonato, Kent State University
Michael Eskey, Park University
Daniel Hebert, Springfield Technical Community College
Frank Leonbruni, Lakeland Community College
Chad Sexton, State University of New York at Fredonia
Douglas Shuler, Paris Junior College

Last, but by no means least, I am indebted to a small but very special group of contemporary criminologists who have laid the foundation for our discipline's presence on the Internet. Among them are Cecil Greek at Florida State University, whose online lecture notes are massively informative; Tom O'Connor of Austin Peay State University, whose Megalinks in Criminal Justice have provided an amazingly comprehensive resource; Matthew Robinson at Appalachian State University, whose Crime Theory Links have allowed visitors to vote on what they think are the causes of crime; Bruce Hoffman, whose former Crime Theory site at the University of Washington offers many great insights into the field; and Regina Schekall, volunteer webmaster for the Santa Clara Police Department. All of these excellent resources were used in the development of the first edition of this book—and it is to these modern-day visionaries that *Criminology* owes much of its technological depth.

▶ *About the Author*

Frank Schmalleger, Ph.D., is professor emeritus at the University of North Carolina at Pembroke, where he is also recognized as Distinguished Professor. Dr. Schmalleger holds degrees from the University of Notre Dame and The Ohio State University, having earned both a master's (1970) and a doctorate in sociology (1974) from The Ohio State University with a special emphasis in criminology. From 1976 to 1994, he taught criminal justice courses at the University of North Carolina at Pembroke. For the last 16 of those years, he chaired the university's Department of Sociology, Social Work, and Criminal Justice. As an adjunct professor with Webster University in St. Louis, Missouri, Schmalleger helped develop the university's graduate program in security administration and loss prevention. He taught courses in that curriculum for more than a decade. Schmalleger also taught in the New School for Social Research's online graduate program, helping build the world's first electronic classrooms in support of distance learning through computer telecommunications. An avid Web user and site builder, Schmalleger is also the creator of award-winning websites.

Frank Schmalleger is the author of numerous articles and many books, including the widely used *Criminal Justice Today: An Introductory Text for the 21st Century* (Pearson, 2019), now in its 15th edition; *Juvenile Delinquency* (with Clemens Bartollas; Pearson, 2019); *Criminal Justice: A Brief Introduction*, 13th edition (Pearson, 2020); *Criminal Law Today*, 6th edition (with Daniel Hall and John Dolatowski; Pearson, 2017); *Crime and the Justice System in America: An Encyclopedia* (Greenwood Publishing Group, 1997); *Trial of the Century: People of the State of California vs. Orenthal James Simpson* (Prentice Hall, 1996); *Career Paths: A Guide to Jobs in Federal Law Enforcement* (Regents/Prentice Hall, 1994); *Computers in Criminal Justice* (Wyndham Hall Press, 1991); *Criminal Justice Ethics* (Greenwood Press, 1991); *Finding Criminal Justice in the Library* (Wyndham Hall Press, 1991); *Ethics in Criminal Justice* (Wyndham Hall Press, 1990); *A History of Corrections* (Foundations Press of Notre Dame, 1983); and *The Social Basis of Criminal Justice* (University Press of America, 1981). Schmalleger is also founding editor of the journal *Criminal Justice Studies* (formerly *The Justice Professional*).

Schmalleger's philosophy of both teaching and writing can be summed up in these words: "In order to communicate knowledge, we must first catch, then hold, a person's interest—whether a student, colleague, or policymaker. Our writing, our speaking, and our teaching must be relevant to the problems facing people today, and they must—in some way—help solve those problems."

"Society secretly wants crime, needs crime,
and gains definite satisfactions from the
present mishandling of it! We condemn
crime; we punish offenders for it; but we
need it. The crime and punishment ritual
is part of our lives!"

—*Karl Menninger*[1]

What Is Criminology?
Understanding Crime and Criminals

1 Differentiate between crime, deviance, and delinquency.

2 Explain how the consensus perspective differs from the pluralist perspective.

3 Describe criminology and the role of criminologists.

4 Summarize the theoretical perspectives of criminology.

5 Summarize the various ways crime is reported and measured.

6 Summarize statistics and trends in U.S. crime rates.

7 Explain the influence of evidence-based criminology on social policies.

A FASCINATION WITH CRIME AND CRIMINALS

According to social commentators, people are simultaneously attracted to and repulsed by crime—especially gruesome crimes involving extreme personal violence. The popularity of today's TV crime shows, Hollywood-produced crime movies, true-crime books and magazines, and websites devoted exclusively to the coverage of crime supports that observation. The CBS TV megahit *NCIS*, for example, was recently named the number one TV drama and received an impressive three nominations for TV's People's Choice Award.[2] The show was also nominated as the "Favorite TV Crime Drama," with individual episodes drawing more than 24 million viewers.[3] Earlier, *CSI: Miami*, which ran for 10 seasons until ending in 2012, garnered 50 million regular viewers in more than 55 countries. By its eighth season, it had become the most popular television show in the world.[4]

Other widely followed TV crime series, both past and present, include shows such as *True Detective* (HBO), *American Crime* (ABC), *Backstrom* (Fox), *Battle Creek* (CBS), *Bosch* (Amazon Prime), *Fargo* (FX), *Bones* (Fox), *Grimm* (NBC), *Castle* (ABC), *Criminal Minds* (CBS), *Blue Bloods* (CBS), *Without a Trace* (CBS), *CSI: Cyber* (CBS), *Lucifer* (Fox), *Magic City* (HBO), *The Unit* (CBS), *The Killing* (AMC), *White Collar* (USA), *The District* (CBS), *Boardwalk Empire* (HBO), *The Shield* (FX), *The Wire* (HBO), *Cold Case* (CBS), *Homeland* (Showtime), and *Law and Order* (NBC)—along with the *Law and Order* spin-offs, *Law and Order: Criminal Intent*, and *Law and Order: Special Victims Unit*. American TV viewers are hungry for crime-related entertainment and have a fascination with criminal motivation and detective work.

Most crimes cry out for explanation. Yet one of the things that fascinates people about crime—especially violent crime—is that it seems to be inexplicable. Some crimes are especially difficult to understand, but our natural tendency is to seek out some reason for the unreasonable. We search for explanations for the seemingly unexplainable. How, for example, can the behavior of child killers be understood, anticipated, and even prevented? What motivates mass shooters? Why don't terrorists acknowledge the emotional and personal suffering they inflict?

A photo from the highly popular CBS TV show *NCIS*. Shown from left to right are Sean Murray, Brian Dietzen, and Pauley Perrette. Why do many people like to watch TV crime shows like *NCIS*? Cliff Lipson/CBS Photo Archive/Getty Images

Why do some robbers or rapists kill and even torture, utterly disregarding human life and feelings?

People also wonder about "everyday" crimes, such as burglary, drug use, assault, vandalism, and computer intrusion. Why, for example, do people fight? Does it matter to a robber that he may face prison time? How can people sacrifice love, money, careers, and even their lives for access to illegal drugs? What motivates terrorists to give up their own lives to take the lives of others? Why do gifted techno-savvy teens and preteens hack sites on the Internet thought to be secure? While this text may not answer each of these questions, it examines the causative factors in effect when a crime is committed and encourages an appreciation for the challenges of crafting effective crime-control policy.

DISCUSS Why are people fascinated by crime and criminal behavior? How does the popularity of TV crime shows reflect the American mind-set?

▶ *What Is Crime?*

As the word implies, *criminology* is clearly concerned with crime. As we begin our discussion of criminology, let's consider just what the term *crime* means. Like anything else, crime can be defined in several ways. For our purposes, **crime** is *human conduct that violates the criminal laws of a state, the federal government, or a local jurisdiction that has the power to make and enforce the laws*. We prefer this definition because without a law

LEARNING OUTCOMES 1 Differentiate between crime, deviance, and delinquency.

defining a particular form of behavior, there is no crime, no matter how deviant or socially repugnant the behavior in question may be.[5]

Edwin Sutherland, regarded by many as a founding figure in American criminology, said that crime's "essential characteristic . . . is that it is behavior which is prohibited by the State as an injury to the State and against which the State may react … by punishment."[6] This is a legalistic perspective, and it recognizes that laws are social products. The legalistic approach to crime assumes that powerful individuals who are in a position

to politically influence lawmaking strategies can impose their preferred definitions of criminal behavior on lawbreakers. By making their own laws, powerful but immoral individuals might therefore escape the label "criminal" and may escape punishment for wrongdoings they have committed. Without a law defining it, there can be no crime. Hence, as social scientists are fond of saying, "Crime is whatever a society says it is." Later in this text, we will focus on the process of *criminalization*, which is used to **criminalize** some forms of behavior—or make them illegal.

Crime, Deviance, and Delinquency

In line with sociological thought, many crimes are seen as deviant or abnormal forms of behavior. The definition of **deviant behavior** that we will use in this text is as follows: Deviant behavior is human activity that violates social norms. Some activities that are not condemned by **statute** are nonetheless regarded as "bad behavior." Sufficiently "bad behavior" calls out for a societal response, echoing, "That ought to be a crime!" or "There should be a law against that!"

Abnormality, deviance, and crime are concepts that do not always easily mesh. Some forms of deviance are not violations of the criminal law, and the reverse is equally true (see Figure 1–1). Deviant styles of dress, for example, are not restricted by criminal law unless they violate decency statutes by virtue of lack of clothing. Laws are generally subject to interpretation, and they may be modified as social norms evolve. A few years ago, for example, a Palm Beach County (Florida) judge struck down a law banning baggy pants, calling the measure unconstitutional. The judge agreed with a public defender representing a teenager arrested for exposing his underwear by wearing pants that sagged. The attorney argued that the law was unacceptable because it restricted styles of dress and empowered "the fashion police."[7]

However, some types of behavior, although neither deviant nor abnormal, are still against the law. Undocumented immigrants living and working in the United States, for example, although relatively common, violate federal law; but most people who engage in such behavior probably don't think of themselves as "deviant" or "criminal" (although they may still worry about getting "caught" and being deported). Complicating matters further, certain behaviors are illegal in some jurisdictions but not in others. Commercialized gambling (slot machines and games of chance) is against the law in many parts of the United States, although it is legitimized in Nevada, on some
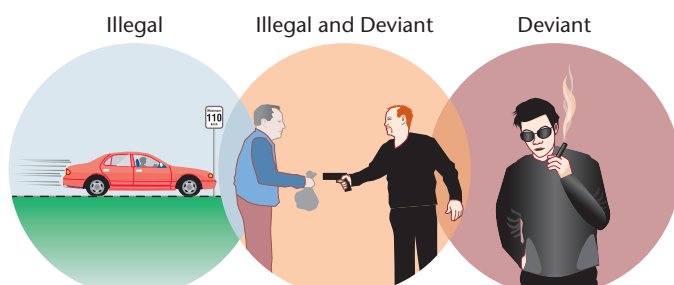
Think About It…

Some people say that wearing hoodies is a fashion statement, while others say that wearing such clothing paints the wearer in a negative light. Keeping that example in mind, what kinds of human behavior might be deviant but not criminal? What things might be criminal but not necessarily deviant?

Native American reservations, on cruise ships operating outside U.S. territorial waters, on some Mississippi riverboats, and in some state-sponsored locales. Even state governments seeking to enhance revenues allow gambling through state lotteries—which now operate in 44 states[8]—although online gambling is forbidden in an effort to protect states' lottery revenues. Similarly, prostitution, almost uniformly illegal in the United States, is legal in parts of Nevada if it occurs within licensed brothels that meet state licensing and health requirements. Finally, "illegal" immigrants are protected in self-designated sanctuary cities, where local authorities are reluctant to cooperate with federal enforcement actions.[9]

We should also add that **delinquency**, a term often used in conjunction with crime and deviance, refers to violations of the criminal law and other misbehavior committed by young people. The laws of many states proclaim that "youth" ends at a person's 18th birthday, although other states specify the 16th or 17th birthday as meeting that requirement. All states, however, specify certain offenses, such as running away from home, being ungovernable, and drinking alcohol, as illegal for children but not for adults.

▶ *What Should Be Criminal?*

By now, you have probably realized that the question "What is crime?" differs from the question "What should be criminal?"

Most people agree that certain forms of behavior, such as murder, rape, burglary, and theft, should be against the law, but there is far less agreement about the appropriate legal status of things like abortion, gay marriage, gambling, gun ownership, drug use, flag burning, undocumented immigration, and other controversial forms of behavior.

One issue that has been trending both in the political arena and on social media is

FIGURE 1–1 **The Overlap between Deviance and Crime.**

Illegal   Illegal and Deviant   Deviant

LEARNING OUTCOMES 2 Explain how the consensus perspective differs from the pluralist perspective.

the legalization of marijuana. While drug use and abuse will be discussed in greater detail in Chapter 13, the present wave of legislation to legalize marijuana for both medical and recreational purposes provides a good example of the difficulty in deciding what should or should not be considered criminal.

While existing federal law provides strict penalties for marijuana possession, production, sale, or use, a number of U.S. jurisdictions have recently modified their laws to legalize the possession of small amounts of marijuana for personal use. Most of these new laws, while they permit either recreational or medical marijuana use, prohibit the substance from being consumed in public, and limit the amount (and sometimes the form) allowed. As with other substances that may affect reaction time and judgment, jurisdictions that have expanded the legal availability of marijuana prohibit operating a motor vehicle while under the influence, and do not permit marijuana intoxication to be used as a defense against criminal charges.

Although many observers expect marijuana legalization to soon expand to additional states, disparities between federal and state laws, and battles between opposing sides in state and federal courts, may yet lead to a rolling back of the movement toward marijuana legalization. Figure 1–2 shows the status of marijuana laws as of late 2018.

Differing Perspectives on Criminality

The question "What should be criminal?" can be answered in many different ways. The social and intellectual processes addressing this question can be found in two contrasting points of view: (1) the consensus perspective and (2) the pluralist perspective. The **consensus perspective** holds that laws should be enacted to criminalize given forms of behavior when members of society agree that such laws are necessary. The consensus perspective is most applicable to homogeneous societies with shared values, norms, and belief systems. Multicultural and diverse societies such as the United States find it difficult to achieve shared consensus. Here, even minor matters may spawn complex debates over the issues. For example, a Chicago municipal ordinance banned giving wine to a dog and provided that anyone who did so could be arrested and jailed.[10] While the ordinance seemed reasonable when enacted (after all, dogs sometimes need to be shielded from their owners' indiscretions), others viewed the law as silly and unnecessary. The ordinance pitted wine connoisseurs against collectors, growers, and sellers and animal rights activists against animal protectionists and city council members.[11] Those favoring repeal of the ordinance argued that it was old-fashioned and reflected badly on an acceptable consumer product that is a

Legalized Recreational Use

Medical Use Only
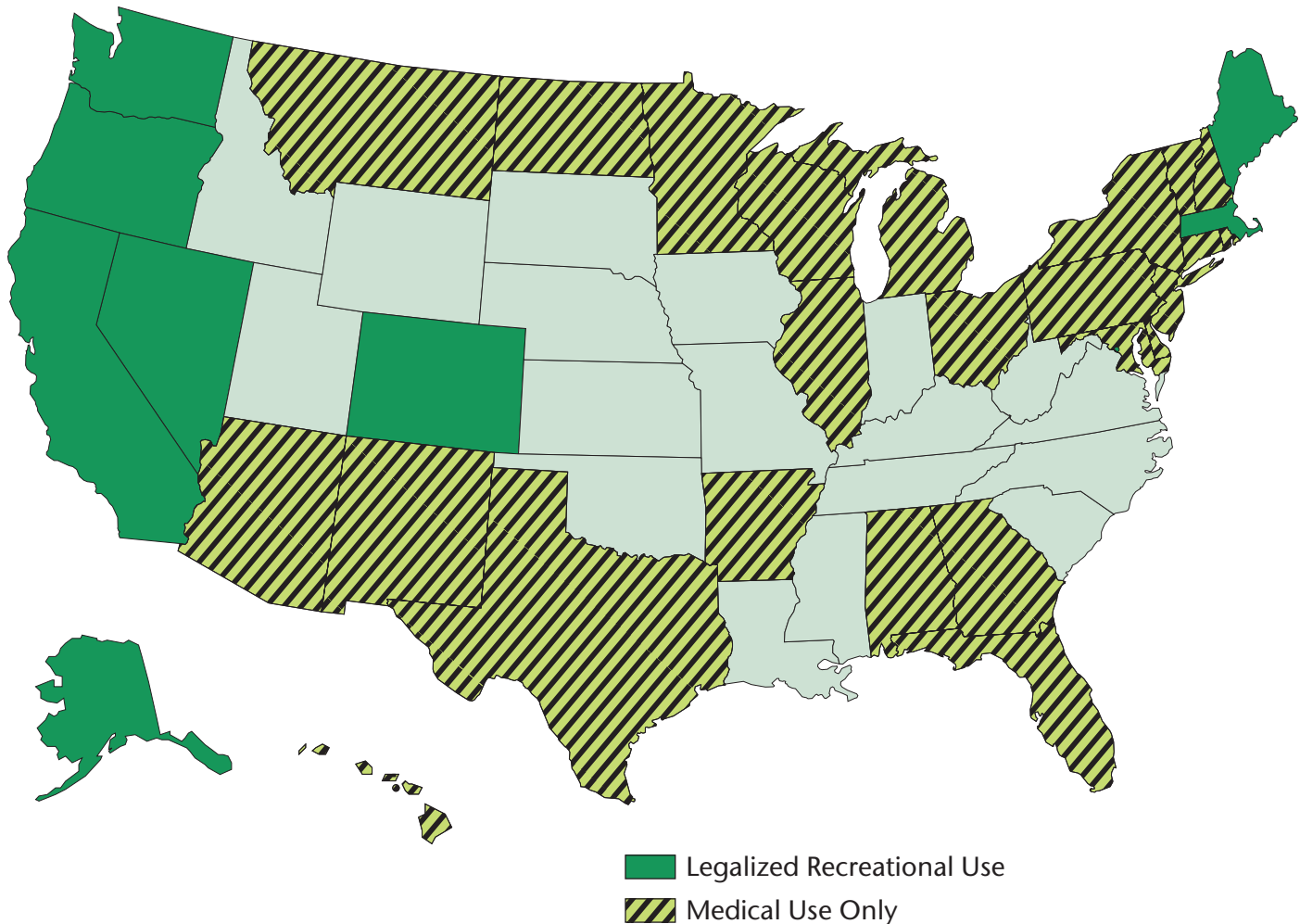
FIGURE 1–2 **Legal Status of Medical and Recreational Marijuana Use in the United States, 2018.**
Source: Niall McCarthy, "The States Where It's Legal to Smoke Marijuana," *Statista*, August 14, 2017 (https://www.statista.com/chart/6681/the-stateswhere-its-legal-to-smoke-marijuana). Updated by the author.

staple of some ethnic diets. Eventually, the ordinance was repealed, and the hubbub it had inspired ended. The debate, however, shows the inherent difficulties in achieving a consensus over minor matters in our complex society.

In line with the pluralist view of crime, the **pluralist perspective** recognizes the importance of diversity in our society. It states that behaviors are typically criminalized through a political process only after debate over the appropriate course of action. The political process creates legislation and may involve additional appellate court action to interpret the laws passed by the legislature. Following the 2018 mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, by 19-year-old Nikolas Cruz that killed 17 and injured 12, for example, state and federal legislatures reexamined gun laws to determine whether new laws would keep guns out of the hands of potential mass killers. With our society's diversity of perspectives, agreement was not easy to reach—and gun-control proponents continue the fight to limit gun ownership, while meeting stiff opposition from gun owners and well-funded lobbyists such as the National Rifle Association.

▶ What Do Criminologists Do?

A typical dictionary definition of a **criminologist** is "one who studies crime, criminals, and criminal behavior."[12] Occasionally, the term *criminologist* describes almost anyone working in the criminal justice field, regardless of formal training. Today, the growing tendency is to reserve applying the term *criminologist* to academics, researchers, and policy analysts with advanced degrees who study crime, study trends, and analyze societal reactions to crime. In respect to this designation, we describe highly skilled investigators, crime laboratory technicians, fingerprint experts, crime-scene photographers, ballistics experts, and others who work to solve particular crimes as criminalists. A **criminalist** is a criminalistics expert who gathers and examines physical evidence at crime scenes. By contrast, police officers, corrections professionals, probation and parole officers, judges, district attorneys, criminal defense attorneys, and others who do the day-to-day work of the criminal justice system are best referred to as criminal justice professionals.

LEARNING OUTCOMES 3 Describe criminology and the role of criminologists.

Academic criminologists and research criminologists generally hold doctoral degrees (Ph.D.) in criminology or criminal justice from accredited universities. Some criminologists hold degrees in related fields such as sociology and political science, specializing in the study and control of crime and deviance. Most Ph.D. criminologists teach criminology or criminology-related subjects in institutions of higher learning, including universities and two- and four-year colleges. Nearly all criminology professors are involved in research or writing projects, thereby advancing criminological knowledge and expertise. Some Ph.D. criminologists are strictly researchers and work for federal agencies, such as the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS), and the National Criminal Justice Reference Service (NCJRS), or for private (albeit often government-funded) organizations such as RAND Corporation and SEARCH.

With a master's or bachelor's degree in the field of criminology, criminologists often find easy entrance into police investigative or support work, probation and parole agencies, court support activities, and correctional (prison) venues. Criminologists also work for government agencies developing effective social policies intended to deter or combat crime.

In addition, private security offers individuals interested in criminology and criminal justice other career options. Twice as many law enforcement personnel are employed by private security agencies than public law enforcement agencies, and the gap is widening. Many upper- and mid-level private managers at private security firms hold criminology or criminal justice degrees.

Training in criminology offers many career alternatives. (See Table 1–1.) Some people trained in criminology or criminal justice decide to attend law school, while others become teachers or even private investigators. Many criminologists provide civic organizations (such as victims' assistance and justice advocacy groups) with their expertise, work for politicians and legislative bodies, or appear on talk shows debating social policies designed to "fight" crime. Some criminologists even write texts like this one.

What Is Criminology?

This text describes various criminological theories and explains the most popular ones in detail. Let's start by defining the term *criminology*.

TABLE 1–1 | WHAT DO CRIMINOLOGISTS DO?

The term criminologist *refers to credentialed individuals holding advanced degrees in the field and studying crime, criminal behavior, and crime trends. The word* criminalist *describes people who collect and examine the physical evidence associated with specific crimes. Others working in the criminal justice system are called* criminal justice professionals. *This table and Figures 1–3 and 1–4 illustrate these differences.*

The activities of criminologists include but are not limited to the following:

Data gathering and analysis	Public service
Crime-pattern analysis and trend identification	Study of normal and abnormal social behaviors
Theory construction	Scholarly presentations and publications
Hypothesis testing	Education and training
Social policy creation	Threat assessment and risk analysis
Public advocacy	Service as an expert witness at trial or in other court proceedings
College or university teaching	Public speaking

- Forensics examiner
- Crime-scene photographer
- Crime-laboratory technician
- Crime-scene investigator
- Polygraph operator
- Ballistics expert
- Fingerprint examiner
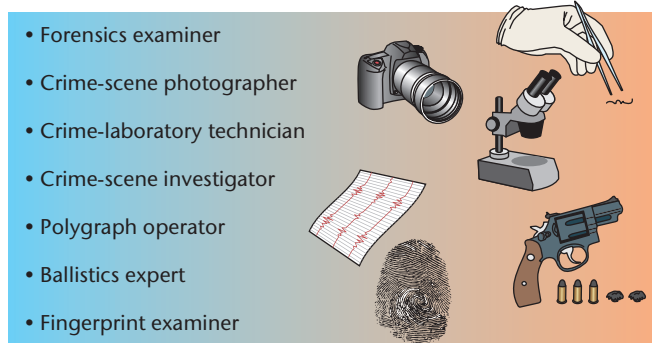
FIGURE 1–3 **Jobs in the Field of Criminalistics.**

Think About It…

This chapter identifies significant differences between a criminologist and those who work in the field of criminal justice. What are those differences? Given a choice, which type of work would you like to do?

Wellphoto/Fotolia

- Law enforcement officer
- Judge
- Probation or parole officer
- Defense attorney
- Correctional officer
- Prosecutor
- Prison program director
- Jailer
- Computer crime investigator
- Private security officer
- Juvenile justice worker
- Victims' advocate

FIGURE 1–4 **Jobs in the Field of Criminal Justice.**

Theorists believe that the word *criminology* was coined in 1889[13] by a Frenchman, Paul Topinard, to describe the study of criminal body types within the field of anthropology.[14]

With varying interpretations, numerous definitions of *criminology* are found in literature today. One straightforward definition comes from a linguistic analysis of the word *criminology*, which literally means "the study of criminal accusations"—or simply, "the study of crime."

Edwin H. Sutherland, referred to as the "dean of American criminology," offered definitions of the field, emphasizing its importance as a discipline of study.[15] Sutherland's textbook, first published in 1924, set the stage for much of American criminology. By 1974, in the final printing of that text, Sutherland's original definition of *criminology* was restated as follows: "Criminology . . . includes the processes of making laws, of breaking laws, and of reacting toward the breaking of laws."[16]

For our purposes, we will use a definition that brings together the works of previous writers and recognizes the increasingly professional status of the criminological enterprise. Throughout this text, then, we view **criminology** as *an interdisciplinary profession built on the scientific study of crime and criminal behavior, including their manifestations, causes, legal aspects, and control.* As this definition indicates, criminology includes consideration of possible solutions to the problem of crime. This text (in later chapters) describes treatment strategies and social policy initiatives that grew out of existing theoretical explanations for crime.

Our definition of *criminology* shows that it is more than a field of study or a collection of theories; it is also a profession.[17] More than a decade ago, experts recognized the importance of controlling crime through the prevention, rehabilitation, and deterrence of repeat offenses. In this way, our society ensures that the criminal justice system reflects the high aspiration we have as a society of "justice for all," which is characterized by the principal goals that motivate the work of the field of criminology.[18]

Notably, criminology also contributes to the discipline of **criminal justice**, which emphasizes application of criminal law and the study of the components of the justice system, especially the police, courts, and correctional systems. As one author stated, "Criminology gives prominence to questions about the *causes of criminality*, while the *control of lawbreaking* is at the heart of criminal justice."[19]

▶ *Theoretical Criminology*

Theoretical criminology, considered a subfield of general criminology, is the type of criminology that is usually studied in colleges and universities. Theoretical criminology, instead of

> **LEARNING OUTCOMES 4** Summarize the theoretical perspectives of criminology.

simply describing crime and its occurrence, offers explanations for criminal behavior. As Edwin Sutherland said, "The problem in criminology is to explain the criminality of behavior. . . . However, an explanation of criminal behavior should be a specific part of [a] general theory of behavior and its task should be to differentiate criminal from noncriminal behavior."[20]

Criminologists have developed many theories to explain and understand crime. A *theory*, ideally, is made of clearly stated propositions suggesting relationships, often causal, between events and occurrences being studied. An old Roman theory, for example, maintained that insanity was caused by lunar influences and followed its cycles—hence the term *lunacy*.

Theories provide us with explanatory power, aiding our understanding of the phenomenon under study. A **general theory** of crime attempts to explain most forms of criminal conduct through a single, overarching approach. Unfortunately, as prominent scholars observe, "Theories in criminology tend to be unclear and lacking in justifiable generality."[21] When we consider all criminal behaviors—from murder to drug use to white-collar and computer crime—who would imagine that one theory could explain them all? Still, many past theoretical approaches to crime causation were **unicausal**, posing a single identifiable source for all serious deviant and criminal behavior.

An **integrated theory** does not necessarily explain all criminality, but is distinguished because it merges concepts drawn from different sources. As noted criminologist Gregg Barak states, "An integrative criminology . . . seeks to bring together the diverse bodies of knowledge that represent the full array of disciplines that study crime."[22] This is why integrated theories provide potentially wider explanatory power than narrower formulations.

Both theoretical integration and the ability to apply criminological theories to a wide variety of law-violating behavior

Think About It…

A unicausal theory posits a single identifiable source for all serious deviant and criminal behavior. Can you offer (or create) an example of a unicausal theory of crime? Can you think of one explanation that encompasses the behavior of diverse offenders such as those who deal in drugs or participate in prostitution? Why is this exercise especially challenging?
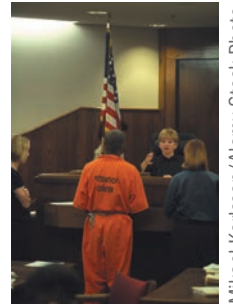
Mikael Karlsson/Alamy Stock Photo

are appealing concepts. Even far more limited attempts at criminological theorizing, however, often face daunting challenges. As criminologist Don C. Gibbons notes, "Criminologists have not managed to articulate a large collection of relatively formalized arguments in a general or integrated form."[23] Many social scientists insist that to be considered theories, explanations must consist of sets of clearly stated, logically interrelated, and measurable propositions. The fact that only a few of the theories described in this text rise above the level of organized conjecture—and those offer only limited applicability to other settings and have rarely been integrated—is one of the greatest challenges facing criminology today. So although we will use the word *theory* to describe the many explanations for crime covered in this text, the word will only loosely apply to many of the perspectives on crime causation discussed.

The Social Context of Crime

Crime does not occur in a vacuum. For this reason, we say that criminal activity is diversely created and variously interpreted—meaning that different people will have various interpretations regarding the who, what, when, where, and why of crime. We recognize in this text that crime is not an isolated individual activity, but a social event.

Every crime has a unique set of causes, consequences, and participants. Crime affects some people more than others, even impacting those who are not direct participants in the act itself—offenders, victims, police officers, witnesses, and so on. In general, crime provokes reactions from the individuals it victimizes. These reactions flow from concerned groups of citizens to the criminal justice system and sometimes to society as a whole. This can manifest itself in the creation of new social policy, or laws. Reactions to crime, from the everyday to the precedent-setting, may color the course of punishment for future criminal events.[24]

Like other social events, crime is fundamentally a social construction.[25] However, agreeing that crime is a social construction doesn't lessen the impact of victimization experienced by people affected by crime. Nor does this statement trivialize the significance of crime-prevention efforts or the activities of members of the criminal justice system. Crime has a measurable cost to individual victims and to society as a whole.

WHO'S TO BLAME—The Individual or Society?

Is Criminology Really Just a Form of Academic Excuse Making?

Three teenage boys were arrested in the small town of Hillsboro, Maine, and charged with beating a homeless man to death with a baseball bat in an underground parking garage on a cold January evening. A surveillance camera captured the beating, and the youngsters were identified by residents who watched the video clip on local TV news.

Because the boys were juveniles, a storm of controversy swarmed around a local judge's decision to charge them as adults and to bind them over for trial in criminal court—something that state law allows for serious crimes if the suspected offenders were over 14 years of age at the time of the alleged offense.

Soon opinions were being heard from many quarters, and the news media arranged to interview a criminology professor, Dr. Roy Humbolt, at a local college to see if he might be able to shed some light on the boys' behavior.

A news conference held to provide insight into a seemingly senseless killing. What value do criminological explanations hold for the understanding of criminal activity? How can we benefit from such explanations?

Ghislain & Marie David de Lossy/Cultura Creative (RF)/Alamy Stock Photo

The first question came from a reporter holding a digital voice recorder toward Professor Humbolt. "What happened here? How do you explain this kind of senseless killing?"

"Well," Humbolt began, "it's not senseless. Crime is a social event, not just an isolated instance of individual activity. And in much youth crime we see patterns of co-offending."

Humbolt felt as though he was hitting his stride and started lecturing as though he was in the classroom with his undergraduates. "Criminal behavior is often attributable to social failings rather than to individual choice. Consider, for a moment, the backgrounds of these young men. Were they subjected to physical abuse while they were growing up? Did they learn violence at the hands of older siblings or parents? Were they, in this instance, involved in some adolescent rite of passage, maybe even an initiation into a gang? Did they feel forced to behave this way because of peer pressure? Was it something they saw on television or in video games that they might have played and then decided to reenact?"

"Dr. Humbolt," the reporter asked, bringing the professor back from his reverie, "even if you find that some of those things are true, isn't criminology just an exercise in excuse making for criminals?"

Think About It

1. What do you think of the explanations offered by Professor Humbolt for the boys' behavior? Which of his explanations, if any, makes the most sense? How can we know for sure if those explanations are accurate?

2. What do you think of the reporter's stinging criticism of the professor? Is the reporter right that criminology is "just an exercise in excuse making for criminals"? Explain your answer.

3. Generally speaking, does understanding absolve responsibility? In other words, if we can understand why someone does something, then should we hold him or her less responsible for doing it? Why or why not?

Note: Who's to Blame boxes provide critical thinking opportunities based on actual cases.

Although a given instance of criminal behavior may have many causes, it may also carry with it many different meanings. There may be one meaning for offenders, another (generally quite different) for victims, and still another for agents of the criminal justice system. In view of this fact, social interest groups (victims' advocates, prisoner "rights" advocates, and gun-control organizations) all interpret lawbreaking behavior from their unique point of view. Then each arrives at different conclusions regarding resolving the so-called problems inherent in crime.

For these reasons, criminologists apply the concept of **social relativity** to the study of criminality.[26] Social relativity means that social events are interpreted differently according to the cultural experiences and personal interests of the initiator, observer, or recipient of that behavior. That is why, as a social phenomenon, crime means different things to the offender who commits it, to the criminologist who studies it, to the police officer who investigates it, and to the victim who experiences it firsthand.

Think About It…

This text says that "criminal activity is diversely created and variously interpreted." What does that mean? Similarly, what does it mean to say that "crime is fundamentally a social construction"? How does the concept of social relativity come into play in the field of criminology?

Ilya Andriyanov/Shutterstock

Criminology's Interdisciplinary Nature

Academically, criminology is presently considered primarily a social scientific discipline. Nonetheless, contemporary criminologists recognize that their field is interdisciplinary—drawing on other disciplines to provide an integrated approach to crime in contemporary society and advancing solutions to the social problems that crime creates. Here, anthropology (cultural anthropology, or ethnology), biology, sociology, political science, psychology, psychiatry, economics, ethology (the study of character), medicine, law, philosophy, ethics, and numerous other fields all have something to offer the student of criminology. (See Figure 1–5.)

A large number of contemporary criminologists operate primarily from a sociological perspective. Many of today's theoretical explanations of criminal behavior are routinely presented in the language of social science and emerge within the framework of sociological theory.

Some disagree with people who claim that the sociological perspective should be elevated in importance in today's criminological enterprise. Those who agree with the primacy of sociology emphasize the fact that the study of crime is a social phenomenon. Central to any study of crime, they say, is the social context of the criminal event because it brings victims and criminals together.[27] Moreover, much of contemporary criminology rests on a tradition of social scientific investigation into the nature of crime and criminal behavior, as rooted in European and American sociological thought and traditions that are well over 200 years old.[28]

One of sociology's problems is its apparent reluctance to accept the significance of findings from research gathered in other fields. It traditionally has a frequent inability to integrate such findings into existing sociological understandings of crime. Another problem has been its seeming inability to demonstrate conclusively an effective means of controlling violent and other forms of crime. Diana Fishbein, professor of criminology at the University of Baltimore, says, "Sociological factors play a role. But they have not been able to explain why one person becomes violent and another doesn't."[29]

While sociological theories continue to develop, new and emerging perspectives ask to be recognized. The role of biology in explaining criminal tendencies, for example, appears to be gaining strength as investigations into the mapping of human DNA continue. One expert puts it this way: "The future development of causal theory is dependent upon our movement toward integrated theories that involve biological, social, and cultural dimensions. Our failure to achieve much in the way of understanding the causal sequences of crime is in part a reflection of our slowness in moving toward multidisciplinary, integrated theoretical structures. . . . Fortunately in the last 20 years, this has begun to change. Today . . . substantial research efforts [are under way] that are based upon models of explanation that far exceed the traditional sociological approaches."[30]

In recognition of such approaches, in 2017, the American Society of Criminology (ASC), established a new division—the Biopsychosocial Division. The establishment of the division was meant to recognize important emerging trends in American criminology. The first was a renewed emphasis on biological theories of crime causation—theories that had been relegated to the dustbin of history for nearly 100 years (see Chapters 3 and 4). The second purpose of the establishment of the division was to recognize that not one discipline could explain everything about crime and its causation, and that an interactive perspective, recognizing the roles of biology, psychology, sociology, and other sciences, in the explanation of criminal behavior was critical.

Even so, it is highly likely that sociological perspectives will continue to dominate the field of criminology for some time to come. This dominance is likely to continue because crime—regardless of the causative nuances identified in its development—occurs within the context of a social world. For this reason, the primary significance of crime and criminal behavior is fundamentally social in nature and only workable social policy will effectively curb criminal activity. Read more about the interdisciplinary nature of criminology at **http://www.csudh.edu/dearhabermas/osgood.htm**.

FIGURE 1–5 Criminology's Many Roots.

Think About It…

This chapter says that sociological perspectives continue to dominate the field of criminology, but it also says that criminology is an interdisciplinary field. What does the word *interdisciplinary* mean in this context? How can both claims be true?

▶ How Much Crime Is There?

To fully understand the nature of crime, it is necessary to gain an appreciation for crime statistics—including how they are gathered, how they affect our understanding of crime, and how they are accessed. Such an appreciation helps criminologists keep types of crime in perspective and allow them to track increases and decreases in kinds of criminal activity.

The government-sponsored gathering of crime data for the nation as a whole began in the United States around 1930s. Before then, the gathering of statistics was random at best and most accounts were anecdotal and spread by word of mouth or were printed in local newspapers (or both).

Today's official U.S. crime statistics come from the BJS, which conducts the annual **National Crime Victimization Survey (NCVS)**, and from the Federal Bureau of Investigation (FBI), which publishes yearly data under its summary-based **Uniform Crime Reporting (UCR) Program** and its more detailed, incident-driven **National Incident-Based Reporting System (NIBRS)**. NIBRS data provide a more complete picture of crimes reported and committed.

NCVS data appear in a number of annual reports, the most important of which is *Criminal Victimization in the United States*. UCR data take the form of the online publication *Crime in the United States.* Numerous other surveys and reports are made available through the BJS. Such surveys not only cover the incidence of crime and criminal activity in the United States, but also extend to many other aspects of the criminal justice profession, including justice system expenditures, prisons and correctional data, probation and parole populations, jail inmate information, data on law enforcement agencies and personnel, and information on the activities of state and federal courts. These and other reports are generally made available free of charge to interested parties through the NCJRS.[31] The largest single collection of facts about all aspects of U.S. crime and criminal justice is the *Sourcebook of Criminal Justice Statistics*, which is made available in electronic format by BJS, but no longer updated.

The UCR, NIBRS, and the NCVS each uses its own specialized definitions in deciding which events should be scored as crimes. Sometimes the definitions vary considerably between programs, and none of the definitions used by the reporting agencies are strictly based on federal or state statutory crime classifications.

The National Crime Victimization Survey (NCVS)

The NCVS began collecting data in 1972. It differs from FBI-sponsored programs in one significant way: Rather than depending on reports of crimes to the police (as does UCR/NIBRS), the data contained in the NCVS consist of information from interviews with members of randomly selected households throughout the nation. Hence, the NCVS uncovers a large number of crimes that may not have been reported; therefore, compared to the UCR/NIBRS, the NCVS is regarded by many researchers as being a more accurate measure of the actual incidence of crime in the United States.

NCVS interviewers ask questions about the incidence of rape, personal robbery, aggravated and simple assault, household burglary, personal and household theft, and motor vehicle theft as they have affected household members during the past six months. Information is gathered on victims (including sex, age, race, ethnicity, marital status, income, and educational level), offenders (sex, age, race, and relationship to the victim), and crimes (time and place of occurrence, use of weapons, nature of injury, and economic consequences of the criminal activity for the victim). Questions also cover protective measures used by victims, the possibility of substance abuse by offenders, and the level of previous experience victims may have had with the criminal justice system.

The number of victimizations counted by the NCVS for any single reported criminal occurrence is based on the number of people victimized by the event. Hence, a robbery may have more than one victim and will be so reported in NCVS data. Although this distinction is applied to personal crimes, households are treated as individual units; thus, all household crimes are counted only once, no matter how many members the household contains.

According to the NCVS, on average, only 42% of violent victimizations and 36% of property crimes are reported to the police.[32] While violent crimes are most likely to be reported to the police, personal thefts are the least likely crimes to be reported. NCVS data show that around 80% of motor vehicle thefts are reported to the police, making this the single most highly reported crime. Larcenies, at 30%, are least likely to be reported. An interest in recovering property or in receiving insurance payments motivates many victims of property crimes to report their victimization to the police. The two most common reasons for not reporting violent victimizations are that the crime is a personal or private matter and that the offender was unsuccessful and the crime was only attempted.

Critique of the NCVS

Just as the UCR/NIBRS has been criticized for underestimating the actual incidence of criminal activity in the United States, the NCVS can be criticized for possible overreporting. It is difficult to verify the actual occurrence of crimes reported to NCVS interviewers. Hence, no reliable measure exists as to the number of crimes that might be falsely reported or of the number of crimes that might be underreported in NCVS data. Although the proportion is not known, some individuals, when approached by NCVS interviewers, may be unable to resist embellishing crime reports pertaining to their households and may even concoct criminal incidence data for purposes of self-aggrandizement or in an attempt to please the interviewer by providing copious amounts of data.

The NCVS program is much newer than the FBI's UCR Program, and comparisons between the programs are not available before 1973. As with the UCR/NIBRS, definitions of crimes measured by the NCVS do not necessarily correspond to any federal or state statutes or to definitions used for other purposes,

making comparisons with other state and federal crime records difficult. Complicating matters still further, changes in NCVS categories have resulted in the inability to easily compare NCVS findings of even a decade ago with current NCVS data.[33]

The Uniform Crime Reporting (UCR) Program

The UCR Program was created by the FBI in 1929 as an official crime-data-gathering program covering the entire United States. The UCR Program developed out of a national initiative by the International Association of Chiefs of Police (IACP), whose goal was to develop a set of uniform crime statistics for use by police agencies and policymakers. The FBI was designated to serve as a national clearinghouse on crime facts, and police agencies around the country began submitting data under the UCR Program. In its initial year of operation, 400 police departments representing cities and towns in 43 states participated in the program.

Early UCR data were structured in terms of seven major offense categories: murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft. These crimes, called **Part I offenses**, formed the FBI's Crime Index. The Crime Index provided a crime rate that could be compared over time from one geographic location to another. (See Figure 1–6.) Rates of crime under the UCR/NIBRS Program are generally expressed as "*x* number of offenses per 100,000 people." The 2017 rate of criminal homicide, for example, was 5.3 murders for every 100,000 people in the United States.[34]

In 1979, Congress mandated that arson be added to the list of major crimes offenses. Unfortunately, the inclusion of arson as an eighth index offense made it difficult to compare pre- and post-1979 Crime Indexes. For this and other reasons, the FBI officially discontinued use of the term *crime index* beginning with its report of crime data for 2005.[35]

In today's UCR/NIBRS reports, Part I offenses are subdivided into two categories: violent personal crimes consisting of murder, rape, robbery, and aggravated assault (which will be discussed in Chapter 10) and property crimes consisting of burglary, larceny, motor vehicle theft, and arson (which will be discussed in Chapter 11). Figure 1–7 shows the 10 most dangerous cities in America ranked according to violent crime data derived from the FBI's UCR.

Each year, when the FBI issues its annual report, *Crime in the United States*, it includes information within each Part I offense category on the percentage of crimes that have been "cleared." *Cleared crimes* are those crimes for which an arrest has been made or for which the perpetrator is known but an arrest is not possible (as when the offender is deceased or is out of the country). Cleared crimes are also referred to as "solved." Those charged with a crime that is scored as cleared by the FBI may not yet have been adjudicated. In official UCR/NIBRS terminology, a Part I offense is regarded as cleared or solved when (1) "a law enforcement agency has charged at least one person with the offense" or (2) "a suspect has been identified and located and an arrest is justified, but action is prevented by circumstances outside law enforcement control."[36] Clearance rates are reported for each Part I crime category. A **clearance rate** is the proportion of reported or discovered crimes within a given offense category that are solved. Figure 1–8 shows 2017 clearance rates for major crimes.

The most significant feature of the UCR Program is indicated by its name. It is a *reporting* program. In other words,
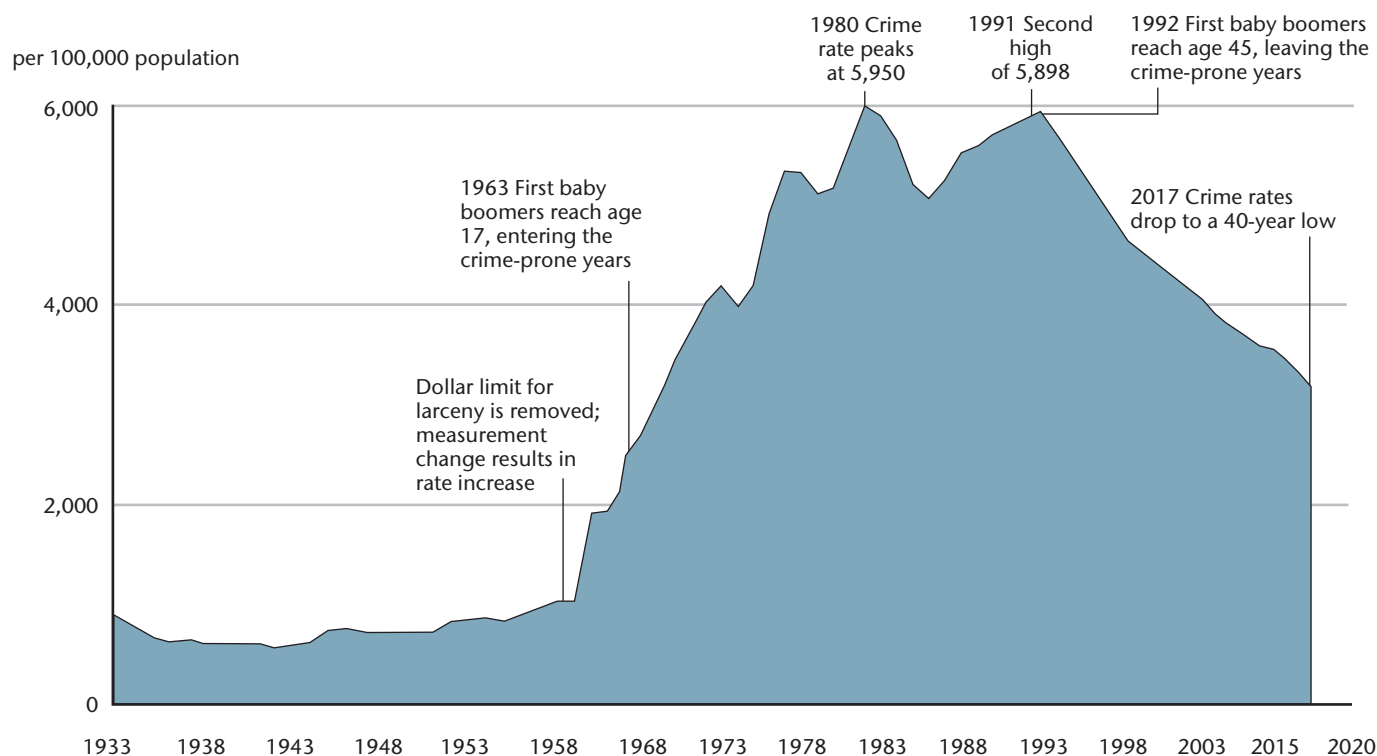
FIGURE 1–6 Crime Rates in the United States, 1933–2017.
Source: From FBI, Uniform Crime Reports.
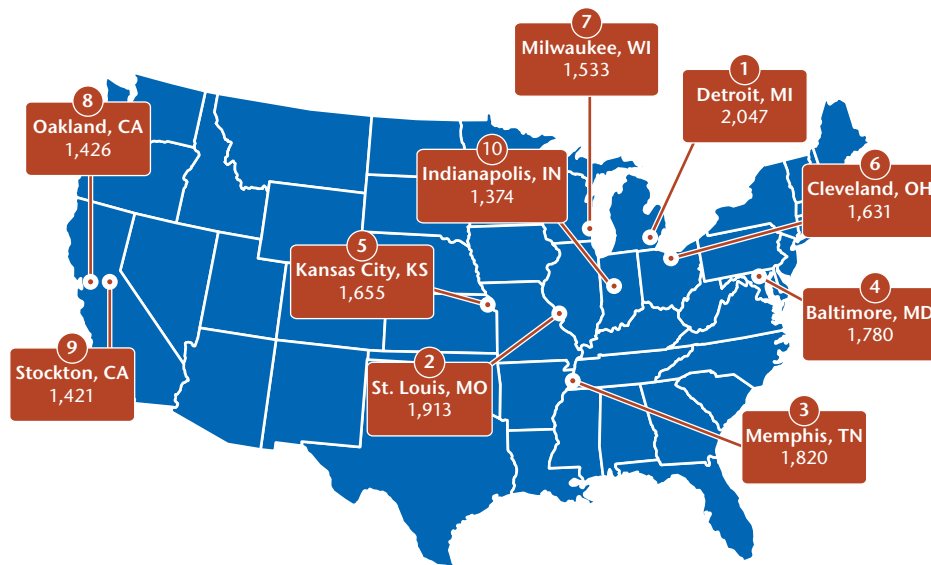
FIGURE 1–7 The Ten Most Dangerous Cities in the United States; showing Violent Crime Rates per 100,000.
Source: FBI, Uniform Crime Reports, 2016.

Map labels:
- 7 Milwaukee, WI 1,533
- 1 Detroit, MI 2,047
- 8 Oakland, CA 1,426
- 6 Cleveland, OH 1,631
- 10 Indianapolis, IN 1,374
- 5 Kansas City, KS 1,655
- 4 Baltimore, MD 1,780
- 9 Stockton, CA 1,421
- 2 St. Louis, MO 1,913
- 3 Memphis, TN 1,820

only crimes that are reported to the police (or that are discovered by the police or by others who then report them to the police) are included in the statistics compiled by the program. Most complaints are made by victims.

Because UCR/NIBRS data are based on *reported* crime, the program has been criticized for seriously underestimating the true incidence of criminal activity in the United States—a measurement that would also include unreported crimes. Some experts say, for example, that rape is the most underreported crime in the FBI data, with four to five times as many rapes occurring each year as are reported. Reasons for not reporting a crime such as rape are numerous and include fear of the perpetrator, shame, fears the victim may have of not being believed, and fear of participation in the justice system.

Although rape is indeed seriously underreported (a conclusion drawn from comparison of NCVS and UCR/NIBRS rape statistics), many other crimes are underreported as well. The most seriously underreported crime may be larceny because the theft of small items never makes it into official police reports.

NIBRS: An Evolving Data Format

Recently, the UCR Program has undergone a number of significant changes, and more are scheduled to be implemented shortly as an, enhanced, incident-driven crime-reporting system is phased in. That system, the NIBRS, revises the definitions of a number of offenses for reporting purposes, but its "incident-driven" nature is its most important feature. Incident-driven means that the FBI will use the NIBRS system to collect detailed data on the circumstances surrounding each serious criminal incident. NIBRS reports are more detailed than those previously provided under the UCR Program. The NIBRS data-collection format focuses on each single incident and arrest within 24 general offense categories, with incident, victim, property, offender, and arrestee information being gathered when available. The 24 NIBRS offense categories are, in turn, made up of 46 specific crimes called "Group A offenses" (as compared with only 8 major offenses on which the old UCR Program gathered data). In addition to Group A offenses, there are 10 Group B offense

Offense	Percent
Murder and Non-negligent Manslaughter	61.6
Rape	34.5
Robbery	29.7
Aggravated Assault	53.3
Burglary	13.5
Larceny-Theft	19.2
Motor Vehicle Theft	13.7

Violent Crime
Property Crime
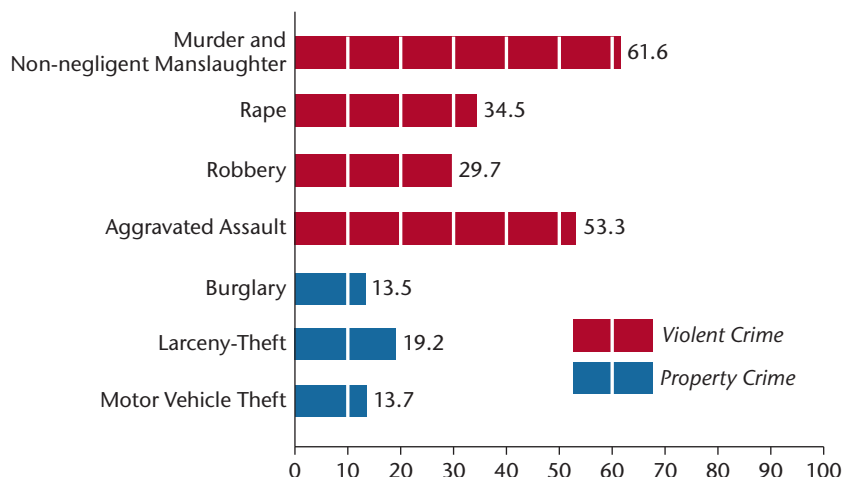
FIGURE 1–8 Percent of Crimes Cleared, 2017.
Source: Federal Bureau of Investigation.

categories for which only arrest data are reported. The goal of NIBRS is to make data on reported crime more useful by relating them more completely than the old system did to other available information, such as victim and offender characteristics.[37] Because the UCR Program is currently undergoing a transition in format that involves more complete use of NIBRS data, we refer to UCR information that is cited in this text as UCR/NIBRS data.

Critique of the UCR/NIBRS

As with the NCVS, definitional problems exist within the UCR/NIBRS program. Attempts to address those problems can lead to difficulties in comparing data over time. A few years ago, for example, the UCR/NIBRS definition of "rape," which had previously only included the rape of females, was changed to include all genders (see Chapter 9 for more information).

Another problem can be found in the fact that only about 5,000 of the nation's approximately 200,000 law enforcement agencies currently report complete crime data in NIBRS format—and many of those that do are small town or rural agencies. Agency participation in NIBRS was originally anticipated at much higher levels, but the current lack of participation has necessitated the creation of the National Crime Statistics Exchange (NCS-X). NCS-X is a BJS-led statistical sampling program that aims to collect complete crime data from 400 large city police departments (from among the approximately 15,000 non-NIBRS reporting police agencies), with the goal of providing detailed national estimates of the volume and characteristics of crimes known to law enforcement. NCS-X works by combining data from those 400 agencies with reported NIBRS data from law enforcement agencies that are already fully NIBRS compliant. Many of the compliant agencies are small, but the participation of 400 large agencies in the NCS-X program permits the application of statistical techniques that provide a more accurate national picture of crime than would be otherwise possible.

▶ Changing Crime Patterns

Since official crime statistics were first gathered around 1930s, there have been three major shifts in crime rates (Figure 1–9). The first occurred during the early 1940s at the outbreak of World War II, when crime decreased sharply due to the large number of young men who entered military service. Young males make up the most "crime-prone" segment of the population, and their participation in the war efforts abroad did much to lower crime rates at home. From 1933 to 1941, the Crime Index declined from 770 to 508 offenses per every 100,000 members of the U.S. population.[38]

The second significant shift in offense statistics was a dramatic increase in most forms of crime that began in the 1960s and ended in the 1990s. Many criminologists believe that this shift also had a link to World War II. With the end of the war and the return of millions of young men to civilian life, birth rates skyrocketed between 1945 and 1955, creating a postwar baby boom. By 1960s, baby boomers were entering their teenage years. A disproportionate number of young people in the U.S. population produced a dramatic increase in most major crimes.

Other factors contributed to the increase in reported crime during the same period. Crimes that may have gone undetected in the past began to figure more prominently in official statistics. Similarly, the growing professionalization of some police departments resulted in more accurate and increased data collection, making some of the most progressive departments appear to be associated with the largest crime increases.[39] Finally, the 1960s were tumultuous years, punctuated by the Vietnam War, a vibrant civil rights struggle, the heady growth of secularism, dramatic increases in the divorce rate, diverse forms of "liberation," and the influx of psychedelic and other drugs. As a consequence, social norms were blurred and group control over individual behavior declined substantially. According to the FBI, from 1960 to 1980, crime rates rose from 1,887 to 5,950 offenses per every 100,000 members of the U.S. population.

Crime rates recorded by the FBI continued to remain high, with the exception of a brief decline in the early 1980s, when postwar boomers began to "age out" of the crime-prone years and U.S. society emerged from the cultural drift that had characterized the previous 20 years. At about the same time, however, an increase in drug-related criminal activity led crime rates to soar once again, especially in the area of violent crime. Crime rates peaked around 1991 and have since shown a third major shift, with decreases in the rates of most major crimes being reported since that time. Between 1991 and 2017, the crime rate decreased from 5,898 to 2,745 offenses per every 100,000 citizens, sending it down to levels not seen since 1968.

Decreases in crime since the mid-1990s may have been largely due to an "aging out" of the post–World War II baby-boomer generation (members of which are now mostly too old to continue active criminal lifestyles), new strict laws, expanded justice system and police funding, changes in crime-fighting technologies, economic factors, and the increase in forms of crime not readily counted by official reporting programs.

In 2013, in an article published in the journal *Crime Science*, Graham Farrell, Professor of International Comparative Criminology at the University of Leeds in England, examined fifteen hypotheses that have been proposed to explain the decrease in "street crime" that has occurred throughout much of the Western world since 1990.[40] Hypotheses that were tested included decreased lead poisoning among young people; abortion legalization; the decriminalization of drugs; changing immigration and migration patterns; increased policing and criminal punishments; use of the death penalty; changes in gun laws; improved security; and various aspects of changing demographics (Table 1-2). Farrell was able to reject 14 of the 15 hypotheses, and found that only the security hypothesis held true explanatory power. The security hypothesis, based on the notion of situational crime prevention, is a relatively simple explanation for crime's decline—and says that improved security measures that have been put in place since the early 1990s have reduced criminal opportunities, and have therefore lowered rates of street crime.

While the almost 30-year-long decline in crime that took place beginning in 1991 is noteworthy, it did not even begin to

1933–1959 ▶	1960–1989 ▶
From 1933 to 1941, the crime rate declined from 770 to 508 offenses per every 100,000 Americans.	**From 1960 to 1980, crime rates rose from 1,887 to 5,950 offenses per every 100,000 Americans.**

In 1941, crime decreased sharply based on the large numbers of young men entering the military during WWII.

Young men make up the most crime-prone segment of the population, and their removal to European and Pacific theaters of war reduced the incidence of offending throughout the country.

Starting around 1960s, crime rates began to increase based on several factors.
The end of the war brought many young men home to the United States, and birthrates skyrocketed in the years between 1945 and 1955. By 1960s, these baby boomers had become teenagers and had entered a crime-prone age.
Also, reporting procedures were simplified and publicity surrounding crime increased the number of reports. Police agencies were becoming more professional, resulting in increased data and more accurate data collection.
Moreover, the 1960s were tumultuous years. The Vietnam War, civil rights struggles, and an influx of drugs combined to create an imbalance in society that led to an increase in crime.

| 1933 | 1937 | 1941 | 1945 | 1949 | 1963 | 1967 | 1960 | 1963 | 1967 | 1975 | 1979 | 1983 | 1989 |

FIGURE 1–9 **American Crime Rates: Historical Trends.**
Source: From *Criminal Justice Today: An Introductory Text for the 21st Century*, 15e by Frank A. Schmalleger. Published by Pearson Education.
(Photo sources from left to right) Everett Collection/SuperStock; Everett Collection/SuperStock; Michael Matthews/Police Images/Alamy Stock Photo; Jim West/Alamy Stock Photo.

bring the overall rate of street crime in this country anywhere close to the low crime rates characteristic of the early 1940s and the 1950s. From a long-term perspective, even with recent declines, crime rates in the United States remain more than seven times what they were in 1940.

Recent evidence seems to indicate that the decline in U.S. crime rates is ending and that we may be on the cusp of a new cycle of increased criminal activity. Some criminologists think that recent economic uncertainty, an increased jobless rate among unskilled workers, growing state budget deficits resulting in prison closures and an ever-larger number of ex-convicts who are back on the streets, the recent growth in the teenage population in this country, the increasing influence of violent gangs, copycat crimes, and the overall reduction in justice

TABLE 1-2 | **FIFTEEN HYPOTHESES OFFERED TO EXPLAIN THE DROP IN CRIME RATES THAT BEGAN IN THE EARLY 1990s**

Name	Mechanism
Strong economy	Wealthy offenders commit less crime
Concealed weapons laws	More defensive guns, less crime
Capital punishment	More death penalty deterred crime
Gun control laws	Less guns, less crime
Rising prison population	Incapacitation and deterrence reduce crime
Policing strategies	Policing focused on crime problems (Compstat, POP)
More police	More police detected and deterred crime
Legalization of abortion	More abortion since 1973, less offenders by 1990s
Immigration	Immigrants commit less crime, so crime fell as immigration rose
Consumer confidence	Wealthy buy less from stolen goods markets
Waning crack market	Second-generation youth deterred by violence and prison for elders
Childhood lead	Lead poisoning of children made them adolescent criminals
Changing demographics	Aging population means relatively less young offenders
Civilizing process	Social institutions more legitimate (1960s–80s = age of protest)
Improved security	Improved security, reduced crime opportunities

Source: Graham Farrell, "Five Tests for a Theory of the Crime Drop," *Crime Science*, Vol. 2, No. 5 (2013).

From 1991 to 2017, crime rates dropped from 5,897 to 2,745 offenses per every 100,000 Americans.

Strict laws, an expanded justice system, and increased police funding for personnel and for crime-fighting technologies are cited as reasons for the drop in crime. Other changes beyond the control of the police may have played a role as well and include economic expansion and an aging population. During the 1990s, unemployment decreased by 36% and likely contributed to the decline in crime rates.

Some cities have recently experienced increases in homicides and other violent crimes; non-traditional forms of crime, including high-technology crime, are increasing dramatically.

A fourth shift in rates of traditional crime may have already begun, and online forms of crime may soon outnumber traditional offenses. Economic uncertainty, a growing number of ex-convicts back on the streets as well as an increase in teen populations and gang activity may soon lead to sustained increases in traditional offenses.

| 1990 | 1994 | 1997 | 2001 | 2005 | 2009 | 2017 | 2018 | 2019 | 2020 |

UCR

Reported to Police

Unreported Crimes

Crimes known to victims, but not reported to the police

Dark Figure of Crime

Undiscovered Crimes

Crimes not known to those who have been victimized nor to the police

Reported in Surveys

NCUS
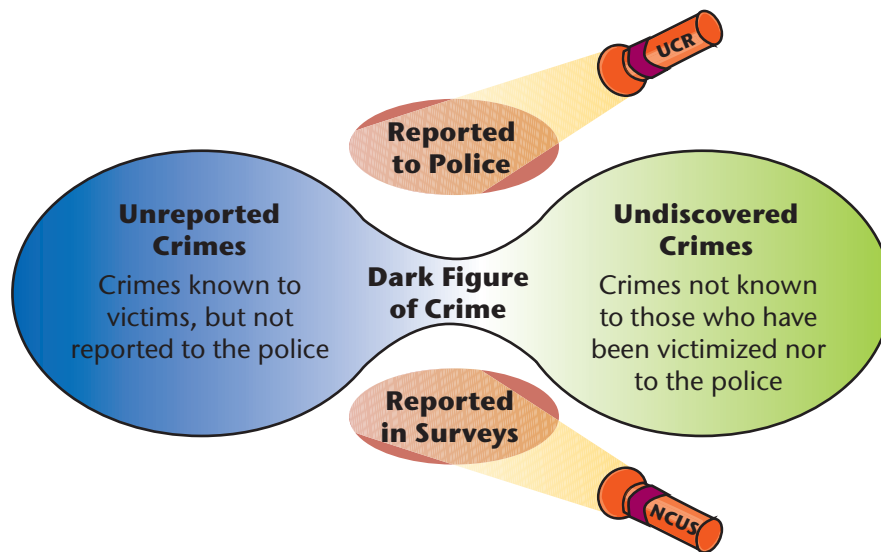
FIGURE 1–10 The Dark Figure of Crime.

systems resources brought about by the recent recession may soon lead to sustained increases in crime.[41]

Additionally, the specter of random mass shootings, a high number of inner-city murders, and novel forms of criminal activity complicate today's crime picture. Many types of crimes today are Internet-based or involve advanced technology. Neither the UCR nor the NCVS count computer crimes among the major crime categories that they report, although these types of offenses are sometimes subsumed under the category of "larceny" because they frequently involve the theft of money or other things of value. In contrast to earlier periods, today's criminal perpetrators who illegally gain access to digital information (and money) through social media or Internet-based transactions are responsible for a significant level of criminal activity in the virtual world. Such crimes can have

very significant impacts on people's lives, although they frequently remain undiscovered, or are found out only with the passage of time.

Unreported Crime

As a comparison of NCVS and UCR/NIBRS data shows, many crimes are not reported, leading criminologists to talk about the "dark figure of crime."[42] The **dark figure of crime** refers to the large number of unreported crimes that never make it into official crime statistics (Figure 1–10). Not only are many crimes not reported, some are not even discovered. If we were to examine all forms of criminal activity, and if we were to become fully aware of all of today's hidden offenses, we would probably find that crimes today have undergone a significant shift away from

historical forms of offending to more innovative schemes involving computers and other digital devices.

Crime's dark figure is sometimes glimpsed through offender self-reports, also known as offender **self-report surveys**, in which anonymous respondents without fear of disclosure or arrest are asked to report confidentially any violations of the criminal law they have committed. One survey by the Centers for Disease Control and Prevention, for example, found that 1.3 million women said they had been raped during the preceding 12 months—a number that dwarfs the 116,645 rapes reported to police in 2014.[43] Similarly, a recent Canadian sexual assault survey showed a rate more than 100 times higher than official reports of rape.[44] Self-report surveys, of course, are not free of problems; some respondents may not be fully truthful or may exaggerate when reporting their own victimization. Limitations aside, some criminologists believe that "the development and widespread use of the self-report method of collecting data on delinquent and criminal behavior was one of the most important innovations in criminological research in the twentieth century."[45]

Some of the more recent and best-known self-report surveys include the National Youth Survey (NYS) and the Monitoring the Future study.

Monitoring the Future[46] is an ongoing national self-report study of the behaviors, attitudes, and values of U.S. secondary school students, college students, and young adults. The study began in 1975, and each year, a total of almost 50,000 8th-, 10th-, and 12th-grade students are surveyed. (Twelfth graders have been surveyed since 1975; 8th and 10th graders, since 1991.) In addition, annual follow-up questionnaires are mailed to a sample of each graduating class for a number of years after students' initial participation.

▶ Evidence-Based Criminology and Social Policy

Criminologists make use of contemporary social scientific research methods in the development of criminological theories. The use of rigorous social scientific techniques to develop knowledge in the field of criminology is referred to as **evidence-based criminology**. The research conducted by today's criminol-

> **LEARNING OUTCOMES 7** Explain the influence of evidence-based criminology on social policies.

ogists results in a body of scientific evidence applicable to the problems and realities of today's world. Because contemporary criminology is built on a social scientific approach to the subject matter of crime, the discipline has much to offer as we attempt to grapple with the problems of crime and crime control.

In 2009, in recognition of the growing significance of evidence-based criminology, the executive board of the American Society of Criminology (ASC) established a new division of experimental criminology; the division's purpose is "the promotion and improvement of experimental evidence and methods in the advancement of criminological theory and evidence-based crime policy."[47] Six years later, in 2015, the ASC joined together with the Academy of Criminal Justice Sciences (ACJS) to form the Crime and Justice Research Alliance (CJRA). CJRA's goal is to "provide objective research to inform legislators," provide evidence-based research reports, and influence crime control policies. Visit CJRA at **http://crimeandjusticeresearchalliance.org**.

Today, evidence-based criminology is given added voice by the Academy of Experimental Criminology, which is based at the University of Pennsylvania, and by a number of important new journals including the *Journal of Experimental Criminology*, which is the first journal in the field of criminology to focus directly on experimental methods.[48] Another evidence-based publication, the *Justice Evaluation Journal*, began publication in 2018.

The ultimate outcome of criminological research is a set of effective social policies based on scientific evidence. Translating the results of research in the field of criminology into workable social policy is sometimes referred to as **translational criminology**. The NIJ, an arm of the U.S. Department of Justice, explains it this way: "The idea of translational criminology is simple, yet powerful: If we want to prevent, reduce and manage crime, we must be able to translate scientific discoveries into policy and practice."[49]

It is not always easy to translate research into practice, however, even when solid evidence points to needed changes in policy. Some policy implications, such as those relating to the physical environment, are relatively easy to implement. Most criminologists agree that such changes, such as installing brighter lighting in crime-prone areas, can be effective at preventing crime and must be easy to implement.

Other policy innovations, especially those calling for cultural or social changes, can be difficult to implement, even when there is strong evidence for their likely success. In a recent example, an editorial in the highly regarded British magazine *New Scientist* asked this question: "Why are we so reluctant to accept that on-screen violence is bad for us?"[50] The article, entitled "In Denial," noted that "by the time the average U.S. schoolchild leaves elementary school, he or she will have witnessed more than 8,000 murders and 100,000 other acts of violence on television." For children who play computer games and watch cable TV, the numbers will be far higher. Scientific studies show the obvious detrimental effects of media violence, according to the article, "yet every time a study claims to have found a link between aggression, violence, educational, or behavioral problems and TV programs or computer games, there are cries of incredulity. . . ."[51]

Numerous professional groups—including the American Medical Association, the American Academy of Pediatrics, the American Psychological Association, and the American Academy of Child and Adolescent Psychiatry—agree that violence in television, music, video games, and movies leads to increased levels of violent behavior among children.[52] A joint statement issued by those organizations says that the effects of violence in the media "are measurable and long-lasting." The groups reached the conclusion "based on over 30 years of research . . . that viewing entertainment violence can lead to increases in aggressive attitudes, values and behaviors, particularly in children." Moreover, "prolonged viewing of media violence can lead to emotional desensitization toward violence in real life." Similarly, some years ago, the Federal Trade Commission (FTC) issued a report[53] on teenage violence that concluded that "Hollywood aggressively markets violent movies, music and electronic games to children even when they have been labeled as appropriate only for adults."[54] Read the full report at **https://www.justicestudies.com/pubs/ftcreport.pdf**.

Even with knowledge of these results, however, policymakers are reluctant to slow the production of violent media. For this reason, violence on TV and in video games is still prominent in the United States. *New Scientist* says media vendors dissuade "any criticism of a multibillion-dollar business" where they would lose profits resulting from any policies aimed at crime reduction.[55]

Professional criminologists understand the necessity of linking sound **social policy** to the objective findings of well-conducted criminological research. In the words of the NIJ, "Successful dissemination of the results of criminological research" requires that the evidence be implemented correctly. In other words, "it is not just about finding evidence that something works; it is figuring out why it works and how to implement the evidence in real-world settings."[56]

THE CASE

Ross Ulbricht—The New Face of Crime?

In 2018, the U.S. Supreme Court turned down Ross Ulbricht's appeal in which he claimed that federal agents had unlawfully monitored his internet activity. Ulbricht was the mastermind behind the illegal online marketplace known as Silk Road. In 2015 he had been sentenced by a federal judge to spend the rest of his life in prison. He was also ordered to forfeit $183,961,921 in illegal profits. Silk Road, which offered sex, firearms, illegal drugs, pharmaceuticals, hacking services, and even killings-for-hire, was created in 2011 and operated on what's known as the dark Web. Participants used sophisticated and secretive Web browsers, and conducted transactions in untraceable Bitcoins. Officials estimated that the site, before it was shut down, had nearly a million users and raked in over $1.2 billion in sales through millions of transactions.

Online, Ulbricht used the pseudonym Dread Pirate Roberts. Before his true identity was known, the media described him as a "virtual criminal mastermind" and an "online mob boss" who became the new face of organized crime. Ulbricht was said to have personally used his creation to fund a $150,000 hit on a Canadian man who tried to extort him. Investigators said that he later followed up by ordering the killing of the blackmailer's four friends. Ulbricht, however, was ultimately held responsible for the crimes that others committed through the Silk Road portal. U.S. Attorney Preet Bharara says that "Ulbricht bears responsibility for the overdoses, addictions, and other foreseeable repercussions of the illegal drugs sold on Silk Road." It doesn't matter, Bharara said, "that he did not personally handle those drugs; neither would a traditional kingpin."

Silk Road was the first massive online marketplace for illegal goods and services, and it provided a blueprint for other criminals wanting to conduct business autonomously. At sentencing,
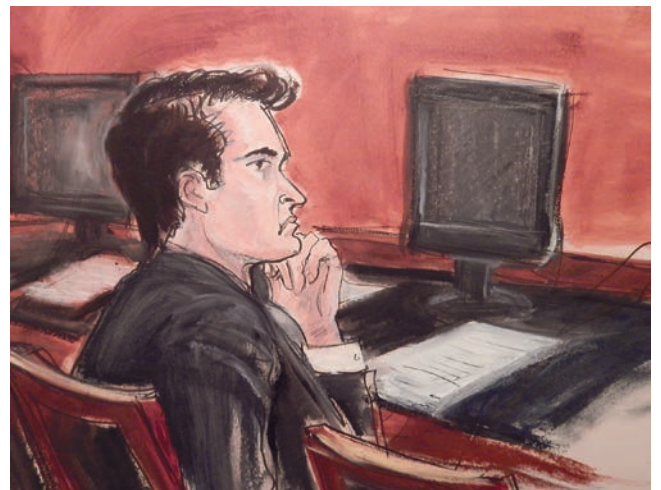
Silk Road founder Ross Ulbricht. In 2015, Ulbricht was sentenced to life in prison for creating the anything-goes Internet site.
Elizabeth Wlliams/AP Images

federal Judge Katherine B. Forrest told Ulbricht that "as the first person" to create a virtual world in which any kind of illegal business could be conducted, he had to pay the price. Anyone who was thinking of following in Ulbricht's footsteps, said the judge, needs to know clearly "and without equivocation that if you break the law this way, there will be very serious consequences."

Notes
Andrew Chung, "U.S. Supreme Court Turns Away Silk Road website Founder's Appeal," Reuters, June 28, 2018; FBI Press Release, "Ross Ulbricht, AKA Dread Pirate Roberts, Sentenced in Manhattan Federal Court to Life in Prison," May 29, 2015, https://www.fbi.gov/newyork/press-releases/2015/ross-ulbricht-aka-dread-pirate-roberts-sentenced-in-manhattan-federal-court-to-life-in-prison.

The case of Ross Ulbricht raises a number of interesting questions. Among them are the following:

1. What does the conviction of Ross Ulbricht have to say about the nature of crime in America today?
2. Why did Ulbricht receive such a harsh sentence?

LEARNING OUTCOMES 1

Differentiate between crime, deviance, and delinquency.

Crime is human conduct that violates the criminal law. Without a law defining a particular form of behavior, there is no crime, no matter how deviant or socially repugnant the behavior in question may be. Many crimes are deviant or abnormal forms of behavior. Not all deviance, however, is criminal, and some crimes are not seen as deviant by those who commit them—or by significant segments of the population.

1. What is crime? Who determines what is and is not criminal? How are such determinations made?

2. What is deviance? How do we know what is and is not deviant?

3. How does delinquency differ from crime?

crime Human conduct that violates the criminal laws of a state, the federal government, or a local jurisdiction that has the power to make and enforce the laws.

criminalize To make an act illegal.

deviant behavior Human activity that violates social norms.

statute A formal written enactment of a legislative body.

delinquency Violations of the criminal law and other misbehavior committed by young people.

LEARNING OUTCOMES 2

Explain how the consensus perspective differs from the pluralist perspective.

While it is easy to agree that certain behaviors, such as murder, should be criminal, it is not so easy to agree on other forms of behaviors—especially those that seem to involve willing participants.

1. What is the consensus perspective?

2. What is the pluralist perspective?

3. How does the consensus perspective differ from the pluralist perspective?

consensus perspective A viewpoint that holds that laws should be enacted to criminalize given forms of behavior when members of society agree that such laws are necessary.

pluralist perspective A viewpoint that recognizes the importance of diversity in our society and says that behaviors are typically criminalized through a political process.

LEARNING OUTCOMES 3

Describe criminology and the role of criminologists.

Criminology is the scientific study of crime and criminal behavior. Criminologists are credentialed individuals holding advanced degrees in the field and studying crime, criminal behavior, and crime trends.

1. What does a criminologist do?

2. How do the duties of a criminologist differ from those of criminalists?

3. How is a criminologist different from a police officer?

4. What is criminology?

5. What do criminologists study?

6. How does criminology cooperate with other disciplines to prevent and solve crimes?

criminologist A person trained in the field of criminology who studies crime, criminals, and criminal behavior.

criminalist A criminalistics expert who gathers and examines physical evidence at crime scenes.

criminology The scientific study of crime and criminal behavior, including their manifestations, causes, legal aspects, and control.

criminal justice The scientific study of crime, criminal law, the criminal justice system, police, courts, and correctional systems.

LEARNING OUTCOMES 4

Summarize the theoretical perspectives of criminology.

While some crimes are especially difficult to understand, our natural tendency is to seek out explanations for such behavior, and we look to criminology for answers about how to prevent crime. Theoretical criminology, a special area within criminology, offers explanations for criminal behavior. Today's theoretical criminologists recognize the contributions of many different fields to the understanding of crime causation. Crime, however, is not an isolated individual activity, but a social event. Consequently, every crime has a unique set of causes, consequences, and participants.

1. What is theoretical criminology?

2. What is a general theory?

3. What does theory integration mean within the context of the study of criminology?

4. Explain how the concept of social relativity applies to crime and to particular types of crimes such as hate crimes.

theoretical criminology The type of criminology that is usually studied in colleges and universities, describes crime and its occurrence, and offers explanations for criminal behavior.

general theory A theory that attempts to explain most forms of criminal conduct through a single, overarching approach.

unicausal Of or having one cause. Theories posing one source for all that they attempt to explain.

integrated theory An explanatory perspective that merges concepts drawn from different sources.

social relativity The notion that social events are interpreted differently according to the cultural experiences and personal interests of the initiator, observer, or recipient of that behavior.

LEARNING OUTCOMES 5

Summarize the various ways crime is reported and measured.

To fully understand the nature of crime, it is necessary to gain an appreciation for crime statistics—including how they are gathered, how they affect our understanding of crime, and how they are accessed. Such an appreciation helps criminologists keep types of crime in perspective and allows criminologists to track increases and decreases in kinds of criminal activity.

1. What federal agency runs the Uniform Crime Reporting Program?
2. What are the eight major crimes about which the Uniform Crime Reporting Program gathers data?
3. What is NIBRS? How does it work to improve the Uniform Crime Reporting Program?
4. What is the National Crime Victimization Survey? How does it differ from the Uniform Crime Reporting Program?

National Crime Victimization Survey (NCVS) An annual survey of selected American households conducted by the Bureau of Justice Statistics to determine the extent of criminal victimization—especially unreported victimization—in the United States.

Uniform Crime Reporting (UCR) Program An FBI statistical reporting program that provides an annual summation of the incidence and rate of reported crimes throughout the United States.

National Incident-Based Reporting System (NIBRS) An enhanced statistical reporting system that collects data on each single incident and arrest within 22 crime categories. NIBRS expands the data collected under the Uniform Crime Reporting Program.

Part I offenses The crimes of murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson as defined under the FBI's Uniform Crime Reporting Program. Also called *major crimes.*

clearance rate The proportion of reported or discovered crimes within a given offense category that are solved.

LEARNING OUTCOMES 6

Summarize statistics and trends in U.S. crime rates.

Since official crime statistics were first gathered around 1930s, there have been three major shifts in crime rates. The first occurred during the early 1940s at the outbreak of World War II, when crime decreased sharply. The second was a dramatic increase in most forms of crime that began in the 1960s and ended in the 1990s. Crime rates peaked around 1991 and have since shown a third major shift, with decreases in the rates of most major crimes being reported since that time.

1. What are the three major shifts in crime rates that have occurred in the United States since the 1930s?

2. Explain what is meant by the term *dark figure of crime*. Why are many crimes not reported?
3. Why are self-report surveys useful in uncovering the true extent of crime in American society?

dark figure of crime The large number of unreported crimes that never make it into official crime statistics.

self-report surveys A survey in which anonymous respondents, without fear of disclosure or arrest, are asked to report confidentially any violations of the criminal law they have committed.

LEARNING OUTCOMES 7

Explain the influence of evidence-based criminology on social policies.

More important than criminological theorizing are social policies based on research findings. Nonetheless, policy innovations, especially those calling for cultural or social changes, can be difficult to implement, even when there is strong support for their likely success.

1. What is evidence-based criminology? How does the meaning of the word *evidence* in *evidence-based criminology* differ from criminal evidence?
2. How might theoretical understandings of crime causation lead to policies intended to prevent criminal activity?

3. How can evidence-based criminology contribute to the creation of effective social policy?

evidence-based criminology A form of contemporary criminology that makes use of rigorous social scientific techniques, especially randomized controlled experiments, and the systematic review of research results; also called knowledge-based criminology.

translational criminology A form of contemporary criminology that seeks to translate research findings in the field into practical and workable policy initiatives.

social policy A government initiative, person, or plan intended to address problems in society.

2

Classical and Neoclassical Criminology

Choice and Consequences

1 Outline the principles of classical and neoclassical criminology.

2 Outline the history of classical thought.

3 Outline the development of neoclassical criminology.

4 Describe how neoclassicism views punishment as a deterrent to crime.

5 Outline the arguments for and against the death penalty.

6 Explain how the Classical School affects policy.

7 Summarize the evaluations of classical and neoclassical theories.

Some crimes are relatively spontaneous, unplanned events that occur in the heat of passion or when an unanticipated opportunity presents itself. A wallet left on the seat of an unlocked car whose window is rolled down, for example, is a clear invitation for anyone walking by to steal the wallet, and some people will be unable to resist the temptation to reach out and grab it. The majority of crimes, however, are likely planned—at least to some degree. Crime planning, which involves rational decision making on the part of the offender, means not only that criminals assess the pros and cons of perpetrating offenses (i.e., the benefits versus the likelihood of being caught and punished) but also the means of crime commission. An example of clear thinking in support of criminal activity was recently available on listverse.com, a site that touts itself as "focused on lists that intrigue and educate."[1] One list featured among the site's crime and mystery series is "Top 10 Tips to Commit the Perfect Crime."[2] Among the tips offered are ensuring that anyone contemplating an offense not leave any discoverable DNA at the scene of the crime. Because DNA is ubiquitous, the list author explains that "The best solution . . . is to commit your crime in a place that is likely to have a lot of DNA from strangers." A park, a shopping mall, or "anywhere

A huge midwestern shopping mall. What criminal opportunities does a mall like this offer?

Dmitrijs Dmitrijevs/Fotolia

that a lot of people tend to gather" is recommended as an offense location. The list author opines that "Finding your DNA will be like finding a needle in a haystack."[3]

DISCUSS **Do you think that most crimes are planned, or are they relatively spontaneous events? What kinds of crimes are most likely to be planned?**

▶ *Principles of Classical and Neoclassical Criminology*

Rational thinking is, of course, not confined to criminals; it is a widespread human trait. Even so, Western culture has sometimes emphasized faith and belief, or emotions and fancy, over the need to think rationally. In the eighteenth century, however, a social and intellectual movement known as the Enlightenment swept through Europe. The Enlightenment was based on the idea that rational thought, and the application of reasoned scientific principles, would liberate humankind from superstitious and unfounded beliefs. This emphasis on rational thinking would change the way members of Western society understood their world.

LEARNING OUTCOMES **1** Outline the principles of classical and neoclassical criminology.

Think About It…

Classical thinkers said that most crime is the result of rational decision making. Some criminals, however, appear to act without much thought. What distinguishes between crimes that involve thought and crimes that don't? Is it the type of offender who commits them, or is it the type of crime being committed?
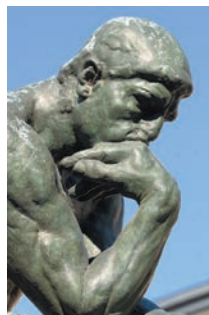
Patleem/Fotolia

The Enlightenment was a powerful intellectual initiative that fueled the fires of social change. It eventually led to the French and American Revolutions and provided many of the intellectual foundations of the U.S. Constitution and the French Declaration of the Rights of Man and of the Citizen. The Enlightenment also inspired other social movements and freed innovative thinkers from old conventional thoughts. Because of this, superstitions—such as the belief that evil spirits caused people to violate the law—were widely discarded. For the first time, men and women began to think for themselves and started exercising freedom of choice in their beliefs. Following the Enlightenment, supernatural explanations for human behavior were largely abandoned. This is important because, at least in Europe, free will and rational thought became the link binding all significant human activity. In summary, the Enlightenment inspired the reexamination of existing doctrines of human behavior from the viewpoint of rational thought.

Within criminology, the Enlightenment led to the development of the **Classical School** of criminological thought. Crime and deviance, which had previously been explained by referencing mythological influences and spiritual shortcomings, came to be understood as products of the exercise of free will. People controlled their own lives, and crime was explained as moral wrongdoing fueled by personal choice. For this reason, the Classical School of criminology became the first modern approach to making sense of crime and criminal behavior. The eight key principles of classical and current-day neoclassical criminology are shown in Figure 2–1.

Human beings are fundamentally rational, and most human behavior results from free will coupled with rational choice.

Pain and pleasure are the two central determining factors of human behavior.

Punishment serves to deter law violators and serves as an example to others who might contemplate violating the law.

The principles of right and wrong are inherent in our nature and cannot be denied.

Society exists to provide benefits to individuals that they would not receive living in isolation.

When people band together for the protection offered by society, they forfeit some of their personal freedoms in order to enjoy the benefits of living among others cooperatively.

Certain key rights of the individual are necessary for the enjoyment of life, and governments that restrict and prohibit the exercise of those rights should be disbanded.

Crime lessens the quality of the contractual bond that exists between individuals and their society. Therefore, criminal acts cannot be tolerated by any members if everyone wants to receive the most benefit from living in a cooperative society.

FIGURE 2–1 Key Principles of Classical and Neoclassical Criminology.

▶ The Roots of Classical Criminology

LEARNING OUTCOMES 2
Outline the history of classical thought.

Classical criminology developed out of the writings of a number of influential thinkers. Especially important were the ideas developed by Cesare Beccaria and Jeremy Bentham.

Cesare Beccaria (1738–1794): Punishment as Deterrence

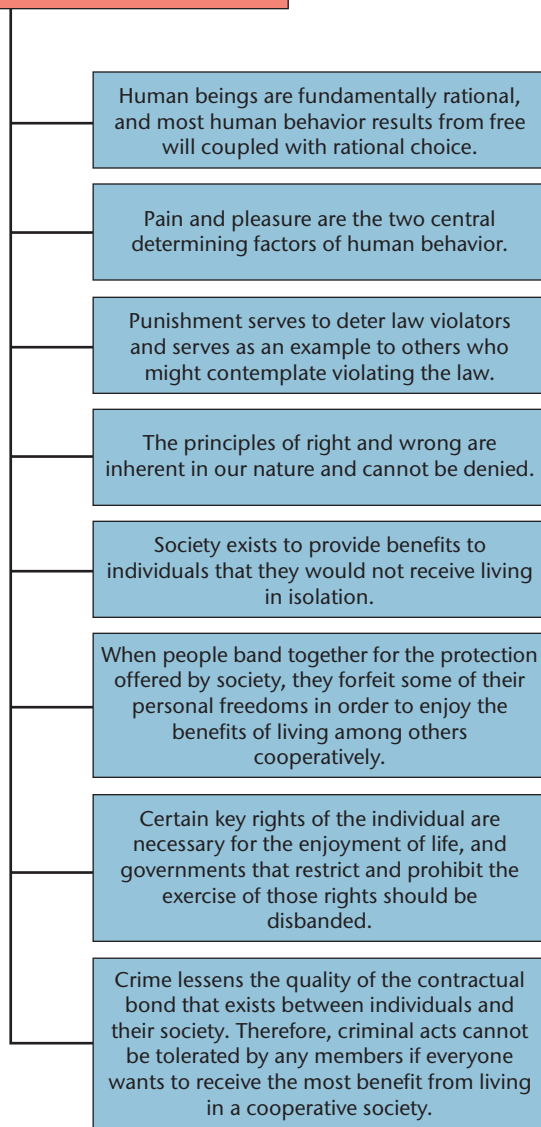**Cesare Beccaria** (Cesare Bonesana, who held the title "Marchese di Beccaria") was born in Milan, Italy. He was the eldest of four children, was trained at Catholic schools, and earned a doctor of laws degree at the age of 20.

In 1764, Beccaria published his *Essay on Crimes and Punishments.* Beccaria's purpose in penning the book was not to set forth a theory of crime, but to communicate his observations on the laws and justice system of his time. In his *Essay*, Beccaria distilled the notion of the social contract into the idea that "laws are the conditions under which independent and isolated men united to form a society."[4] More important, his writings contained a philosophy of punishment. Beccaria claimed that although most criminals are punished based on an assessment of their criminal intent, they should be punished instead based on the degree of injury they cause. The purpose of punishment, Beccaria said, should be deterrence rather than retribution, and punishment should be imposed to prevent offenders from committing additional crimes. Beccaria saw punishment as a tool to an end, not an end in itself, and crime prevention was more important to him than revenge.

To help prevent crimes, Beccaria argued, trial and punishment should be swift, and once punishment is decreed it should be certain. In his words, "The more promptly and the more closely punishment follows upon the commission of a crime, the more just and useful it will be." Punishment that is imposed immediately following crime commission, claimed Beccaria, is connected with the wrongfulness of the offense, both in the mind of the offender and in the minds of others who might see the punishment imposed. Others would thereby learn of the consequences of being involved in criminal activity, and it would act as a deterrent for would-be offenders.

Beccaria concluded that punishment should be only severe enough to outweigh the personal benefits derived from committing crimes. Any additional punishment, he argued, would be superfluous. Beccaria's concluding words on punishment are telling. "In order," he said, "for punishment not to be, in every instance, an act of violence of one or of many against a private citizen, it must be essentially public, prompt, necessary, the least possible in the given circumstances, proportionate to the crimes, [and] dictated by the laws."

Beccaria condemned the torture of suspects, a practice still used in the eighteenth century, saying that it was a device that ensured that weak suspects would incriminate themselves, while strong ones would be found innocent. Torture, he argued, was also unjust by punishing individuals before determining their guilt in a court of law. In Beccaria's words, "No man can be called guilty before a judge has sentenced him, nor can society deprive him of public protection before it has been decided that he has in fact violated the conditions under which such protection was accorded him. What right is it then, if not simply that of might, which empowers a judge to inflict punishment on a citizen while doubt still remains as to his guilt or innocence?"

Beccaria's ideas were widely recognized as progressive by his contemporaries. His principles were incorporated into the French penal code of 1791 and significantly influenced the justice-related activities of European leaders, such as Catherine the Great of Russia, Frederick the Great of Prussia, and Emperor Joseph II of Austria. Evidence suggests that Beccaria's *Essay* influenced framers of the U.S. Constitution, and some scholars claim that the first 10 amendments to the Constitution, known

as the Bill of Rights, might not have existed were it not for Beccaria's emphasis on the rights of individuals in the face of state power. Perhaps more than anyone else, Beccaria is responsible for the contemporary belief that criminals have control over their behavior, that they choose to commit crimes, and that they can be deterred by the threat of certain punishment. Learn more about Cesare Beccaria at **http://www.iep.utm.edu/beccaria**.

Jeremy Bentham (1748–1832): The Pain versus Pleasure Balance

Jeremy Bentham, another founding personality of the Classical School, wrote in his *Introduction to the Principles of Morals and Legislation* (1789) that "nature has placed mankind under the governance of two sovereign masters, pain and pleasure."[5] To reduce crime or, as Bentham put it, "to prevent the happening of mischief," the pain associated with crime commission must outweigh the pleasure to be derived from criminal activity. Bentham's claim rested upon his belief, spawned by Enlightenment thought, that human beings are fundamentally rational and that criminals will weigh the resulting pain of punishment against any pleasures derived from crime commission.

Bentham advocated neither extreme nor cruel punishment—only punishment sufficiently distasteful to the offender so that the discomfort experienced would outweigh the benefits gained from committing crimes. Generally, Bentham argued, the more serious the offense, the more reward it holds for its perpetrator, and therefore the more weighty the resulting punishment. "Pain and pleasure," said Bentham, "are the instruments the legislator has to work with" in controlling antisocial and criminal behavior.

Bentham's approach has been termed **hedonistic calculus** or *utilitarianism* because of its emphasis on the worth any action holds for an individual undertaking it. As Bentham stated, "By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question; or, what is the same thing . . . to promote or to oppose that happiness." In other words, Bentham believed that individuals could weigh, at least intuitively, the consequences of their behavior before acting, thus maximizing pleasure and minimizing pain. The value of any pleasure (or the tendency to avoid pain), according to Bentham, could be calculated by its intensity, duration, certainty, and immediacy (or remoteness in time).

Bentham claimed that the principles surrounding his pleasure–pain perspective were not new. "Nor is this a novel and unwarranted, any more than it is a useless theory," he wrote. "In all this there is nothing but what the practice of mankind, wheresoever they have a clear view of their own interest, is perfectly comfortable to. An article of property, an estate in land, for instance, is valuable, on what account? On account of the pleasures of all kinds which it enables a man to produce, and what comes to the same thing the pains of all kinds which it enables him to avert." Although Bentham's ideas were not new, their application to criminology was innovative at the time. In 1739, David Hume distilled the notion of utilitarianism into a philosophical perspective in his book *A Treatise of Human Nature*. Although Hume's central concern was not to explain crime, scholars who followed Hume observed that human behavior is typically motivated by self-interest more than by anything else.

Utilitarianism is a practical philosophy, and Bentham was quite practical in his suggestions about crime prevention. All citizens, he said, should have their first and last names tattooed on their wrists for the purpose of facilitating police identification. He also recommended the creation of a centralized police force focused on crime prevention and control—a recommendation that found life in the English Metropolitan Police Act of 1829, which established London's New Police under the direction of Sir Robert Peel.

Bentham's other major contribution to criminology was his suggestion that prisons be designed along the lines of what he called a "Panopticon House." The **Panopticon**, as Bentham envisioned it, was to be a circular building with cells along the circumference, each clearly visible from a central location staffed by guards. Bentham recommended that Panopticons be constructed near or within cities, serving as examples to others of what would happen to them should they commit crimes. He also wrote that prisons should be managed by contractors, who could profit from the labor of prisoners. He further suggested that each contractor should "be bound to insure the lives and safe custody of those entrusted to him." Although a Panopticon was never built in Bentham's England, French officials funded a modified version of such a prison, eventually built at Lyon. Subsequently, three prisons modeled after the Panopticon concept were later constructed in the United States.

Bentham's critics have been quick to point out that punishments often don't work as planned. Even death sentences appear not to affect the incidence of murder and homicidal crimes. Such critics forget Bentham's second tenet: that for punishment to be effective, "it must be swift and certain." For any punishment to have teeth, Bentham said, it not only must mandate a certain degree of displeasure but also must follow immediately after judgment—and must have no avenue available for avoidance. More information about Jeremy Bentham and the Bentham Project can be found at **http://www.ucl.ac.uk/bentham-project**.

► Neoclassical Criminology

By the end of the 1800s, classical criminology, with its emphasis on free will and individual choice as the root causes of crime, was replaced by another theory of the Enlightenment era known as "positivism." Positivism, which made use of the scientific method in studying criminality, is discussed in more detail in Chapter 3.

Outline the development of neoclassical criminology.

For the purposes of this chapter, however, it is important to realize that positivism, in its original formulation, was based upon an acceptance of hard determinism, or the belief that much of human behavior—and therefore crime—results from forces that are beyond the control of the individual. For this reason, the original positivists completely rejected the notion of free will. They turned their attention instead to the impact of socialization, genetics, economic conditions, peer-group influences, and other factors that might determine criminality. Hard determinism implied that offenders were not responsible for their crimes and suggested that crime could be prevented by changing the conditions that produced criminality. (See Figure 2–2.)

Although positivism remains an important component of contemporary criminology, some of its assumptions were challenged in the 1970s. At that time, several studies showed that offenders could not be rehabilitated, no matter what method was tried to change their attitudes. This precipitated a growing and widespread public fear of crime that led to "get-tough-on-crime" policies and a cultural reaffirmation of belief in the rational nature of human beings. The result was a resurgence of classical ideals that came to be referred to as **neoclassical criminology**. Neoclassical criminology focused on the importance of character (a kind of middle ground between total free will and hard determinism), the dynamics of character development, and the rational choices that people make as they are faced with opportunities for crime.

The neoclassical movement appears to have had its start with a number of publications produced in the 1970s. One of these was **Robert Martinson's** national survey of rehabilitation programs.[6] Martinson found that when it came to the rehabilitation of offenders, nothing seemed to work, as most of them resume their criminal careers after being released from prison. The phrase "Nothing works!" became a rallying cry of conservative policymakers everywhere, and the **nothing-works doctrine** received much public attention. Many conservative politicians (and some criminologists) began calling existing notions of crime prevention and rehabilitation into question. This was amid claims that enhanced job skills, increased opportunities for employment, and lessened punishment did nothing to stem what was then a rising tide of crime.

In 1975, Harvard political scientist **James Q. Wilson** wrote *Thinking about Crime*, in which he suggested that crime is not a result of poverty or social conditions and cannot be affected by social programs.[7] Wilson argued instead for the lengthy incarceration of offenders and for the elimination of criminal opportunity. Writings by Wilson and others led to the development of the **justice model**, which was predicated on the growing belief that prisons do not rehabilitate or cure offenders, and that criminals *deserve* punishment because of the choices they make.[8]

For the next 20–30 years, many states initiated "get tough on crime" campaigns, adapting the justice model to crime-control legislation. In the spring of 1994, for example, California legislators passed the state's now-famous "three-strikes-and-you're-out" law. Amid much fanfare, then-Governor Pete Wilson signed the three-strikes measure into law, calling it "the toughest and most sweeping crime bill in California history." California's law, which is retroactive (counting offenses committed before the date the legislation was signed), requires a mandatory sentence of 25 years to life for three-time felons, with convictions for two or more serious or violent prior offenses. Criminal offenders facing a "second strike" can receive up to double the normal sentence for their most recent offense. Under the law, prisoners are eligible for parole only after serving 80% of their sentence.

In 2003, in two separate cases, the U.S. Supreme Court upheld the three-strikes California convictions of Gary Ewing and Leandro Andrade.[9] In a California courtroom following his conviction for felony grand theft of three golf clubs, Ewing, who had four prior felony convictions, had received a sentence of 25 years to life. Andrade, who also had a long record, had been sentenced to 50 years in prison for two petty-theft convictions.[10] In her opinion, noting the *Ewing* case, Justice Sandra Day O'Connor admitted that states should be able to decide when repeat offenders "must be isolated from society . . . to protect the public safety," even when nonserious crimes trigger the lengthy sentence. In deciding these two Eighth Amendment–based cases, the Court determined that imposing a possible life term for nonviolent felonies with a defendant who had a history of serious or violent criminal convictions was *not* cruel and unusual punishment.

In November 2012, California voters overwhelmingly approved a change to their state's three-strikes law. The changes mean that now only two categories of offenders can be sentenced as three-strikers: (1) those who commit new "serious or violent" felonies as

Think About It…

Classical and neoclassical criminology assume that human actors have free will. That is, they can make choices and impose those choices through their behavior on the world around them. What role does free will play in crime commission? Might some crimes result from something other than the exercise of free will?

Haveseen/Fotolia

| Free Will ⟷ Soft Determinism ⟷ Hard Determinism |
| Classical Criminology ⟷ Nineteenth-Century Positivist Criminology |

FIGURE 2–2 Classical Criminology versus Positivism—The Role of Free Will.

their third offense, and (2) previously released murderers, rapists, or child molesters who are convicted of a new third strike, even if it is not a "serious or violent" felony. Under the new legislation, inmates sentenced under earlier versions of the law are allowed to petition for early release. Estimates are that around 3,000 such inmates will ultimately be released as a result of the change.

A recent review of three-strikes legislation found that 16 states have modified such laws in response to difficult economic conditions. This means that the high cost of imprisonment is leading legislatures to rethink long prison terms. Modifications have included giving judges more discretion in sentencing and narrowing the types of crimes that count as a "strike."

In 2014, for example, voters in California approved Proposition 47, which reduced around 400 felony offenses to misdemeanors and also made drug possession for personal use a misdemeanor.[11] The change led to far fewer three-strikes convictions in the state. However, by 2017, more than 13,500 low-level offenders who had been freed by the Proposition 47 found themselves on the streets, with few opportunities for employment—causing critics to say that changes in the law had led to a cycle of homelessness, drug abuse, and petty crime.[12] Learn more about crime-control policy at the Center for Law and Social Policy via **https://www.clasp.org**.

Rational Choice Theory

Rational choice theory (RCT), a product of the late 1980s, mirrors many principles found in classical criminology. The theory, as described by **Ronald V. Clarke** and **Derek B. Cornish**,[13] rests upon the belief that criminals make a conscious, rational, and at least partially informed choice to commit crime. It employs cost–benefit analysis, resembling similar theories found in economics that view human behavior as resulting from personal choices made after weighing the costs and benefits of available alternatives. Rational choice theory is noteworthy for its emphasis on the rational and adaptive aspects of criminal offending. It "predicts that individuals choose to commit crime when the benefits outweigh the costs of disobeying the law. Crime will decrease," according to such theories, "when opportunities are limited, benefits are reduced, and costs are increased."[14] Figure 2–3 diagrams the steps that are likely to be involved in making a choice to commit a property crime. A somewhat different model can be applied in the case of drug offenders—since most people who decide to deal drugs do so with an entrepreneurial spirit, and often see their activities as rational business undertaking. Some, in fact, have been known to keep records of their transactions, to include profit and loss statements—and even computer-based spreadsheets in an effort to maximize profits.

Situational choice theory, an extension of RCT, provides an example of **soft determinism**, which views criminal behavior "as a function of choices and decisions made within a context of situational constraints and opportunities."[15] The theory holds that "crime is not simply a matter of motivation; it is also a matter of opportunity."[16] Situational choice theory suggests that the probability of criminal activity can be reduced by changing the features of the environment. Clarke and Cornish, developers of the situational choice perspective, review the choices available in criminal situations. They define *choice-structuring properties* as "the constellation of opportunities, costs, and benefits attaching to particular kinds of crime."[17] Clarke and Cornish
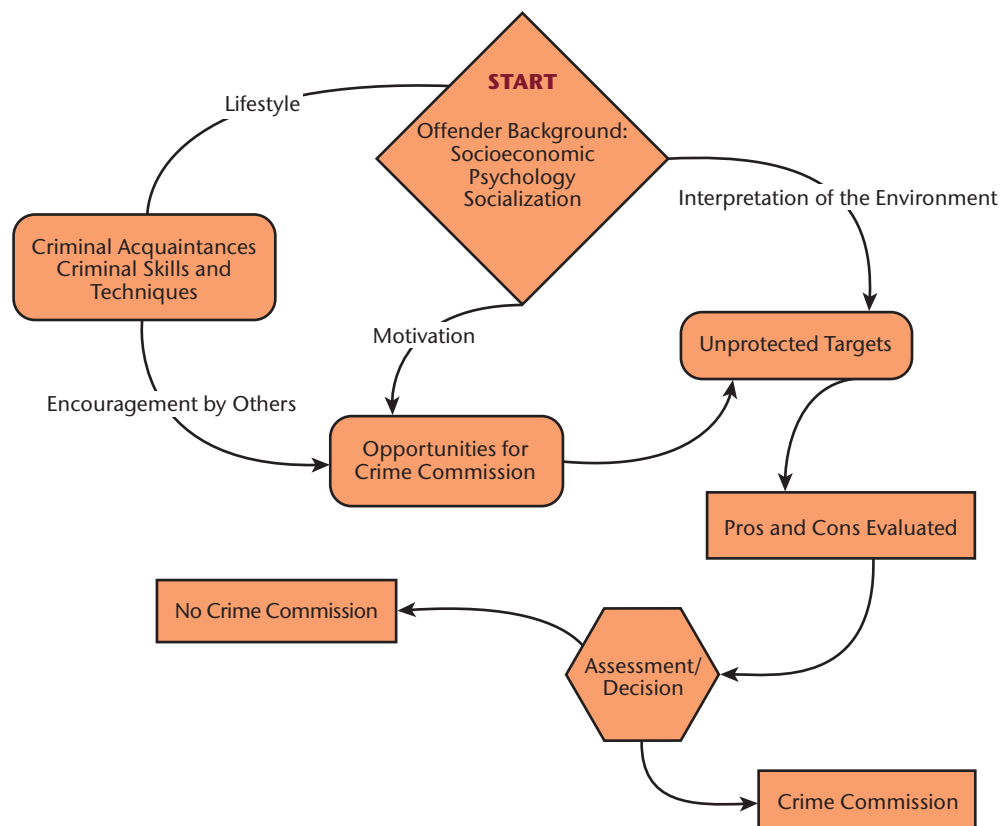

FIGURE 2–3 Rational Choice and Crime.

Objective: Increase the effort	Example: Close streets
Objective: Increase the risks	Example: Strengthen surveillance
Objective: Reduce the rewards	Example: Identify property
Objective: Reduce provocations	Example: Reduce emotional arousal
Objective: Remove the excuses	Example: Control drugs/alcohol

FIGURE 2–4 **Situational Crime-Control Objectives with Examples.**
Source: Based on Frank Schmalleger, *Criminology*, 4e.
© 2018, Pearson Education, Inc., New York, NY.

suggest using situational strategies such as "cheque guarantee cards, the control of alcohol sales at football matches, supervision of children's play on public housing estates, vandal resistant materials and designs, 'defensible space' architecture, improved lighting, closed-circuit television surveillance"[18] as effective crime-prevention additions to specific situations—all designed to lower criminal victimization in given instances.

In brief, rational choice theorists concentrate on "the decision-making process of offenders confronted with specific contexts" and have shifted "the focus of the effort to prevent crime . . . from broad social programs to target hardening, environmental design or any impediment that would [dissuade] a motivated offender from offending."[19] Twenty-five techniques of situational crime control can be identified, and each can be classified according to the five objectives of situational prevention.[20] Figure 2–4 outlines those objectives and provides examples of each. All 25 techniques can be seen in the interactive Web graphic available at **http://www.popcenter.org/25techniques**. As shown in the figure, the five objectives are as follows:

1. Increase the effort involved in committing a crime.
2. Increase the risks associated with crime commission.
3. Reduce the rewards of crime.
4. Reduce the provocations that lead to criminal activity.
5. Remove the excuses that facilitate crime commission.

Although RCT is similar to classical deterrence theory, earlier approaches focused largely on the balance between pleasure and pain to prevent criminal behavior. Rational choice theory places less emphasis on pleasure and emotionality and more on rationality and cognition. Some rational choice theorists distinguish among the types of choices offenders make when moving toward criminal involvement. One type of choice, known as "involvement decisions," is considered "multistaged" and "includes the initial decision to engage in criminal activity as well as subsequent decisions to continue one's involvement or to desist."[21] Another type of choice, called "event decisions," relates to particular instances of criminal opportunity, such as robbing a particular person or letting him or her pass by unmolested. Event decisions are usually made quickly, in contrast to involvement decisions, which are decided after months or years of thought.

The Excitement of Crime

In 2017, a wave of car burnings swept across Sweden, a country that prides itself on its low levels of crime. More than 2,000 vehicles were damaged or destroyed, leaving the police with few clues and only a handful of arrests. A Stockholm police spokesperson offered an explanation for the arsons. "There are a few major reasons," he said. "One is that … that these youth or young men, when interviewed, say it is fun or exciting."[22] One criminologist focusing on the excitement of crime is **Jack Katz**.[23] In his book *Seductions of Crime*, Katz explains that crime is the result of "often wonderful attractions within the lived experience of criminality."[24] Crime, Katz says, is often pleasurable for those committing it, and this pleasure of one sort or another is the major motivation behind crime. As the title of his book indicates, Katz termed these pleasurable experiences the **seductions of crime**. Sometimes, however, the pleasures derived from crime are not immediately obvious. Moreover, as Katz points out, criminologists have often depicted crime as something to be avoided, but have failed to understand just how good some crimes feel to those who commit them.[25]

For many criminal offenders, crime is indeed rewarding, Katz says. It is exciting; it feels good, he tells his readers. "The particular seductions and compulsions [which criminals] experience may be unique to crime," he says, "but the sense of being seduced and compelled is not. To grasp the magic in the criminal's sensuality, we must acknowledge our own."[26] Katz describes the almost sexual attraction shoplifting held for one young offender. As one thief said, "The experience was almost orgasmic for me. There was a buildup of tension as I contemplated the danger of a forbidden act, then a rush of excitement at the moment of committing the crime, and finally a delicious sense of release."[27] Katz's approach, which stresses the sensual dynamics of criminality, says that for many people, crime is sensually compelling. As one writer notes, "Jack Katz argues for a redirection of the criminological gaze—from the traditional focus on background factors such as age, gender, and material conditions to foreground or situational factors that directly precipitate criminal acts and reflect crimes' sensuality."[28] Learn more about Jack Katz's seductions of crime at **http://www.slideshare.net/mattyp99/2013-seductionsof-crimejackkatz**.

Situational Crime-Control Policy

Building on the work of rational and situational choice theorists, Israeli American criminologist David Weisburd describes the advantages of a situational approach to crime prevention. Weisburd points out that crime-prevention efforts have traditionally been

Think About It…

This chapter refers to 25 situational crime-control techniques. How might situational crime-control techniques be applied to reduce crimes such as shoplifting?
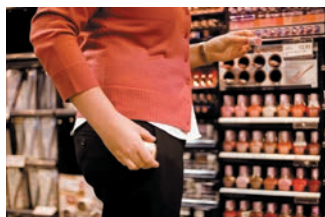
Steve Lovegrove/Fotolia

concerned with offenders or potential offenders. "Researchers have looked to define strategies that would deter individuals from involvement in crime or rehabilitate them," Weisburd says, "so they would no longer want to commit criminal acts. In recent years, crime-prevention efforts have often focused on the incapacitation of high-rate or dangerous offenders so [that] they are not free to victimize law-abiding citizens. In the public debate over crime-prevention policies, these strategies are usually defined as competing approaches."[29] However, Weisburd says, "They [agree] about crime-prevention research and policy: that efforts to understand and control crime must begin with [understanding] the offender. In all of these approaches, the focus of crime prevention is on people and their involvement in criminality."

"Although this assumption continues to dominate crime prevention research and policy," says Weisburd, "it has begun to be challenged by a very different approach that seeks to shift the focus of crime prevention efforts." The new approach developed in large part as a response to the failures of traditional theories and programs. The 1970s, in particular, saw a shattering of traditional assumptions about the effectiveness of crime-prevention efforts. It led to a reevaluation of research and policy about crime prevention. For many scholars and policymakers, this meant having to rethink their assumptions about criminality and how offenders might be prevented from participating in crime. Others suggested that a more radical reorientation of crime-prevention efforts was needed. They argued to shift the unit of analysis forming the basis of crime-prevention efforts, instead of changing specific strategies or theories already in use at the time. This new crime-prevention effort focuses not on people who commit crime, but on the context in which crime occurs.

This approach, which is called **situational crime prevention**, looks to develop greater understanding of crime and more effective crime-prevention strategies through concern with the physical, organizational, and social environments that make crime possible.[30] The situational approach does not ignore offenders; it merely places them as one part of a broader crime-prevention equation centered on the context of crime. It demands shifting the approach to crime prevention from one concerned primarily with why people commit crime to one that asks why crime occurs in specific settings. It moves the context of crime into central focus and sees the offender as one of several factors that affect it. Situational crime prevention is closely associated with the idea of a "criminology of place," which is discussed in more detail in Chapter 6.

Weisburd suggests that a "reorientation of crime prevention research and policy, from the causes of criminality to the context of crime, provides much promise." Says Weisburd, "At the core of situational prevention is the concept of opportunity." In contrast to offender-based approaches to crime prevention that usually focus on the dispositions of criminals, situational crime prevention begins with the opportunity structure of the crime situation. By "opportunity structure," advocates of this perspective refer to the immediate situational and environmental components of the context of crime, not the sociological concepts of anomie (normlessness) or differential opportunity. Their approach to preventing crime is to reduce the opportunities for crime in specifically identified situations. This

THEORY in PERSPECTIVE

The Classical School and Neoclassical Thinkers

The Classical School is a criminological perspective developed in the late 1700s and early 1800s. It had its roots in the Enlightenment and held that men and women are rational beings and that crime is the result of the exercise of free will and personal choices based on calculations of perceived costs and benefits. Hence, punishment can be effective in reducing the incidence of crime when it negates the rewards to be derived from crime commission.

Classical Criminology

Approach: Application of Classical School principles to problems of crime and justice

Period: 1700s–1880

Theorists: Cesare Beccaria, Jeremy Bentham, others

Concepts: Free will, deterrence through punishment, social contract, natural law, natural rights, due process, Panopticon

Neoclassical Criminology

Approach: Modern-day application of classical principles to problems of crime and crime control in contemporary society, often in the guise of "get-tough" social policies

Period: 1970s–present

Theorists: Ronald V. Clarke, Derek B. Cornish, Jack Katz, many others

Concepts: Rational choice, situational crime prevention, target hardening, just deserts, determinate sentencing, specific deterrence, general deterrence

may involve efforts as simple and straightforward as **target hardening** or access control.[31]

The value of a situational approach lies in the fact that criminologists have found it difficult to identify who is likely to become a serious offender and to predict the timing and types of future offenses that repeat offenders are likely to commit. And, as Weisburd says, "Legal and ethical dilemmas make it difficult to base criminal justice policies on models that still include a substantial degree of statistical error." Moreover, Weisburd adds, "If traditional approaches worked well, of course, there would be little pressure to find new forms of crime prevention. If traditional approaches worked well, few people would possess criminal motivation and fewer still would actually commit crimes."

Situational prevention advocates argue that the context of crime provides a promising alternative to traditional offender-based crime-prevention policies.[32] They assume that situations provide a more stable and predictable focus for crime-prevention efforts than do people. In part, this assumption develops from commonsense notions of the relationship between opportunities and crime. Shoplifting, for example, is, by definition, clustered in stores and not residences, and family disputes are unlikely to be a problem outside the home. High-crime places, in contrast to high-crime people, cannot flee to avoid criminal justice intervention, and crime that develops from the specific characteristics of certain places cannot be easily transferred to other contexts.

Another example can be found in street robberies, which are most likely to be found in places where many pedestrians stroll (such as bus stops and business districts), where there are few police or informal guardians (e.g., doormen), and where a supply of motivated offenders can be found nearby or at least within easy access to public transportation.[33] Similarly, such places are not likely to be centers for prostitution, which would favor easy access of cars (and little interference by shopkeepers who are likely to object to the obvious nature of street solicitations), or flashing, which is more likely to be found in the more anonymous environments of public parks.

▶ *Punishment and Neoclassical Thought*

Punishment is a central feature of both classical and neoclassical thought. Whereas punishment served as a deterrent to crime in

> **LEARNING OUTCOMES 4** Describe how neoclassicism views punishment as a deterrent to crime.

classical thought, in neoclassical thinking, it is expanded to support the ancient concept of retribution. Advocates of retribution see punishment as revenge.

If a person is attracted to crime and chooses to violate the law, then he or she *deserves* to be punished, according to modern neoclassical thinkers. Because the consequences of crime were known to the offender before the crime was committed, the criminal *must* be punished to curtail future criminal behavior.

Notions of revenge and retribution are morally based. They build on a sense of community indignation at criminal behavior—and on the sense of righteousness inherent in Judeo-Christian notions of morality and propriety. Both philosophies of punishment turn a blind eye to the mundane and practical consequences of any particular form of punishment. Advocates of retributive punishment easily dismiss critics of the death penalty. Those critics are known to frequently challenge the effectiveness of court-ordered capital punishment on the basis that such sentences do little to deter others from committing the same crimes. Wider issues, including general deterrence, are irrelevant when a person focuses narrowly on the emotions that crime and victimization produce in any given instance. Simply put, from the neoclassical perspective, some crimes cry out for vengeance, while others demand little more than a slap on the wrist or an apology from the offender.

Just Deserts

The old adages "He got what was coming to him" and "She got her due" summarize the thinking behind the **just deserts model** of criminal sentencing. Just deserts, a concept inherent in the justice model, means that criminal offenders deserve the punishment they receive at the hands of the law, and that any punishment imposed should be appropriate to the type and severity of crime committed. The idea of just deserts has long been a part of Western thought. The Old Testament dictum of "an eye for an eye, and a tooth for a tooth" has been cited by many as divine justification for strict punishments. Some scholars believe, however, that in reality, the notion of "an eye for an eye" was intended to reduce the barbarism of existing penalties, where a victim might exact the severest of punishments for only minor offenses. In those times, even petty offenses were often punished by whipping, torture, and sometimes death.

According to the neoclassical perspective, doing justice ultimately comes down to an official doling out of what is deserved. Justice is nothing more or less than what that individual deserves after careful consideration of the circumstances.

Deterrence

True to its historical roots, **deterrence** is a hallmark of modern neoclassical thought. In contrast to early thinkers, however, today's neoclassical writers distinguish between **specific deterrence** and **general deterrence**. Specific deterrence is a goal of criminal sentencing that seeks to prevent a particular offender from repeating criminality. General deterrence, in contrast, works by way of example and seeks to prevent others from committing crimes similar to the one for which a particular offender is being sentenced.

Following their classical counterparts, modern-day advocates of general deterrence stress that for punishment to effectively impede crime, it must be swift, certain, and severe enough to outweigh rewards flowing from criminal activity. Unfortunately, those advocating punishment as a deterrent are frustrated by today's complex criminal justice system and the slow handling of cases and punishments. Court-imposed punishments are rarely swift in imposition due to inherent delays in

judicial proceedings and stalling tactics used by defense counsel. Similarly, certainty of punishment is practically nonexistent because of ongoing appeals and stumbling blocks built into the system. Often, punishments are ordered and not fully carried out. In contemporary America, offenders sentenced to death, for example, are unlikely to ever have their sentences finalized. For those who do, an average of nearly 16 years passes between the time a sentence of death is imposed and the time it is carried out.[34] Death-row inmates and their lawyers typically solicit appeals at various courts to delay or derail the process of justice. Some win new trials, others receive overturned sentences by blanket U.S. Supreme Court rulings finding fault or trial error. Many others die of natural causes before the notion of fair process is actually served.

If the neoclassicists are correct, ideally, criminal punishments should prevent a repetition of crime. Unfortunately, as high rates of contemporary recidivism indicate, punishments in America rarely accomplish that goal. **Recidivism** means repeating criminal behavior by those already involved in crime. Recidivism can also be used to measure the success of a given approach to the problem of crime. When so employed, it is referred to as a **recidivism rate**, expressed as the percentage of convicted offenders released from prison who are later rearrested for a new crime, generally within five years following release. Some studies show high recidivism rates, reaching 80–90%, meaning that eight or nine of every ten criminal offenders released from confinement are rearrested for new crimes within five years of release. Such studies, however, do not measure how many released offenders return to crime but are not caught; nor do they identify those who return to crime more than five years after release from prison. Were such numbers available, recidivism rates would likely be even higher.

One reason American criminal justice seems so ineffectual at preventing crime and reducing recidivism may be that the punishments that contemporary criminal law provides are rarely applied to most offenders. Statistics show that few
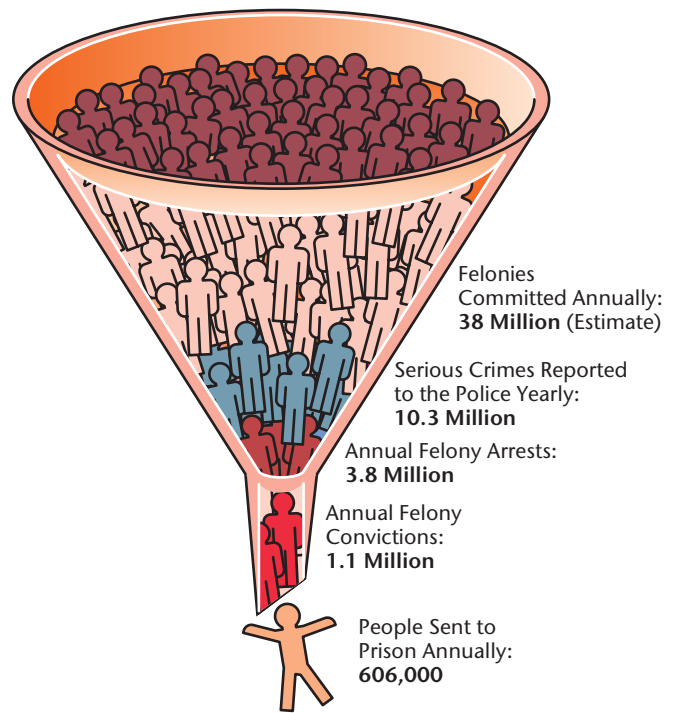

Felonies Committed Annually: **38 Million** (Estimate)

Serious Crimes Reported to the Police Yearly: **10.3 Million**

Annual Felony Arrests: **3.8 Million**

Annual Felony Convictions: **1.1 Million**

People Sent to Prison Annually: **606,000**

FIGURE 2–5 **The Crime Funnel.**
Note: Includes drug crimes.
Source: Adapted from data provided by the Bureau of Justice Statistics.

lawbreakers are ever arrested and that of those who are arrested, fewer still are convicted of the crimes with which they have been charged. After lengthy court proceedings, most offenders processed by the justice system are released, fined, or placed on probation. Relatively few are sent to prison, although short of capital punishment, prison is the most severe form of punishment available to authorities today. To represent this situation, criminal justice experts often use a diagram known as a "crime funnel." Figure 2–5 shows the crime funnel for 2018. As the figure shows, fewer than 2% of criminal law violators in America can be expected to spend time in prison as punishment for their crimes.

Complicating the situation is the fact that few inmates ever serve their full sentences. Many serve only a small fraction of their sentences, with early release for good behavior, mandated reentry training, and the practical considerations necessitated by prison overcrowding.

Think About It…

Why do we say that "notions of revenge and retribution" are morally based? Is it easier to take revenge on an offender whose crime is believed to be the result of rational thought, instead of an offender whose crimes are undertaken spontaneously?

Stella, Jacques (1596–1657)/Fitzwilliam Museum/University of Cambridge/Bridgeman Images

▶ *The Death Penalty*

Notions of deterrence, retribution, and just deserts all come together in **capital punishment**. The many different understandings of crime and crime control, along with arguments over free will and social determinism, combine with varying philosophies of punishment to produce considerable disagreement over death as an appropriate form of criminal sanction.

LEARNING OUTCOMES 5 Outline the arguments for and against the death penalty.

Opponents of capital punishment make 10 kinds of claims:

1. Capital punishment does not deter crime.
2. The death penalty has, at times, been imposed on innocent people, with no workable system currently in place to prevent the accidental execution of innocents.
3. Human life is sacred, even the life of a murderer.
4. State-imposed death lowers society to the same moral (or amoral) level as the murderer.
5. The death penalty has been haphazardly imposed in seemingly random fashion.
6. The death penalty is imposed disproportionately on minority offenders.
7. Capital punishment goes against most fundamental precepts of organized religion.
8. The death penalty is more expensive than imprisonment.
9. Internationally, capital punishment is widely viewed as inhumane and barbaric.
10. A viable alternative exists in life imprisonment without the possibility of parole.

Advocates of capital punishment discount each of these claims by countering abolitionist arguments of injustice with the proposition that death is *deserved* by those who commit especially heinous acts. Some argue that people deserve to die as retribution for horrible crime and that, in some cases, capital punishment provides the only just response available to society. These arguments have evolved from a natural law perspective, are sometimes supported on religious grounds, and are often based on the notion of just deserts, as discussed earlier. Similarly, other advocates note that a showing of simple racial disproportionality in capital punishment ignores realistic considerations of offender demographics. Finally, some counter that there are countries whose capital punishment practices are far more barbaric than those of the United States.

Strong feelings on both sides of the issue have generated studies of the effectiveness and fairness of capital punishment as a criminal sanction. Although one might expect study results to have produced some agreement, just the opposite seems to have occurred. A relative impasse exists as to the proper interpretation of most death-penalty studies. How the death penalty acts as a general deterrent, for example, has been widely

examined. Some researchers[35] have compared murder rates between states eliminating the death penalty with those retaining it, finding little variation in recorded murder rates. Others looked at variations in murder rates over time in jurisdictions eliminating capital punishment, with similar results.[36] A now classic 1988 Texas study provided a comprehensive review of capital punishment by correlating homicide rates with the rate of executions within the state between 1930 and 1986.[37] The study, which was especially important because Texas actively employs capital punishment, failed to find any support for the use of death as a deterrent.

Similarly, in an important recent study of the deterrent effect of capital punishment, Tomislav V. Kovandzic and colleagues found "no empirical support for the argument that the existence or application of the death penalty deters offenders from committing homicide."[38] In 2012, in a succinct summary of studies on the deterrent effect of the death penalty, the Committee on Law and Justice of the National Academies of Sciences released *Deterrence and the Death Penalty*, a publication that included a detailed analysis of previous death-penalty research.[39] The Committee found that "research to date is not informative about whether capital punishment decreases, increases, or has no effect on homicide rates." It concluded that "claims that research demonstrates that capital punishment decreases or increases the homicide rate or has no effect on it should not influence policy judgments about capital punishment."

Regardless of studies to the contrary, many capital punishment advocates remain unconvinced that the threat of death cannot be an effective deterrent. As with other punishments, a swift and certain death penalty, they point out, is likely to deter others. As noted earlier, however, modern-day capital punishment rarely meets these requirements because offenders sentenced to death are unlikely to ever have their sentences finalized.[40] Even if the threat of death does not effectively deter others, advocates of capital punishment say that it ensures that the people put to death will never commit another crime. Learn more about capital punishment at **https://www.justicestudies.com/pubs/cap2018.pdf**.

Think About It…

People tend to have powerful feelings about capital punishment—they are either strongly in favor of it or strongly opposed to it. Which arguments do you find most convincing about the death penalty—and which side of the death penalty debate are you on? Defend your choice.
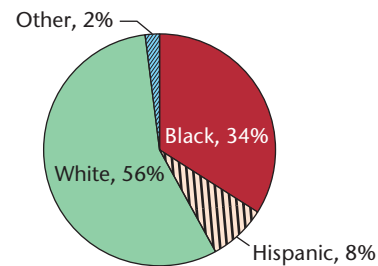
Dennis Brack/Newscom

FIGURE 2–6 **Ethnicity of Defendants Executed in the United States, 1976–2018.**
Source: Death Penalty Information Center, "Facts about the Death Penalty," October 11, 2018; http://www.deathpenaltyinfo.org/documents/FactSheet.pdf.

Capital Punishment and Ethnicity

According to the Washington-based Death Penalty Information Center,[41] the death penalty has been imposed disproportionately on racial minorities throughout most of American history. Statistics maintained by the center show that "since 1930 nearly 90% of those executed for the crime of rape in this country were African Americans. Currently, about 50% of those on the nation's death rows are from minority populations representing 20% of the country's population." The center, a fervent anti-capital punishment organization, claims that "evidence of racial discrimination in the application of capital punishment continues. About 34% of those executed since 1976 have been black (Figure 2–6), even though blacks constitute only 12% of the [nation's total] population. And in almost every death penalty case, the race of the victim is white." The center says that of all the executions that have occurred since the death penalty was reinstated in 1972, only one has involved a white defendant for the murder of a black person. Figure 2–7 provides information on the ethnicity of murder victims in death-penalty cases in the United States from 1976 to 2018.

On the other hand, capital punishment advocates say that the real question is not whether differences exist in the rate of imposition among ethnic populations of the death penalty, but whether the penalty is *fairly* imposed. They argue, for example, that if 50% of all capital punishment–eligible crimes were committed by members of a particular, but relatively small, ethnic group, then anyone anticipating fairness in imposition of the death penalty would expect to see 50% of death-row populations composed of members of that group—no matter how

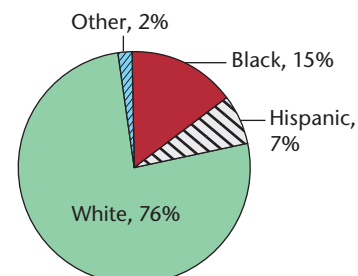**FIGURE 2–7** **Ethnicity of Murder Victims in Death Penalty Cases in the United States, 1976–2018.**
Source: Death Penalty Information Center, "Facts about the Death Penalty," October 11, 2018; http://www.deathpenaltyinfo.org/documents/FactSheet.pdf.

small the group. In like manner, one would also expect to see the same relative ethnicity among those executed. In short, they say that if fairness is to be any guide, those committing capital crimes should be the ones sentenced to death—regardless of ethnicity, gender, age, or other similar social characteristics.

Although evidence may suggest that African Americans and other minorities in the United States have in the past been unfairly sentenced to die,[42] the present evidence is not so clear. For an accurate appraisal to be made, any claims of disproportionality must go beyond simple comparisons with racial representation in the larger population and must somehow measure both the frequency and the seriousness of capital crimes between and within racial groups. Following that line of reasoning, in the 1987 case of *McCleskey* v. *Kemp*,[43] the Supreme Court held that a simple showing of racial discrepancies in the application of the death penalty does not amount to a constitutional violation.

A Flawed System?

In 1996, researchers at the Institute for Law and Justice in Alexandria, Virginia, published *Convicted by Juries, Exonerated by Science*, a report funded by the National Institute of Justice.[44] The study reviewed 28 cases where postconviction DNA evidence conclusively exonerated defendants sentenced to lengthy prison terms. The 28 cases were selected on the basis of a detailed examination of records indicating that the convicted defendants actually might have been innocent. The men in the study had served an average of seven years in prison, and most were tried and sentenced prior to the widespread availability of reliable DNA testing—although eyewitness testimony and other forensic evidence sealed their convictions. In each case, the DNA results unequivocally demonstrated that the defendants were wrongfully convicted, and each defendant was ultimately set free. Although the study did not specifically involve the death penalty, *Convicted by Juries* showed just how fallible the judicial process can be for those convicted.

More recent studies focus on claimed injustices inherent in the sentencing process, leading to imposition of the death penalty and the seemingly unfair application of capital punishment sentences. A 2000 U.S. Department of Justice (DOJ) study, for example, found significant racial and geographic disparities in the imposition of federal death sentences.[45] The study revealed that 80% of the 682 defendants who have faced capital charges in federal courts since 1995 have been African American. Perhaps even more significant, U.S. attorneys in only 49 of the nation's 94 judicial districts have prosecuted defendants for capital crimes. Critics of the study noted that such numbers are meaningless unless compared with actual proportions of minority defendants qualifying for capital prosecution. The fact that few crimes qualify for prosecution as capital offenses might explain the lack of death-penalty prosecution. This is opposed to the belief that prosecuting attorneys may have exhibited discretion or less-than-eager efforts in seeking those death-penalty convictions.

A potentially more significant study was conducted by Columbia University Law School professors **James Liebman** and **Jeffrey Fagan**. Liebman and Fagan examined 4,578 death-penalty appeals during 1973–1995[46] and found that most cases were seriously flawed, necessitating retrials. Death-sentence convictions were thrown out in 68% of the state or federal court cases analyzed. This means that appellate courts found serious, reversible errors in almost seven out of every ten cases involving capital sentences. Eighty-two percent of defendants with death sentences that were overturned by state appellate courts due to serious error were found to deserve a sentence less than death. Of these, 7% were found to be innocent of the capital crime charged. According to the study's authors, "Our 23 years worth of findings reveal a capital punishment system collapsing under the weight of its own mistakes."

According to the Death Penalty Information Center, 163 people in 28 states were released from death rows across the United States between 1973 and late-2018 after proof of their innocence became available.[47]

Studies such as these have led to an official rethinking of the death penalty in some parts of the country, contributing to what some have called a moratorium movement focused on reform of capital punishment laws.[48] In 2000, for example, Illinois suspended executions after DNA results showed conclusively that 13 death-row prisoners were innocent, and in 2002, Maryland became the second state in modern times to declare a moratorium on executions. The governor decided that "reasonable questions have been raised in Maryland and across the country about the application of the death penalty."[49] Similarly, in 2007, New Jersey governor Jon S. Corzine signed a legislative measure repealing the state's law on capital punishment;[50] and in 2012, Connecticut governor Dannel Malloy signed legislation making his state the 17th state to abolish capital punishment.

Not all state governors are convinced that the death penalty should be abolished. Instead, some, such as former Massachusetts governor Mitt Romney, believe that capital punishment should be revived. Massachusetts abolished the death penalty in 1984 and has not carried out an execution since 1947.[51] In 2003, however, Governor Romney, having campaigned in favor of the death penalty, established the Governor's Council on Capital Punishment to restore the death penalty in his state. Romney told constituents that he sought to avoid the problems that have cast the death-sentencing systems of other states into doubt. The council's report, issued in 2004, included a recommended requirement that physical or scientific evidence, such as DNA, be used to corroborate guilt during the sentencing phase of trial. Jurors would also be informed of the demonstrated fallibility of human evidence and eyewitness testimony. Were the state to follow the council's recommendations, jurors would be told that to impose a sentence of death, they must find that there is "no doubt" about the defendant's guilt—a much higher standard of proof than the reasonable doubt standard used elsewhere. In 2014, legislative attempts to abolish the death penalty in New Hampshire and South Dakota were defeated.[52]

In 2004, recognizing that DNA testing exonerates the innocent, President George W. Bush signed the Innocence Protection Act[53] into law. The Innocence Protection Act