

FRANK E. HAGAN / LEAH E. DAIGLE

INTRODUCTION TO CRIMINOLOGY

theories, methods,
and criminal
behavior

EDITION
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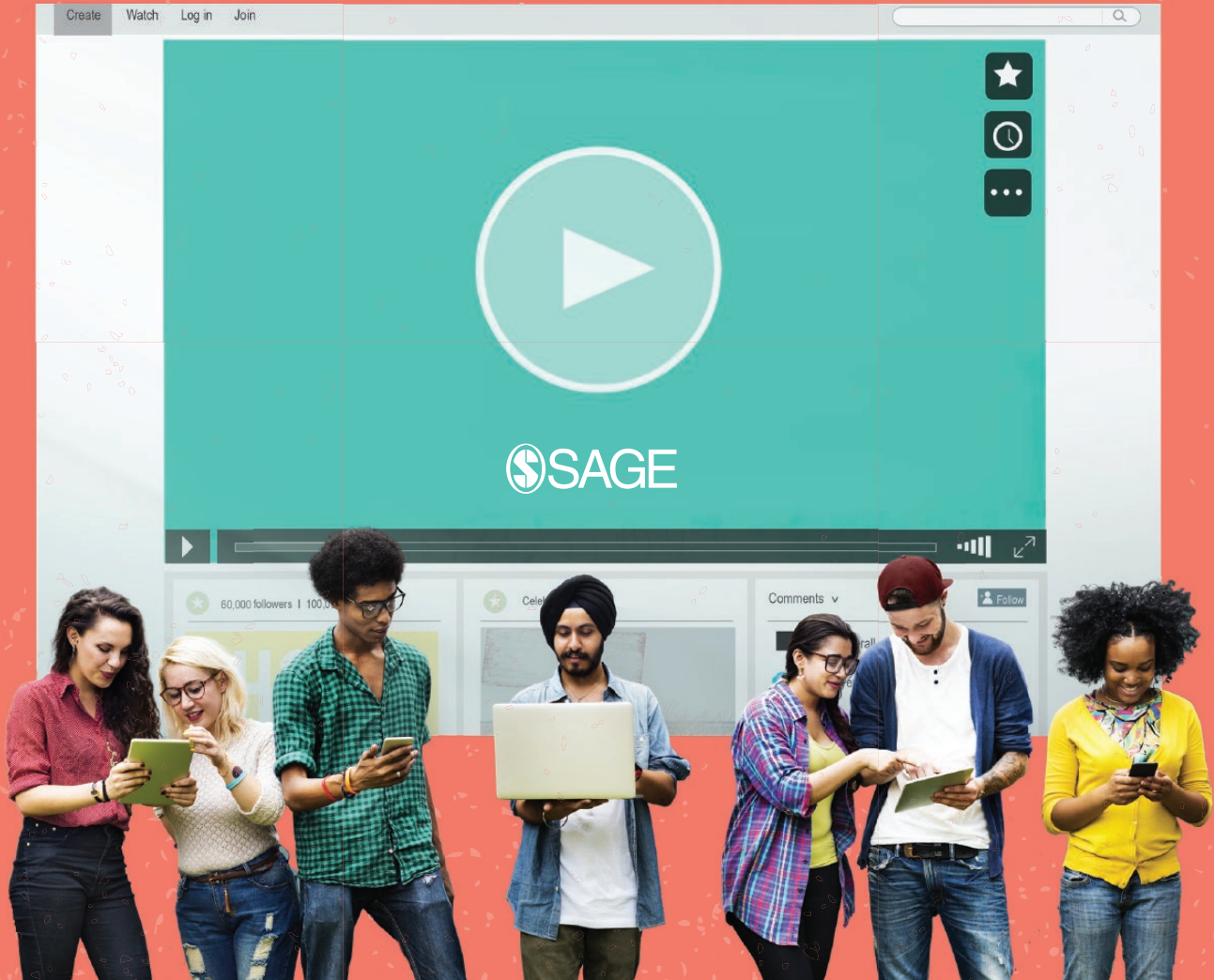
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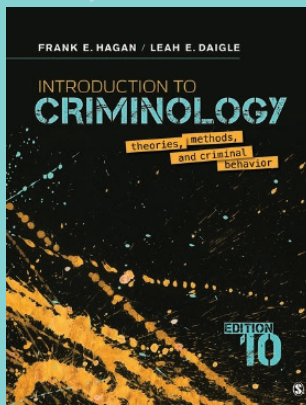
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INTRODUCTION TO
CRIMINOLOGY

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10

*I would like to dedicate this book to my granddaughter, Lily Alise Glennon;
my daughter, Shannon Glennon; and my son-in-law, the late Mark Glennon.
Finally, I would like to thank my wife, MaryAnn Hagan, for her support.*

—Frank Hagan

*I would like to dedicate this book to Adam, Avery, and Ian Comer,
my intelligent and inquisitive nephews and niece.*

—Leah Daigle

INTRODUCTION TO **CRIMINOLOGY**

theories, methods,
and criminal
behavior

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2455 Teller Road
Thousand Oaks, California 91320
E-mail: order@sagepub.com

SAGE Publications Ltd.
1 Oliver's Yard
55 City Road
London EC1Y 1SP
United Kingdom

SAGE Publications India Pvt. Ltd.
B 1/1 Mohan Cooperative Industrial Area
Mathura Road, New Delhi 110 044
India

SAGE Publications Asia-Pacific Pte. Ltd.
18 Cross Street #10-10/11/12
China Square Central
Singapore 048423

Acquisitions Editor: Jessica Miller
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Manheim
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Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Names: Hagan, Frank E., author. | Daigle, Leah E., author.

Title: Introduction to criminology : theories, methods, and criminal behavior / Frank E. Hagan, Mercyhurst College, Leah Elizabeth Daigle, Georgia State University.

Description: 10th edition. | Thousand Oaks : Sage, [2020] | Includes bibliographical references and index.

Identifiers: LCCN 2018040410 | ISBN 9781544339023 (pbk. : alk. paper)

Subjects: LCSH: Criminology. | Criminology—United States.

Classification: LCC HV6025 .H26 2020 | DDC 364—dc23
LC record available at <https://lcn.loc.gov/2018040410>

This book is printed on acid-free paper.

18 19 20 21 22 10 9 8 7 6 5 4 3 2 1

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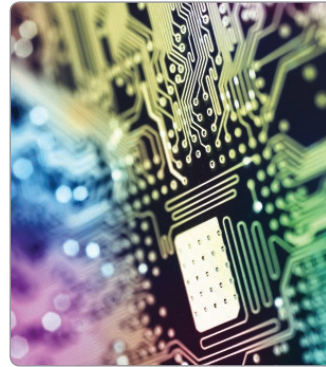
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Preface

The 10th edition maintains the purpose of the original text: to serve the needs of instructors in criminology who wish to avoid the excessively legal and crime-control orientation of many recent textbooks. Certainly, some familiarity with the legal and crime-control orientation is both necessary and desirable, but in emphasizing these elements, some introductory texts give short shrift to the real and vital core of criminology—theory, method, and criminal behavior. To overstress detailed analyses of social-control agencies while neglecting to provide adequate descriptions of criminal activity produces a text that would more accurately be called an introduction to criminal justice systems. An introduction to criminology, by contrast, should offer thorough descriptions and explanations of criminal behavior, because that is the basis on which effective social policy and social agencies must be developed. Many recent texts have also become increasingly encyclopedic, attempting to cover everything ever written in the field in one introductory class. This text views itself as an introductory one that will hopefully whet students' appetite for the field without overwhelming them.

This book is intended for the introductory criminology class typically offered in the sophomore or junior year. It is written for both the college and university as well as community college markets. Professors are welcome to alter the order in which they present the chapters in their classes. Chapter 1 offers a general introduction to the field, while Chapter 2 examines the area of research methods. General patterns and variations in crime are the focus of Chapter 3, while Chapter 4 features a chapter on victims and victimology. Chapters 5 to 8 explore the subject of theory beginning with early and classical theories (Chapter 5), progressing to biological and psychological theories (Chapter 6) and sociological mainstream theories (Chapter 7), and ending with critical and integrated theories (Chapter 8). Chapters 9 to 14 examine specific types of criminal behavior. Violent crime in Chapter 9 is followed by property crime in Chapter 10. Chapter 11 details the world of white-collar crime, Chapter 12 undertakes to explain the world of political crime, and organized crime is analyzed in Chapter 13. Chapter 14 discusses public order crime, and Chapter 15 covers cybercrime and the future of crime.

New to This Edition

The tenth edition of *Introduction to Criminology* attempts to honor the past of criminology while adding new material from contemporary 21st-century crime and criminology. In addition to updating all statistics, this edition features an emphasis in each chapter on the “media and crime.” To help students apply theory to real-life examples, the case of Aileen Wuornos is used throughout Part II, with questions to guide students in how to apply theory to the case.

New Features

- Over 170 new **Learning Check** questions and answers have been added throughout the book to help students review their understanding of key concepts and increase reading comprehension.
- New **Applying Theory** scenarios are included with the theory chapters in Part II. These application exercises encourage critical thinking by asking students to explain the criminal behavior of Aileen Wuornos with criminological theory.

- Updated **Crime and the Media** highlights increasing attention to the effect that the media have on public perception of crime. New topics include the #MeToo movement, media coverage of the opioid crisis, popular shows like *Breaking Bad* and *The Wire*, online dating fraud, and cyberbullying.
- Updated **figures, tables, and statistics** throughout the book, where data were available.

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-  **Author Video:** An original video for Chapter 4 showcases author Leah Daigle discussing victimology.

Acknowledgments

- Ten editions of a book require much help along the way. We thank the many people who assisted in this endeavor. Along with all those who helped with the previous editions, we wish to thank the reviewers for the last edition.
- Reviewers for the ninth edition were Rose Johnson Bigler, Curry College; Patricia L. Donze, California State University, Chico; Terri L. Earnest, University of Texas at San Antonio; Arina Gertseva, Washington State University; Anita Kalunta-Crumpton, Texas Southern University; Todd M. Krohn, University of Georgia; Tamara J. Lynn,

Fort Hays State University; David R. Montague, University of Arkansas at Little Rock; Erica Ross, Cleveland Community College; Robert Roth, Strayer University; Christle Rowe, Old Dominion University; and Dorothy A. Sliben, Strayer University.

- Reviewers for this edition include the following:
 - Amy Baumann Grau, Shawnee State University
 - Jackie Chavez, Troy University
 - Jonathan Intravia, Ball State University
 - Allyson S. Maida, St. John's University
 - Racheal Pesta, University of Akron
 - Mark A. Winton, University of Central Florida
 - Thomas G. Ziesemer, College of Central Florida

Frank Hagan: I would also like to acknowledge my debt to my first criminology professor, the late Dan Koenig (University of Victoria). My appreciation is also extended to the SAGE Publications team led by acquisitions editor Jessica Miller. Others include Adeline Grout, associate content development editor; Jillian Ragusa, marketing manager; and Rebecca Lee, editorial assistant. I would also like to express a special thanks to Joe Caruso of Hudson Valley Community College. The battle for academic freedom requires eternal vigilance. I am particularly in debt to my coauthor, Leah Daigle, for her efforts in getting this project done.

Leah E. Daigle: First, I must thank Frank Hagan for bringing me on as a coauthor on this wonderful text. You have been a joy to work with. I also need to give a special thanks to Michelle Harris, a doctoral student at Georgia State University, who helped me update material, and Davis Smith, an undergraduate student who also proved very helpful. Thank you so much! I am also thankful to Jessica Miller and Adeline Grout at SAGE Publications. Jessica, thank you for helping coordinate this edition with me as a new coauthor. And, Adeline, your feedback and support was appreciated.

About the Authors

Frank E. Hagan is a native of the North Side of Pittsburgh and has earned degrees at Gannon, Maryland, and Case Western Reserve. He is the director of the James V. Kinnane Graduate Program in Administration of Justice and is the author of eight books. These are *Deviance and the Family* (with Marvin B. Sussman), *Introduction to Criminology* (10th edition), *Crime Types and Criminals*, *Research Methods in Criminal Justice and Criminology* (9th edition), *Essentials of Research Methods in Criminal Justice*, *Political Crime*, *White Collar Deviance* (with David Simon), and *The Language of Research* (with Pamela Tontodonato).

He is also the author or coauthor of many journal articles and articles in edited volumes. A recipient of the Academy of Criminal Justice Sciences Fellow Award (2000), he was also awarded the Teacher's Excellence Award by Mercyhurst University in 2006. His major interests are research methods, criminology and organized crime, white-collar crime, and political crime and terrorism.

Leah E. Daigle is professor in the Department of Criminal Justice and Criminology in the Andrew Young School of Policy Studies at Georgia State University. She received her PhD in criminal justice from the University of Cincinnati in 2005. Her most recent research is centered on repeat sexual victimization of college women and responses women use during and after being sexually victimized. Her other research interests include the development and continuation of offending and victimization across the life course. She is author of *Victimology: A Text/Reader* (2nd ed.), *Victimology: The Essentials* (2nd ed.), coauthor of *Criminals in the Making: Criminality Across the Life Course*, *Victimology*, and *Unsafe in the Ivory Tower: The Sexual Victimization of College Women*, which was awarded the 2011 Outstanding Book Award by the Academy of Criminal Justice Sciences. She has also published numerous peer-reviewed articles that have appeared in outlets such as *Justice Quarterly*, *Journal of Quantitative Criminology*, *Journal of Interpersonal Violence*, and *Victims and Offenders*.



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PART I

FOUNDATIONS OF CRIMINOLOGY

CHAPTER 1

Introduction to Criminology

CHAPTER 2

Research Methods in Criminology

CHAPTER 3

General Characteristics of Crime and Criminals

CHAPTER 4

What Is Victimology?



Office of Chief Medical Examiner

DDE
-216

RAM (Front/Back)

Blunt TRAUMA
5' x 7.25"

STAB
Wound #1

Name
Address
Case
Inland

35-32
27 05 76

Witness Signature: Lela Morva

EVIDENCE

Coroner's Department

Name: JOHN D. DOE

DOB: 06 / 08 / 70 Received: 07 / 12

County: [REDACTED] Da

Age at time of offense: 30 Ra

Weight: 166 LBS Eyes: GREY Ha

Native County: [REDACTED] State: MS

Prior Occupation: CONSTRUCTION Education

Prior prison record:
#466-7789 4 YEARS / OOGB - ATTEMPTED MURDER \ ES

ASSAULT [REDACTED] DEADLY V
NARCOTICS W/ATT. DISTRIB

8, 1998 while attemptin
[REDACTED] who res
h speed chase ur
d a [REDACTED]
or the keys
shot the

Co-Defendants: #66-7789 SELF - 4/16/88
#366-0998 COURT APPOINTED - 6/7/11

Race of Victim(s): [REDACTED]
[REDACTED] W/M

Introduction to Criminology

Imagine a society of saints, a perfect cloister of exemplary individuals. Crimes, properly so-called, will there be unknown; but faults which appear venial to the layman will create there the same scandal that the ordinary offense does in ordinary consciousness.

—Émile Durkheim (1895/1950, pp. 68–69)

Crime is a sociopolitical artifact, not a natural phenomenon. . . . We can have as much or as little crime as we please, depending on what we choose to count as criminal.

—Herbert Packer (1968, p. 364)

Criminology

Remorseless suicidal terrorists hijack four airplanes and, with all passengers aboard, are successful in crashing two of these into the World Trade Center and one into the Pentagon, murdering nearly 3,000 people in the worst terrorist attack in history. A man shot and killed 58 concertgoers from the 32nd floor of the Mandalay Bay Resort and Casino in the worst mass murder in U.S. history. Major corporations and their accounting firms conspire and cause a major stock market plunge, losing stockholders billions of dollars.

What all of these events have in common is that they refer to various forms of criminal behavior; as we have just begun the 21st century, we can only guess what new, unforeseen horrors await us. The field that addresses this issue of crime and criminal behavior and attempts to define, explain, and predict it is criminology.

Criminology is generally defined as the science or discipline that studies **crime** and criminal behavior. Specifically, the field of criminology concentrates on forms of criminal behavior, the causes of crime, the definition of criminality, and the societal reaction to criminal activity; related areas of inquiry may include juvenile delinquency and victimology (the study of victims). Although there is considerable overlap between criminology and criminal justice, criminology shows a greater interest in the causal explanations of crime, whereas criminal justice is more occupied with practical, applied concerns, such as technical aspects of policing and corrections. In reality, the fields are highly complementary and interrelated, as indicated by overlapping membership in the two professional organizations representative of the fields: the American Society of Criminology and the Academy of Criminal Justice Sciences.

If you tell your friends that you are taking a course in criminology, many will assume that you are a budding Sherlock Holmes, on your way to becoming a master detective trained in investigating crime scenes. That describes the field of *criminalistics* (the scientific evaluation of physical evidence), which is sometimes confused in the media and public mind with criminology. Criminology is more concerned with analyzing the phenomena of crime and criminality, in performing scientifically accurate studies, and in developing sound theoretical explanations of crime and criminal behavior. It is hoped that such criminological knowledge and scientific research can inform and direct public policies to solve some crime problems. The

LEARNING OBJECTIVES

- 1.1** Define criminology and discuss the emergence of criminology as a discipline.
- 1.2** Identify Sumner's three types of norms.
- 1.3** Discuss how definitions of crime and laws change in relation to social change.
- 1.4** Explain the influence of criminal law on crime definitions.
- 1.5** Describe the economic effects of crime.

Criminology the scientific study of crime and criminal behavior.

Crime violations of criminal law.

**Photo 1.1**

Group portrait of a police department liquor squad posing with cases of confiscated alcohol and distilling equipment during Prohibition.

major concentration in this text is on the central areas of criminal behavior, research methodology, and criminological theory. Of particular interest is the exploration of crime typologies, the attempt to classify various criminal activity and criminals by type.

Fads and Fashions in Crime

A variety of crimes were of major concern in the past but appear in modern societies only in old movies on the late show. Train robbery, piracy, stagecoach robbery, cattle rustling, gunfights such as that at the O.K. Corral, and grave robbery have some modern remnants but for the most part have disappeared. Some of these practices have reappeared in different forms. In the 1970s, South Vietnamese “boat people” attempting to escape from their homeland were robbed, raped, and murdered by

Thai pirates. In late September 2017, a passenger ship was attacked by pirates on Nigerian waters, which left two people dead. Brink’s trucks have replaced stagecoaches, and semitrailer trucks full of prepared beef are hijacked instead of herds of live cattle. Post–Civil War gangs of Wild West robbers such as those of Doc Holliday, Jesse James, the Daltons, Black Bart, the Younger brothers, and Butch Cassidy disappeared with the settlement of the frontier only to reappear on wheels during the Depression of the 1930s in the persons of such infamous characters as John Dillinger, “Pretty Boy” Floyd, the Barrows, Bonnie Parker, and the Ma Barker gang. Mobile, organized gangs of bank robbers have largely faded into a quaint, unsavory history; they are now replaced by cybercriminals who can commit global electronic robbery.

Skyjacking, a major problem in the 1960s, was virtually eliminated as a result of better security measures, only to reappear in the United States in the early 1980s as an attempt by Cuban refugees to escape their homeland or by suicidal terrorists to wreak mass destruction. The skyjacking of four jumbo jets with the intention of using them as weapons of international terrorism represented the horrific events of 9/11. Kidnapping, a major concern in the United States in the 1930s (as illustrated by the famous Lindbergh case), is less of a concern today despite the rash of child kidnappings by noncustodial parents. On the other hand, since the 1970s, kidnapping has become a major crime in Italy, as best illustrated by the highly publicized kidnapping of billionaire J. Paul Getty’s grandson; the kidnappers mailed one of the young man’s ears to a daily newspaper to impress upon the family the seriousness of their intentions. The story of the kidnapping was recently made into a movie, *All the Money in the World*, which was released in 2017. In 1995 in Colombia, a kidnapping was reported every 6 hours. This was believed to have been precipitated by huge income disparities and inefficient police. The United States, by contrast, has experienced fewer than 12 kidnappings for ransom every year (Brooke, 1995). Slavery continues to be practiced in the form of human trafficking. Nostalgic views of the past tend to romanticize bygone violence or suppress its memory. Most apt to be forgotten are conditions of the past that more than match any chronicle of horrors of the present.

Crime File 1.1 examines the FBI’s “Ten Most Wanted Fugitives” list and includes photographs of the most wanted criminals.

The Emergence of Criminology

French sociologist Auguste Comte (1798–1857) viewed the **progression of knowledge** as consisting of three stages, from the predominantly *theological* explanations to *metaphysical* (philosophical) approaches to *scientific* explanations (Comte, 1851/1877). Prior to the emergence of modern criminal law in the 18th century, religion was the primary basis of social control beyond kinship organization. Theological explanations used supernatural or otherworldly bases for understanding reality. Recall, for instance, the papal condemnation of Galileo for heretically

Progression of knowledge

Comte’s theory that knowledge has historically progressed from theological to metaphysical to scientific.



Crime File 1.1

THE FBI'S 10 MOST WANTED FUGITIVES

In 1950, a news reporter asked the FBI for the 10 worst “tough guys” that they were hunting. The resulting publicity was so great that the list became an official FBI program. It satisfied the public’s hunger for

details about notorious criminals and served as a means of exposing fugitives and encouraging citizen participation.



ALEJANDRO ROSALES
CASTILLO



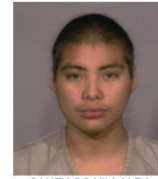
YASER ABDEL SAID



BHADRESHKUMAR
CHETANBHAI PATEL



JASON DEREK BROWN



SANTIAGO VILLALBA
MEDEROS



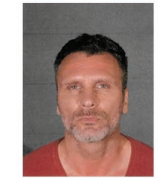
RAFAEL CARO-QUINTERO



ROBERT WILLIAM FISHER



ALEXIS FLORES



GREG ALYN CARLSON



LAMONT STEPHENSON

The FBI claims that since the program’s initiation, 161 of the “Ten Most Wanted Fugitives” have been apprehended as a result of citizen cooperation. Perhaps the most memorable case was the arrest of bank robber Willie Sutton when a clothing salesman recognized him on the New York City subway. After the citizen’s story was run in the *New York Times*, mobster Albert Anastasia had the salesman killed because, as he stated, “I hate squealers.”

The list has reflected very well the social climate of various time periods in the United States. The 1950s list consisted primarily of bank robbers, burglars, and car thieves, while the 1960s version featured revolutionaries and radicals. The 1970s list was dominated by organized criminals and terrorists, and although this emphasis continues, serial murderers and drug-related offenders abound in later lists. A recent “Ten Most Wanted Fugitives” list features the following:

Jason Derek Brown—wanted for murder and armed robbery.

Yaser Abdel Said—wanted for his alleged involvement in the murders of his two teenaged daughters.

Santiago Villalba Mederos—wanted for allegedly shooting two people in two separate incidents.

Rafael Caro-Quintero—wanted for his role in the murder of a DEA special agent.

Greg Alyn Carlson—alleged serial sexual predator.

Lamont Stephenson—wanted for allegedly murdering his fiancée and her dog.

Robert William Fisher—wanted for allegedly killing his wife and two young children and then blowing up the house.

Alejandro Castillo—wanted for allegedly murdering one of his coworkers.

Alexis Flores—wanted for unlawful flight to avoid prosecution and the alleged kidnapping and murder of a 5-year-old girl.

Bhadreshkumar Chetanbhai Patel—wanted for allegedly killing his wife while they were both at work at a donut shop.

For Further Thought

1. Visit the FBI website and look up “Headline Archive: Top Ten Quiz on the Top Ten Program” and see how many questions you can answer correctly.

Source: Federal Bureau of Investigation, <https://www.fbi.gov/wanted/topten>.

questioning biblical descriptions of the earth and celestial objects. In the metaphysical stage, philosophy sought secular (worldly) events to provide understanding through a new spirit of inquiry—rationality and logical argument. The two features of the scientific stage combined this rational spirit of investigation with the scientific method, emphasizing empiricism or experimentation. The scientific orientation emphasized measurement, observation, proof, replication (repetition of observation), and verification (analyzing the validity of observations).

Systematic application of the scientific method enabled humankind to unlock many of the mysteries of the ages. At first, breakthroughs in knowledge took place in the physical sciences; more recently, changes have also begun to occur in the social sciences, such as sociology and criminology. Because the scientific method provided major understanding and the ability to predict and control physical reality, the hope is that these same methods are applicable to and will prove useful in the social sciences. Although many view criminology as a science, others, such as Sutherland and Cressey (1974), view it as an art similar to medicine, a field based on many sciences and disciplines.

Criminology as a field of inquiry had its beginnings in Europe in the late 1700s in the writings of various philosophers, physicians, physical scientists, sociologists, and social scientists. Much of the early theory was heavily couched in biological frameworks that have largely been abandoned by modern American criminology until recently. Criminology emerged along with 18th-century criminal law. In fact, it was the early writings of Cesare Beccaria (1738–1794), especially his famous essay *On Crimes and Punishments* (1763), which was first published in 1764, that led to the reform of criminal law in Western Europe.

Despite its European roots, most of the major developments in modern criminology took place in the United States. Criminology was closely linked with the development of sociology, gaining its place on the U.S. academic scene between 1920 and 1940. Criminology had been largely a subdiscipline of sociology; even though criminology is interdisciplinary in focus, sociologists have devoted the most attention to the issue of criminality. Since the 1960s, criminology has emerged as a discipline in its own right. The earliest U.S. textbooks in the field were by Maurice Parmelee, John Gillin, Philip Parsons, and Fred Hayes, but it was the text and later writings of Edwin H. Sutherland, the acknowledged “dean of criminology,” that received the most deserved recognition.

LEARNING CHECK 1.1

Determine if the following statements are true or false. Answers can be found on page 474.

1. Criminology is primarily concerned with investigating crime scenes.
2. Criminology as a discipline had its beginnings in Europe in the late 1970s.

Crime and Deviance

Deviance or *deviant behavior* may refer to a broad range of activities that the majority in society may view as eccentric, dangerous, annoying, bizarre, outlandish, gross, abhorrent, and the like. It refers to behavior that is outside the range of normal societal toleration.

Definitions of deviance are relative to the time, the place, and the person(s) making the evaluation, and some acts are more universally defined than others. For instance, in the mid-19th century in the United States, bathing in a tub was considered immoral as well as unhealthy.

All societies have *cultural values*—practices and beliefs that are prized by or believed to be of benefit to the group. For instance, despite cultural relativity in defining deviance, anthropologists have identified a number of cultural universals—practices or customs that in general form exist in all known cultures. All cultures that have been studied look dimly on indiscriminate lying, cheating, stealing, and killing. Societies protect their values by creating norms, which are basically rules or prescribed modes of conduct.

Deviance behavior that is outside the limits of societal toleration.

Sumner's Types of Norms

Early American sociologist William Graham Sumner, in his classic work *Folkways* (1906), identifies three types of **norms**: folkways, mores, and laws. These norms reflect the values of a given culture; some norms are regarded by its members as more important than others. **Folkways** are the least serious norms and refer to usages, traditions, customs, or niceties that are preferred but are not subject to serious sanctions: manners, etiquette, and dress styles, for example. The character Reb Tevye in the musical *Fiddler on the Roof*, when learning that his daughter has rejected the marriage mate chosen by the matchmaker, wails, “Tradition—without our traditions, our lives would be as shaky as . . . a fiddler on the roof.” Recognizing changing times or folkways, however, he ultimately accepts his daughter’s decision to choose her own mate. **Mores** refer to more serious customs that involve moral judgments as well as sanctions (rewards or punishments). The mores cover prohibitions against behaviors that are felt to be seriously threatening to a group’s way of life. Our previous examples of lying, cheating, stealing, and killing are most certainly included in the mores. Both folkways and mores are examples of informal modes of social control and are characteristic of small, homogeneous cultures that feature simple technology and widescale consensus.

Laws represent formal modes of control, codified rules of behavior. If one accepts the consensus model of law (to be discussed shortly), laws represent an institutionalization or crystallization of the mores.

Mala in Se and Mala Prohibita

We have already identified deviant acts as those that violate group expectations and crime as any act that violates criminal law. Crime and its definition are social products. Society (human groups) decides what is a crime and what is not.

Criminologists make the distinction between acts *mala prohibita* and acts *mala in se*. Acts that are defined as **mala prohibita** refer to those that are bad because they have been prohibited. That is, such acts are not viewed as bad in themselves but are violations because the law defines them as such. Traffic violations, gambling, and infractions of various municipal ordinances might serve as examples. Such laws are viewed as assisting human groups in making life more predictable and orderly, but disobedience carries little stigma other than (usually) fines. The criminalization of such acts might be viewed as institutionalization of folkways. On the other hand, acts **mala in se** are acts that are bad in themselves, forbidden behaviors for which there is widescale consensus on the mores for prohibition. The universality of laws against murder, rape, assault, and the like, irrespective of political or economic systems, bears witness to the lack of societal conflict in institutionalizing such laws. One can note that not all deviant acts are criminal, nor are all criminal acts necessarily deviant, assuming that laws against many acts *mala prohibita* are commonly violated.

Definitions of criminal activity may exhibit both undercriminalization and overcriminalization. **Undercriminalization** refers to the fact that the criminal law fails to prohibit acts that many feel are *mala in se*. Elements of corporate violence, racism, structured inequality, and systematic wrongdoing by political officials are examples. **Overcriminalization** involves the overextension of criminal law to cover acts that are inappropriately or not responsibly enforced by such measures. Examples are the legislation of morality and attempts to regulate personal conduct that does not involve a clear victim (drug abuse, sexual conduct, and the like).

Social Change and the Emergence of Law

Western societies have undergone a long-term evolutionary development from sacred or *Gemeinschaft* societies to secular or *Gesellschaft* societies (H. Becker, 1950; Toennies, 1957). **Gemeinschaft** societies are simple, communal, relatively homogeneous societies that lack an extensive division of labor and are also characterized by normative consensus.

Norms prescribed rules of conduct.

Folkways nice customs, traditions, or less serious norms.

Mores more serious informal social controls.

Laws codified (written) rules that are more serious norms and contain sanctions.

Mala prohibita acts that are bad due to being prohibited.

Mala in se acts that are bad in themselves.

Undercriminalization the underuse of the criminal law to control deviant activity.

Overcriminalization the overuse of the criminal law as an attempt to control deviant activity.

Gemeinschaft a communal or folk society.

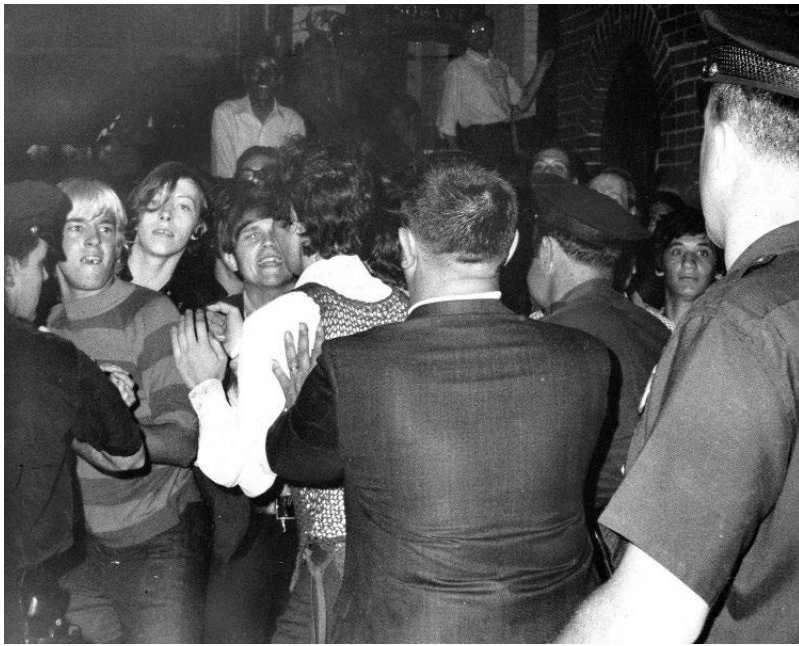


Photo 1.2

Police raiding the Stonewall Inn on Christopher Street in Greenwich Village on June 28, 1969, illustrates the overcriminalization of sexual conduct prevalent at the time.

Gesellschaft an associational or heterogeneous society.

Manifest functions intended or planned consequences of social arrangements.

Latent functions unexplained, unanticipated (hidden) consequences of social activity.

Functional necessity of crime Durkheim's theory that society defines itself by reacting to crime and wrongdoing.

Social control is ensured by the family, extended kinship groups, and the community through informal modes of control: the folkways and mores. Such societies lack and do not need formally codified laws because sacred tradition, the lack of change, and cultural similarity and isolation ensure a degree of understanding and control. **Gesellschaft** societies are complex, associational, more individualistic, and heterogeneous (pluralistic). They are characterized by secularity, an extensive division of labor, and (in free societies) a variety of moral views and political pressure groups. Social control is attempted by formal means—codified laws administered by bureaucratic agencies of the state. Complex societies must rely more and more on such formal controls. As the mores or informal modes of control become weaker, the need for laws becomes

greater. For example, as the family as an agent of social control becomes weaker, much of its responsibility is passed on to the state.

Sumner (1906) suggested a general maxim: If laws do not have the support of, or are not in agreement with, the mores of a particular culture, they will be ineffective. The introduction of changes or new laws in society can be explored using Merton's (1961) concepts of manifest and latent functions. The classic example is what has been described as “the noble experiment,” the Prohibition era in the United States. **Manifest functions** are intended, planned, or anticipated consequences of introduced changes or of existing social arrangements. In perhaps the last gasp of rural Protestant religious power in the United States, one group managed to pressure Congress into passing the Eighteenth Amendment prohibiting alcohol in 1919. Alcohol abuse was (and still is) a major problem, and the well-intended goal was for it to be stamped out by totally forbidding alcohol consumption by law. **Latent functions** entail unintended or unanticipated consequences, ones that may have either positive or negative outcomes. The latent functions of Prohibition included increased corruption, disobedience, and public disrespect for the law. By eliminating legitimate suppliers of a commodity in high public demand, the state in effect created a monopoly for illegitimate entrepreneurs. It was Prohibition that converted small, localized gangs into large, powerful, and wealthy regional and even national organized criminal syndicates.

Laws are by no means the most efficient means of social control; the passage of more and more laws may indicate that social solidarity and informal modes of control in the society are weakening. The police and the criminal justice system become the agents or agencies of last resort. Many people view crime as an evil intrusion into an otherwise healthy society, whereas increased crime levels may be latent functions of increased freedom, affluence, competition, and other desirable manifest functions in society. Sociologist Émile Durkheim (1950) suggested that crime may be a normality, a positive product, a functional necessity in a healthy society. As reflected in the quotation with which we began this chapter, Durkheim's theory of the **functional necessity of crime** proposes that wrongdoing or crime serves to force societal members to react, condemn, and thus establish the borders of society and reconfirm its values. It is this organized resentment that upholds social solidarity.

The phrase “crime of the century” seems to be perennially used to refer to the latest dramatic crime. Crime File 1.2 explores crimes to which this label was attached over this past century.

LEARNING CHECK 1.2

Answer the following questions to check your learning thus far. Answers can be found on page 474.

1. What are three types of norms?
2. **True or False?** *Mala prohibita* acts are prohibited because they are bad, while *mala in se* acts are prohibited because they are inherently wrong.
3. **Fill in the Blank:** _____ societies are complex, associational, more individualistic, and heterogeneous.

Consensus Versus Conflict Versus Interactionist Model of Law

The **consensus model** of the origin of criminal law envisions it as arising from agreement among the members of a society as to what constitutes wrongdoing. Reflecting the *social contract theory* of Locke, Hobbes, and Rousseau, criminal law is viewed, as in our previous discussion of Sumner, as a “crystallization of the mores,” reflecting social values that are commonly held within the society. The **conflict model**, on the other hand, sees the criminal law as originating in the conflict of interests of different groups. In this view, the definition of crime is assumed to reflect the wishes of the most powerful interest groups, who gain the assistance of the state in opposing rival groups. The criminal law, then, is used primarily to control the behavior of the “defective, dependent, and delinquent,” the dangerous classes (Skolnick & Currie, 1988, p. 2); the crimes of the wealthy are very often not even covered. The consensus model views criminal law as a mechanism of social control, and the conflict approach sees the law as a means of preserving the status quo on behalf of the powerful.

A third model of law is the **interactionist model**, which takes its name from the symbolic interactionist school of criminology. This school of thought views humans as responding to abstract meanings and symbols as well as to concrete meanings. According to George Herbert Mead (1934), even the mind and self-consciousness are social creations. Reflected in *labeling theory* (see Chapter 8), criminality is viewed as a label or stigma attached by a societal reaction that is subject to shifting standards. Laws are viewed as reflecting moral entrepreneurship on the part of labelers.

Crime and Criminal Law

A purist *legal view* of crime would define it as violation of criminal law. No matter how morally outrageous or unacceptable an act, it is not a crime unless defined as such by criminal law. Vernon Fox (1985) indicates, “Crime is a sociopolitical event rather than a clinical condition. . . . It is not a clinical or medical condition which can be diagnosed and specifically treated” (p. 28). In this view, which is technically correct, unless an act is specifically prohibited by criminal law, it is not a crime. There are four characteristics of criminal law:

1. It is assumed by political authority. The state assumes the role of plaintiff, or the party bringing charges. Murder, for example, is no longer just an offense against a person but is also a crime against the state. In fact, the state prohibits individual revenge in such matters; perpetrators must pay their debt to society, not to the individual wronged.
2. It must be specific, defining both the offense and the prescribed punishment.
3. The law is uniformly applied. That is, equal punishment and fairness for all, irrespective of social position, are intended.
4. The law contains penal sanctions enforced by punishments administered by the state (Sutherland & Cressey, 1974, pp. 4–7).

Criminal law has very specific criteria: “Crime is an intentional act or omission in violation of criminal law (statutory and case law), committed without defense or justification, and sanctioned

Consensus model the belief that criminal law originates in the will of the majority.

Conflict model the belief that criminal law reflects the conflicts of interest of groups and that the more powerful groups define the law.

Interactionist model says that crime is defined by abstract meanings and symbols and is a label assigned by society.



Crime File 1.2

CRIMES OF THE 20TH CENTURY

Every year, it seems some particularly notorious or atrocious crime occurs that is described by the media as “the crime of the century.” The 21st century is still too young to determine what might or might not be the crime of the century, but now that the 20th century is over, we might take stock of some that have been candidates. APBnews.com, an Internet service specializing in crime news, chose the “Ten Crimes of the Century” based on input from its editors, historians, criminal justice experts, and users who voted in its poll, as well as those answering its telephone survey. The Ten Crimes of the Century from the APBnews.com survey, listed chronologically, were as follows:

- President McKinley’s assassination
- The St. Valentine’s Day Massacre
- The Lindbergh baby kidnapping
- The Rosenbergs’ spy trial
- President Kennedy’s assassination
- Martin Luther King Jr.’s assassination
- The Watergate break-in
- The Ted Bundy serial killings
- The O. J. Simpson trial
- The Oklahoma City bombing

The assassination of President William McKinley in 1901 by Leon Czolgosz was a political crime in support of a hoped-for class revolt, while the St. Valentine’s Day Massacre by the Capone Mob in the 1920s illustrated the ascendancy of ruthless organized crime groups during Prohibition. The tragic kidnapping and murder of the Lindbergh baby led to legislation designating kidnapping as a federal offense. The trial and subsequent execution of Julius and Ethel Rosenberg, native-born Americans who betrayed their country by giving America’s atomic secrets to the Soviets, solidified the Cold War. The assassinations of President John F. Kennedy in 1963 and 5 years later of civil rights leader Dr. Martin Luther King Jr. gave rise to numerous conspiracy theories that secret, sinister forces were responsible.

The Watergate affair in the 1970s would lead to the first forced resignation of an elected president in disgrace in American history, and it remains the benchmark against which all political scandals are compared. Ted Bundy, the serial killer, represents just one of a number of bizarre multiple killers who seemed to proliferate in post-World War II America. The O. J. Simpson murder trial, in which a former National Football League star was found not guilty of murdering his ex-wife and her friend, despite considerable evidence to the contrary, exemplifies the numbers of

FINAL **DAILY NEWS** **3¢**
Vol. 82 No. 245 New York 17, Friday, April 6, 1951 48 Main & 4 Manhattan Pages 3 Cents 1441214 (N.Y. 14409)

A-SPY COUPLE DOOMED TO DIE

Story on Page 3

Use Chiang’s Army, Mac Asks

Story on Page 2



On Way to Chair. *Gloria hands folded, Mrs. Ethel Rosenberg, 35, rides in rear of prison van on way to Western Avenue of Detention. Julius Rosenberg, 32, is separated from his wife for wife across the van outside U. S. Courthouse. They were sentenced to death for passing A-bomb secrets to Reds, enabling Russia to perfect bomb ahead of England. —Story p. 3*

New York Daily News Archive/Getty Images

Photo 1.3

The front page of the *Daily News* dated April 6, 1951, depicts the latest “crime of the century.” Julius and Ethel Rosenberg, a married couple convicted of conspiracy to commit espionage, were sentenced to death for passing A-bomb secrets to Russia.

celebrity cases that have attracted public attention over the years. Finally, the Oklahoma City terrorist bombing (and the 1993 World Trade Center bombing, which is not listed) demonstrated the growing vulnerability to terrorism in modern society. The 1995 Oklahoma City bombing represented the worst terrorist attack, in terms of casualties, on American soil up to that time. It also punctuated for a complacent America the fact that “it can happen here.”

In its “Crime Stories of the Century,” *U.S. News and World Report* included the following:

- Murder of Stanford White
- Execution of IWW leader Joe Hill
- St. Valentine’s Day Massacre
- Lindbergh kidnapping
- Rosenberg spy case
- Lynching of Emmett Till

Charles Manson murders
 “Son of Sam” killings
 Jeffrey Dahmer, cannibal

While the *U.S. News* list includes many of the same entries as that of APBnews.com, it also includes lesser-known events such as the high-society murder of Stanford White, a prominent architect, due to a romantic dispute. The execution of labor leader Joe Hill, of the radical union International Workers of the World, for allegedly killing company owners, exemplifies the labor unrest in the early 20th century. Other additions are more serial murders: those of Manson, “Son of Sam” Berkowitz, and Jeffrey Dahmer, the personification of our worst nightmares. Many of these acts changed the country, inspired new laws, mesmerized a nation waiting for a verdict, or tore at the American collective conscience. Although we might not agree with the specific selection of “crimes of the century,” most candidates share a celebrity quality, bizarre violent characteristics, or political implications. In fact, of those listed on the APB list, 6 of the 10 involved political crime, that is, crime for ideological purposes by those supporting a cause. The remainder illustrated organized crime, celebrity involvement (Lindbergh and

Simpson), or bizarre violence (Bundy). Bundy seems to be a stand-in for any number of monsters of multiple murder in the 20th century. Note also that the list is of crimes in the United States and does not include crimes such as Hitler’s Holocaust, for example.

Although the fascinating and mesmerizing nature of these crimes gives them a timeless quality that still enthalls the public—a dance macabre that appalls yet entices—it is their rare, atypical quality that gives them notoriety. The typical picture of crime in most societies is far less dramatic but often just as deadly, traumatic, or fear-inspiring. Domestic violence, rape, robbery, murder, burglary, and theft bring crime up close and personal to its victims and will be more the subject of this text.

For Further Thought

1. What do you think was the “Crime of the Twentieth Century”? Visit the web and see if you can find other nominees for a “Top Ten Crimes of the Century” list.
2. Visit www.fbi.gov and find an interesting investigation that they have posted on their site.

Source: Glasser, J. (2000, March 20). In demand for 50 years: The FBI’s “Most Wanted” list: Good publicity, and a history of success. *U.S. News and World Report*.

by the state as a felony or misdemeanor” (Tappan, 1960, p. 10). **Felonies** generally refer to offenses punishable by a year or more in a state or federal prison, whereas **misdemeanors** are less serious offenses punished by less than a year in jail. Some specific criteria that must be met in the U.S. criminal law in order for an act to be considered a crime include the following:

1. The act is prohibited by law and contains legally prescribed punishments. *Nullum crimen sine lege* (no crime without law) is the Latin expression, which can be expanded to include the notion that *ex post facto* (after-the-fact) laws are inappropriate. The act must be forbidden by law in advance of the act.
2. A criminal act, *actus reus* (the act itself, or the physical element), must have taken place.
3. Social harm of a conscious, voluntary nature is required. There must be injury to the state or to people.
4. The act is performed intentionally (although cases of negligence and omission may be exceptions). *Mens rea* (criminal intent or “guilty mind”) is important in establishing guilt. A person who may have committed a criminal act (e.g., John Hinckley, who shot former president Ronald Reagan) may be found not guilty under certain conditions, such as insanity or a history of mental disturbance.
5. The voluntary misconduct must be causally related to the harm. It must be shown that the decision or act directly or indirectly caused harm.

Crimes were originally considered to be private matters: The offended party had to seek private compensation or revenge. Later, only offenses committed against the king and, still later, the king’s subjects were considered crimes. When compensation developed, fines were levied on behalf of the king (the state), thus making the state the wronged party. In addition to being defined by legislative

Criminal law violations of law that are enforced by the state in order to protect victims.

Felonies more serious crimes generally punished by at least a year in jail.

Misdemeanors less serious crimes that result in less than 1 year in jail.

statute (statutory law), criminality may also be interpreted by means of case law (common law). In contrast to laws enacted by legislatures, common law is based on judicial decision, with its roots in precedence, or previous decisions. In addition, administrative law, as enforced by federal regulatory agencies, may carry criminal penalties for offenders. Thus, criminal law provisions may be contained in statutory law, common law, and administrative law. Criminology in Context 1.1 describes some typical legal definitions of crime in the United States.

Who Defines Crime? Criminological Definitions

Because crime was previously defined as any violation of criminal law, should criminologists restrict their inquiry solely to acts so defined? Should the subject matter of criminology be decided by lawyers and politicians? This would relegate the field of criminology to a position as status quo handmaiden of political systems. Hitler's genocide or Stalin's purges were accepted conduct within their political ideological systems. Criminologists must study the deviants—the criminals—as well as the social structural contexts that define them. Skolnick and Currie (1988), in examining the analysis of social problems, state,

In spite of its claim to political neutrality, the social science of the 1960s typically focused on the symptoms of social ills, rather than their sources: criminals, rather than the laws; the mentally ill, rather than the quality of life; the culture of the poor, rather than the decisions of the rich; the “pathology” of the ghetto, rather than problems of the economy. (p. 11)

A *sociological view* of crime does not restrict its concept of criminality to those convicted of crime in a legal sense.

Were we to restrict analysis of crime solely to the legal definition in most countries, we would discuss primarily “crime in the streets” and ignore “crime in the suites.” We would study the poor, dumb, slow criminal and conclude that low IQs and inferior genetics cause crime; we would ignore the fast, smart, slick violator and the possibility that maybe Ivy League educations and working on Wall Street or for the defense industry also cause crime. Hyperbole is useful at times for effect, and obviously we must not loosely throw around the label *criminal*, but neither should we ignore dangerous acts that do great harm, simply because the criminal justice system chooses to ignore them.

LEARNING CHECK 1.3

Answer the following questions to check your learning thus far. Answers can be found on page 474.

1. What is the difference between a felony and a misdemeanor?
2. **True or False?** The conflict model of law views criminal law as emerging from agreement among the members of a society as to what is considered wrong.
3. Which of the following is NOT a characteristic of criminal law?
 - a. The victim brings criminal charges.
 - b. It is uniformly applied.
 - c. It outlines sanctions that will be administered by the state.

The Crime Problem

Radzinowicz and King (1977), in commenting on the relentless international upsurge in crime in the latter decades of the 20th century, indicate,

No national characteristics, no political regime, no system of law, police punishment, treatment, or even terror, has rendered a country exempt from crime. . . . What is

Costs of crime the costs of crime include financial and other costs, such as psychological and health costs. Estimates have been as high as \$1.7 trillion.



Crime File 1.3

THE JONBENET RAMSEY MURDER

Born in 1990, JonBenet Ramsey participated in many child beauty pageants, winning five of them. On December 26, 1996, Patsy Ramsey, her mother, awoke to find a ransom note that demanded \$118,000 for JonBenet's safe return. The amount demanded was the exact amount of JonBenet's father, John's, bonus. Later that day, JonBenet's body was found in the basement of their Boulder, Colorado, home by John and a friend. Her body was not found earlier, even though law enforcement and others had been in and out of the house all day. JonBenet was found with a garrote around her neck and rope around her wrists. The garrote had a broken paintbrush at the end, which seemed to be from Patsy Ramsey's (her mother) art set. JonBenet also had a skull injury. Several curiosities in the case emerged. Police identified that the ransom note had been written on a notepad that was kept by the Ramsey's telephone; it took months for her parents to be formally interviewed by the police; why was a ransom note left for a murder? DNA found on JonBenet's underpants did not match anyone in the family or anyone near the scene or around her body. A grand jury was convened in 1998—they heard testimony for 13 months and eventually

voted to indict John and Patsy Ramsey for the murder of JonBenet. Despite this indictment, the district attorney declined to charge her parents. As you might imagine, this case received an enormous amount of media attention, and law enforcement continued to investigate her death for years. In 2006, two major developments occurred. John Mark Karr, an American teacher living in Thailand, confessed to killing JonBenet. But because his DNA did not match the specimen originally collected from her underpants, he was not charged. In addition, her clothing was eventually tested and DNA found on the waistband of her long johns matched the DNA found on her underpants. This finding led the district attorney at the time to issue a formal apology to John and Patsy Ramsey. Her case has never been solved. At least two television specials aired in 2017 about her killing, reviving interest in the case.

For Further Thought

1. What other curiosities can you discover regarding the JonBenet case?

Source: Jean Casarez. (2016). The death of JonBenet: A case that's captivated the country for 20 years. Retrieved from <http://www.cnn.com/2016/12/13/us/jonbenet-ramsey-case/index.html>.

indisputable is that new and much higher levels of crime become established as a reflex of affluence. (pp. 3–5)

Despite rival explanations such as problems with statistics, there has been an obvious increase in crime internationally since World War II.

The Cost of Crime

It is difficult, if not impossible, to measure the economic **costs of crime**. Estimates of the actual financial operation take us into the “megabucks” range where notions such as “give or take a few billion dollars” stagger the imagination and numb us to the reality of the amounts we are really talking about.

In 2014 in Ferguson, Missouri, riots broke out after police officer Darren Wilson shot and killed Michael Brown and again after a St. Louis county grand jury decided to not indict Wilson. The police as well as the National Guard responded to the riots. Although it is difficult to know the true cost of the riots, it is estimated that it cost taxpayers at least \$5.7 million. The Missouri State Highway Patrol incurred costs of \$1.1 million when pay, lodging, meals, and equipment are included. Costs to the county are estimated at \$4.2 million, which include property damage,



AP Photo/Susan Walsh

Photo 1.4

On August 8, 2012, mourners gathered in Lafayette Square, near the White House in Washington, DC, to join in a candlelight vigil commemorating the victims of the Sikh Temple of Wisconsin shooting that occurred on August 5, 2012, as well as other victims of hate violence.



Criminology in Context 1.1

WHAT IS CRIME?

Crimes are defined by law.

In this report, we define crime as all behaviors and acts for which a society provides formally sanctioned punishment. In the United States, what is criminal is specified in the written law, primarily state statutes. What is included in the definition of crime varies among federal, state, and local jurisdictions.

Criminologists devote a great deal of attention to defining crime in both general and specific terms. This definitional process is the first step toward the goal of obtaining accurate crime statistics.

To provide additional perspectives on crime, it is sometimes viewed in ways other than those suggested by the standard legal definitions. Such alternatives define crime in terms of the type of victim (child abuse), the type of offender (white-collar crime), the object of the crime (property crime), or the method of criminal activity (organized crime). Such definitions usually cover one or more of the standard legal definitions. For example, organized crime may include fraud, extortion, assault, or homicide.

What is considered criminal by society changes over time.

Some types of events, such as murder, robbery, and burglary, have been defined as crimes for centuries. Such crimes are part of the common law definition of crime. Other types of conduct traditionally have not been viewed as crimes. As social values and mores change, society has codified some conduct as criminal while decriminalizing other conduct. The recent movement toward increased “criminalization” of drunk driving is an example of such change.

New technology also results in new types of conduct not anticipated by the law. Changes in the law may be needed to define and sanction these types of conduct. For example, the introduction of computers has added to the criminal codes in many states so that acts such

as the destruction of programs or data could be defined as crimes.

How do violent crimes differ from property crimes?

The outcome of a criminal event determines whether it is a property crime or a violent crime. *Violent crime* refers to events such as homicide, rape, and assault that may result in injury to a person. Robbery is also considered a violent crime because it involves the use or threat of force against a person.

Property crimes are unlawful acts with the intent of gaining property not involving the use or threat of force against an individual. Larceny and motor vehicle theft are examples of property crimes.

In the National Crime Survey (NCS), a distinction is also made between crimes against persons (violent crimes and personal larceny) and crimes against households (property crimes, including household larceny).

How do felonies differ from misdemeanors?

Criminal offenses are also classified according to how they are handled by the criminal justice system. Most jurisdictions recognize two classes of offenses: felonies and misdemeanors.

Felonies are not distinguished from misdemeanors in the same way in all jurisdictions, but most states define felonies as offenses punishable by a year or more in a state prison. The most serious crimes are never misdemeanors, and the most minor offenses are never felonies.

For Further Thought

1. Visit <http://www.uscourts.gov/statistics-reports> and explore some of the data they present. What perspective on the criminal law have you gained by visiting this site?

Sources: Bureau of Justice Statistics, *BJS Dictionary of Criminal Justice Data Terminology*, 2nd ed. (Washington, DC: Government Printing Office, 1981); Bureau of Justice Statistics, *BJS Criminal Victimization in the U.S.* (Washington, DC: Government Printing Office, 1985); FBI, *Crime in the United States 1985* (Washington, DC: Government Printing Office, 1985); Bureau of Justice Statistics, *Report to the Nation on Crime and Justice*, 2nd ed. (Washington, DC: Government Printing Office, March 1988), pp. 2–3.

police overtime, and food and supplies for first responders. Although far less dramatic, losses at the nation’s savings and loan companies in the 1980s and early 1990s are estimated to have cost the American taxpayer \$500 billion, or the equivalent of 625 Los Angeles riots.

The National Center for Victims of Crime (2011) gives the following estimates for the cost of crime in the United States: for 2008 (latest available at the time), \$1.19 billion for violent crime and

Crime & the Media 1.1



PUBLICIZED TRIALS

The trial of Bruno Hauptmann for the murder of Charles Lindbergh Jr. in 1935 was a media circus and perhaps forecast the future of media involvement in other famous cases such as the O. J. Simpson case. It was broadcast live on the radio, which was incidentally heard by the jurors. Over 20,000 spectators

filled the space outside of the courtroom and 200 people jammed the courtroom that was designed for 80. Video footage, although forbidden until after the trial, was ignored. Federal courtrooms still ban cameras. What do you think are some of the pros and cons of this policy?

\$16.2 billion for property crime; for 2010, \$456 million for robbery, \$6.1 billion for larceny theft, and \$4.6 billion for burglaries.

Although recent estimates rank the sale of illegal narcotics as the criminal world's greatest source of income, there is a problem with such assessments. These estimates do not even begin to measure the full impact of corporate price fixing and other criminal activities. Added to these costs are economic costs incurred by victims of crime and the costs of running the criminal justice system. Not considered at all in these economic estimates are the social and psychological costs to society and to crime victims (e.g., loss in productivity, medical and mental health care costs, and pain and suffering). Fear, mistrust, a curtailing of public activity, and a decline in the quality of life are but a few of the inestimable impacts of crime on society. Horror stories abound of the impact of crime on the forgotten figure in the criminal justice equation—the crime victim. As stated earlier, the costly Los Angeles riots of 1992 were dwarfed by the cost of the collapse of the nation's savings and loans.

Summary

Criminology is the science or discipline that studies crime and criminal behavior. Major areas of investigation include criminal behavior, etiology (theories of crime causation), and the sociology of law and societal reaction; related areas include juvenile delinquency and victimology. Criminology also shares with the field of criminal justice the areas of policing, the courts, and corrections.

Knowledge is defined as one's understanding of reality. This understanding is made possible through the creation of symbols or abstractions. Comte identified three stages in the progression of knowledge: the theological, metaphysical (philosophical), and scientific. *Science* combines the spirit of rationality of philosophy with the scientific method, which is characterized by the search for empirical proof. Criminology and sociology are more recent applicants for the scientific credentials already enjoyed by the physical sciences. Having its origins in the 18th century in Europe, particularly in the writing of Beccaria, who was influential in codifying modern law, criminology has largely become a 20th-century U.S. discipline. This is particularly reflected in the work of Sutherland, who has been identified as “the dean of criminology.”

Deviant behavior refers to activities that fall outside the range of normal societal toleration. Definitions of such activities are relative to time, place, and persons. *Values* are practices or beliefs that are prized in society and that are protected by *norms*, which are rules or prescribed modes of conduct. Sumner, in his classic work *Folkways*, identifies three types of norms: folkways, mores, and laws. While folkways are less serious customs or traditions, *mores* are serious norms that contain moral evaluations as well as penal sanctions. Both folkways and mores are examples of informal modes of control. *Laws*—codified rules of behavior—represent formal methods of attempting to ensure social control.

**Photo 1.5**

At the August 16, 2014, Ferguson protests in Missouri, demonstrators held signs to protest the shooting death of 18-year-old Michael Brown by Ferguson police officer Darren Wilson on August 9, 2014.

Acts *mala prohibita* are ones that are bad because they are prohibited, such as vagrancy and gambling; acts *mala in se* refer to those that are bad in themselves, such as murder, rape, and the like. Although not all criminal acts are viewed as deviant, neither are all deviant acts criminal. *Undercriminalization* involves the failure of the law to cover acts *mala in se*, and *overcriminalization* entails overextension of the law to cover acts that may more effectively be enforced through the mores. As societies undergo transition from *Gemeinschaft* (communal, sacred societies) to *Gesellschaft* (associational, secular societies), they must rely more on formal agencies of control. In order to be effective, laws require the support of the mores.

Manifest functions are intended or planned consequences of social arrangements, whereas *latent functions* refer to unintended or unanticipated consequences. Although the manifest function of Prohibition was to eliminate alcohol abuse, its latent functions were to encourage corruption, organized crime, and public disrespect. Durkheim viewed crime as a normal condition in society that served a positive function by the reactions it developed to encourage reaffirmation of values. *Crime*, a violation of criminal law, is characterized by politicality, specificity, uniformity, and sanctions. In explaining the origin of criminal law, the *consensus model* views it as reflecting agreement or public will, while the *conflict model* claims that it represents the interest of the most powerful group(s) in society. In reality, criminal law reflects elements of both models.

For official purposes, crimes are identified as felonies, misdemeanors, and (in some states) summary offenses (minor crimes that may be tried without benefit of jury). Although there is variation by state in the actual assignment to categories, a *felony* refers to a more serious crime that bears a penalty of at least 1 year in a state prison, whereas a *misdemeanor* is a less serious offense subject to a small fine or short imprisonment.

The issue of who defines crime should not be answered simply by accepting current definitions because to do so would permit others to define criminology's subject matter. The crime problem is a growing international concern; the costs of crime are economic (which can only be estimated), psychological, and social in nature. The full social costs are inestimable.

Key Concepts

REVIEW KEY TERMS WITH **EFLASHCARDS**  **edge™** edge.sagepub.com/hagan10e

Conflict model 9
Consensus model 9
Costs of crime 13
Crime 3
Criminal law 11
Criminology 3
Deviance 6
Felonies 11
Folkways 7

Functional necessity of crime
(Durkheim) 8
Gemeinschaft 7
Gesellschaft 8
Interactionist model 9
Latent functions 8
Laws 7
Mala in se 7
Mala prohibita 7

Manifest functions 8
Misdemeanors 11
Mores 7
Norms 7
Overcriminalization 7
Progression of knowledge 4
Undercriminalization 7

Review Questions

TEST YOUR UNDERSTANDING OF CHAPTER CONTENT.

TAKE THE **PRACTICE QUIZ**  edge.sagepub.com/hagan10e

1. What are some crimes that were not much regarded as problems in the past but are currently? Conversely, what are some crimes that were problems in the past and no longer loom as major concerns? Do you have any predictions of emerging, future crimes?
2. Besides Prohibition, what are some other social policies that have contained latent functions?
3. Do you think the American criminal justice system reflects a consensus or conflict model of law? Explain and defend your judgments.
4. Why don't criminologists simply use the legal classifications of criminals in their studies of crime and criminal behavior?
5. What are the differences among criminal law, statutory law, case law, civil law, and administrative law?

Web Sources

Academy of Criminal Justice Sciences

www.acjs.org

American Society of Criminology

www.asc41.com

Bureau of Justice Statistics

www.ojp.usdoj.gov/bjs

Central Intelligence Agency (CIA)

www.cia.gov

Federal Bureau of Investigation (FBI)

www.fbi.gov

National Criminal Justice Reference Service

www.ncjrs.gov

National Institute of Justice

www.ojp.usdoj.gov/nij

Office of Juvenile Justice and Delinquency Prevention

www.ojjdp.gov

World Factbook of Criminal Justice Systems

www.bjs.gov/content/pub/html/wfcj.cfm

Web Exercises

Using this chapter's web sources, explore the field of criminology.

1. What are the largest professional associations in the field, and what did you find out about them?
2. What types of information are available on government sites such as the Bureau of Justice Statistics, CIA, National Institute of Justice, and the Office of Juvenile Justice and Delinquency Prevention?
3. Of what use is the National Criminal Justice Reference Service (NCJRS)?
4. What information does the *World Factbook of Criminal Justice Systems* include on countries throughout the world?
5. Using your web browser, search NCJRS for "FBI's Most Wanted" and "crimes of the century." Did you turn up anything new?








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Research Methods in Criminology

2

Unobtrusive measures refers to clandestine, secretive or nonreactive methods. We measure the extent of crime with elastic rulers whose units of measurement are not defined.

—Edwin H. Sutherland and Donald Cressey (1978, p. 17)

The Research Enterprise of Criminology

Two critical features of any discipline are its theory and its methodology, or research methods. Theory, which is the subject of Chapters 5 to 8, addresses the questions of why and how. Methodology (methods), on the other hand, is covered in this chapter and is concerned with the *what*.

Theories involve attempts to develop reasonable explanations of reality. They are efforts to structure, summarize, or explain the essential elements of the subject in question. They provide testable propositions, which we then use research methods to examine. What causes crime? Why do some individuals become criminals? Why are some nations or areas more criminogenic than others? Theories represent the intellectual leaps of faith that provide fundamental insights into how things operate; they attempt to illuminate or shed light on the darkness of reality. Without the generation of useful theoretical explanations, a field is intellectually bankrupt; it becomes merely a collection of “war stories” and carefully documented encyclopedic accounts. It fails to explain, summarize, or capture the essential nature of its subject matter. Studying a field devoid of theory would be akin to a mystery novel in which the author told us neither “whodunit” nor how and why they did it.

Methodology involves the collection and analysis of accurate data or facts. With respect to criminology, this comprises information such as the following: How much crime is there? Who commits crime? How do commissions of crime or definitions of crime vary? If the facts regarding crime are provided by defective models, they will be in error, and then theories or attempted explanations of this incorrectly described reality will most certainly be misdirected.

In the social sciences, there at times exists a chasm between those who are primarily interested in theory or broad conceptual analysis, analogous to philosophy, and those who are methodologists. Theory devoid of method, explanation without accurate supportive data, is just as much a dead end as method devoid of interpretive theory. The former resembles armchair theorizing, the latter a fruitless bookkeeping operation. In reality, to realize mature development, criminology needs both incisive theory and sound, accurate methodology. This chapter on methodology identifies the research base on which the findings presented in this book rest and points out their relative strengths and shortcomings.

Objectivity

A basic tenet of scientific research is that researchers attempt to maintain **objectivity**. Being objective requires that the investigators strive to be value free in their inquiry and, in a sense, to permit the findings to speak for themselves (Weber, 1949). A researcher may occasionally find the attitudes, behavior, or beliefs of a group

LEARNING OBJECTIVES

- 2.1** Explain the importance of objectivity, ethics, and operationalization in research in criminology.
- 2.2** Describe how crime data for the Uniform Crime Report are collected and organized.
- 2.3** Identify the three elements of an experiment and the importance of evidence-based research.
- 2.4** Discuss the benefits of and issues with survey data collection and interpretation.
- 2.5** State some of the challenges and advantages of participant observation studies.
- 2.6** Explain the utility of life histories and case studies as methods for studying crime.
- 2.7** List some examples of unobtrusive methods.
- 2.8** Summarize the importance of validity, reliability, and triangulation in research methods.

Theory plausible explanation of reality that includes testable propositions.

Methodology the rules and principles that provide guidance to collect and assess data.

Objectivity the idea that researchers should be neutral or unbiased in examining their subject matter.

he or she is studying repugnant or immoral; however, the researcher is trained not to judge but rather to objectively record and to determine what meaning these findings have for the field of criminology and to the development of its knowledge base. For example, a researcher evaluating a substance abuse treatment program may wish that the program works to reduce or stop substance use—but they cannot let this wish influence how they perform their research or their findings.

Ethics in Criminological Research

Because it is part of the social sciences, the subject matter of criminology is different in kind from that of the physical sciences. The latter concentrates on physical facts (e.g., how is the human brain different from the mouse brain?), whereas criminology's subject matter—crime, criminal behavior, victims, and the criminal justice system—is concerned with human behavior, attitudes, groups, and organizations. Like physical science investigations, criminological inquiry must be concerned with its potentially adverse impacts on human subjects.

Ultimately, **ethical conduct in research** is an individual responsibility tied into deep moral judgments; a blind adherence to any checklist grossly oversimplifies a very complex decision. Until recently, the fields of criminology and criminal justice relied on the codes of ethics of parent fields such as sociology or psychology for guidance. Beginning in 1998, however, both the Academy of Criminal Justice Sciences (ACJS) and the American Society of Criminology (ASC) began compiling a **code of ethics**. The ACJS adopted a code of ethics that year, and the ASC continues to explore the issue. Although space does not permit full discussion of each, the guidelines of both of these codes of ethics include the following (ACJS, 1998):

Researchers should

- Strive for the highest technical standards in research
- Acknowledge limitations of research
- Fully report findings
- Disclose financial support and other sponsorship
- Honor commitments
- Make data available to future researchers
- Not misuse their positions as fraudulent pretext for gathering intelligence

In addition:

- Human subjects have the right to full disclosure of the purposes of the research.
- Subjects have the right to **confidentiality**. This requires the researcher to protect the identity of his or her subject.
- Research should not expose subjects to more than minimal risk. If risks are greater than the risks of everyday life, then informed consent must be obtained.
- Researchers should avoid privacy invasion and protect vulnerable populations.
- All research should meet with human subject protection requirements imposed by educational institutions and funding sources.
- Researchers should properly acknowledge the work of others.
- Criminologists have an obligation not to create social injustice such as discrimination, oppression, or harassment in their work.

Ethical conduct in research basic behavior that is expected in moral and ethical research.

Code of ethics requirements that researchers behave ethically in conducting research.

Confidentiality the requirement in research that the researcher protect the identity of his or her subjects.

Ethical horror stories in criminology and the social sciences include both biomedical and social science examples (F. E. Hagan, 2013). During World War II, Nazi doctors tortured, maimed,

and murdered innocent captive subjects in the name of research. In the famous Tuskegee Syphilis Study, the U.S. Public Health Service withheld penicillin, a known cure for syphilis, from 425 uneducated black male sharecroppers who suffered from, and most eventually died of, untreated syphilis. In the past, in discussing the Tuskegee Syphilis Study with students, the author often had to correct their impression that the U.S. Public Health Service gave their subjects syphilis. I explained that what they did was bad enough, without actually giving the subjects the disease. In 2010, it was revealed that American scientists deliberately infected prisoners and patients in a mental hospital in Guatemala with syphilis in the 1940s (see Crime File 2.1).

During the Cold War, U.S. intelligence agencies, with the cooperation of the scientific community, performed bizarre and dangerous experiments on subjects without their permission. Although most of these examples were biomedical in nature, social and behavioral research can likewise put subjects at risk. The three most cited social science examples are Stanley Milgram's *Obedience to Authority* (1974), Philip Zimbardo's simulated prison study (1972, 1973, 1974), and Laud Humphreys's *Tearoom Trade* (1970).

In his *Obedience to Authority* study, Stanley Milgram (1974) wanted to discover how "normal" people come to commit monstrous acts. Volunteers were recruited and paid to act as teachers while confederates (fake subjects) acted as learners. The teachers were deceived into believing that each time they threw a lever on a shock apparatus, they were administering higher levels of shock to the pupils. The teachers were willing to administer what they believed were painful shocks despite cries to stop from the subjects, when assured by the presence of scientific authorities. Do



Paul J. Richards/Staff/Getty Images

Photo 2.1

U.S. President Bill Clinton looks on as 94-year-old Herman Shaw, one of 400 black men deliberately infected with syphilis in a government study, speaks during ceremonies at the White House on May 16, 1997. Clinton apologized to the survivors and families of the victims of the Tuskegee Syphilis Study.



Crime File 2.1

SCIENTIFIC EVIL: THE GUATEMALA SYPHILIS STUDY

In 2010, it was revealed that American public health researchers conducted experiments in Guatemala in which nearly 700 subjects were deliberately injected with syphilis. The subjects were prison inmates, mental patients, and soldiers. The National Institutes of Health study, which ran from 1946 to 1948, was discovered by a Wellesley College medical historian. No informed consent of subjects was sought for the study.

The study paid syphilis-infected prostitutes to have sexual relations with prisoners. Guatemala permits conjugal visitations. If infection did not take place, bacteria were poured into scrapes on their penis or elsewhere, or even injected by spinal puncture (Malkin, 2010). When finally discovered roughly 65 years later, U.S. officials, including President Obama, apologized for what they acknowledged

as clearly unethical behavior. The purpose of the experiment was to test whether penicillin, at the time a relatively new medicine, could prevent sexually transmitted disease. One of the scientists in Guatemala was later involved with the Tuskegee study. The president of Guatemala called the study "hair-raising" (Malkin, 2010). Details of the study were hidden from Guatemalan officials at the time, and the study produced no useful information.

For Further Thought

1. Can you find any parallels between activities by the U.S. Public Health Service and Nazis such as Dr. Josef Mengele during World War II?

Source: Adapted from "U.S. Apologizes for Syphilis Tests in Guatemala," by E. Malkin, *New York Times* (2010, October 10), A1.

**Photo 2.2**

“Deep Throat” was the alias for W. Mark Felt, the anonymous source who leaked secrets about President Nixon’s Watergate cover-up to the *Washington Post*.

experimenters have the ethical right to deceive and put subjects in a position of emotional stress in the name of science?

In Zimbardo’s simulated prison study, male undergraduate paid participants played the roles of guard or prisoner in a mock prison setting, set up in the basement of a Stanford University building. The experiment was canceled after 6 days (of a planned 14) when participants became carried away with their roles. In *The Lucifer Effect: Understanding How Good People Turn Evil*, Zimbardo (2007a) coined the term *Lucifer effect* to describe a transformation of human character that may cause good people to commit evil actions. This could include sexual degradation and torture as occurred at Abu Ghraib prison in Iraq. One of Zimbardo’s associates, after observing a humil-

iating experiment called the humping experiment, in which the prisoners simulated sodomy, berated Zimbardo for contributing to the suffering of human beings. This snapped Zimbardo back to his senses and led him to cancel the experiment (Zimbardo, 2007b).

Laud Humphreys’s *Tearoom Trade* (1970) involved studying secret male homosexual activities in public restrooms. Acting as a voyeur (or “watch queen”), Humphreys served as a lookout but also, without the permission of his subjects, as a hidden observer. He copied down their license plate numbers and traced the participants back to their homes, where he showed up under the guise of being a mental health researcher. All three of these examples raised highly controversial ethical questions and most likely would not be approved today by codes of research ethics or institutional review boards.

In an incredibly insensitive experiment later dubbed the “Monster Study,” for 4 months during the Depression, researcher and graduate student Mary Tudor and her professor Wendell Johnson taught children at an orphanage in Iowa a “lesson they would never forget”—how to stutter (“Lessons Turn Orphans Into Outcasts,” 2001). Although the experiment helped thousands of children overcome speech difficulties, this took place at the expense of some of the children unnecessarily being subjected to lives as outcasts and misfits. The children were divided into two groups of 11, one labeled normal speakers and given positive speech therapy and the other group taught to stutter. Eight members of the treatment group became permanent stutterers. Although Tudor felt remorse and returned to the orphanage a number of times in attempts to reverse the damage, Johnson did nothing and became famous in the field of speech pathology due to the study. Tudor describes how during the experiment, trusting orphans greeted her, running to her car and carrying materials for the experiment. Thirteen of the subjects who were still alive learned of the experiment in 2001, when it was reported in the *San Jose Mercury News*. In 2007, the state of Iowa agreed to pay \$925,000 to six subjects of the study who had been harmed by the University of Iowa researchers. The 1939 study became known as the Monster Study because of the methods used by the researchers. Mary Tudor was instrumental in breaking the story (“Orphans Granted Settlement for Monster Study,” 2007).

In the name of research, criminologists should have no interest in behaving as “mad scientists” who inhumanely pursue science for its own sake. In most research, informed consent of participants based on knowledge of the experiment is essential. If some form of deception is necessary, it is even more incumbent on the researcher to prevent harm and, where possible, to debrief, reassure, and explain the purposes of the project afterward. Obviously, criminology cannot afford to limit its inquiry to volunteers. **Reciprocity** involves a system of mutual trust and obligation between the researcher and subject. Subjects are asked to share themselves in the belief that this baring of information will not be used in an inappropriate, harmful, or embarrassing manner. A basic tenet of any scholarly research is the dictum that the investigator maintain objectivity and professional integrity in both the performance and the reporting of research. The researcher, first and foremost, is an investigator and not a hustler, huckster, salesperson, or

Reciprocity a system of mutual obligation between researcher and subject.



Crime File 2.2

SECRETS OF THE BELFAST PROJECT

In 2015, the Belfast Project continued to be debated in the courts in both the United States and Northern Ireland. The Belfast Project consisted of oral history archives stored at Boston College. It involved confidential interviews of past participants, both Loyalists and members of the Irish Republican Army (IRA), in the “Troubles,” a civil war in Northern Ireland. Participants were assured by the researchers that their interviews would be secret until the death of those interviewed. The project was begun in 2001 and dissolved in 2011 after the U.S. Department of Justice issued subpoenas on behalf of the police in Northern Ireland.

The project was directed by Irish journalist Ed Maloney and former IRA member and interviewer Anthony McIntyre. Northern Ireland police were using a U.S.–Northern Ireland treaty to obtain the tapes. They were viewed as central to a criminal investigation of the murder of Jean

McConville, a mother of 10 children who was abducted and murdered by the IRA in 1972 for being an informant to the British Army. The British demanded confidential tape recordings that the project had collected from people with knowledge of her death (McMurtrie, 2014). In 2011, a U.S. federal judge ruled that all files be turned over to the Police Service of Northern Ireland on the basis of this legal assistance treaty. Later this subpoena was withdrawn while the case continued to be debated. The case represents yet another danger to researchers who must exercise extreme care in promising confidentiality to subjects without the full legal protections to do so.

For Further Thought

1. What are your views on the matters of confidentiality versus guilt or innocence in a trial?

Source: Beth M. McMurtrie (2014). Who killed Jean McConville? *Chronicle of Higher Education*. January 29, A1–5.

politician. Researchers should avoid purposely choosing and reporting only those techniques that tend to shed the best light on their data, or “lying with statistics” (D. Huff, 1966). Related to these issues is the fact that the researcher should take steps to protect the confidentiality and privacy of respondents. One procedure for attempting to protect the identity of subjects, organizations, or communities is the use of pseudonyms, aliases, or false names. Names such as “Doc,” “Chic,” “The Lupollo Family,” “Vince Swaggi,” “Deep Throat,” and “Wincanton,” to mention just a few, have become legend in criminology.

In 2011, Boston College received a federal subpoena for oral history materials held in its library. Acting on behalf of the British government, the U.S. Department of Justice sought interviews from the Belfast Project of former paramilitary members who had fought in Northern Ireland’s “Troubles” (sectarian conflict). However, the interviewers had promised the subjects strict confidentiality until their death. Some of the sought tapes involved individuals who were still alive (Bray, 2011). Such government measures threaten the very research that the government seeks. Premature revelations of such information may spell death to participants who revealed information assuming that they were protected by promises of confidentiality.

LEARNING CHECK 2.1

Answer the following questions to check your learning thus far. Answers can be found on page 474.

1. **True or False?** In 2010, it was revealed that the U.S. Public Health Service deliberately infected prisoners and patients in a mental hospital with syphilis in the 1940s.
2. **True or False?** In general, it is ethical to perform research on human subjects without their informed consent.
3. In the _____ study, researchers actually taught children how to stutter.

Operationalization—Who Is Criminal?

To illustrate the importance of methodological precision, let us examine the basic but deceptively complex questions of who is criminal and how much crime there is. Although an initial response to these questions might be, “Why, of course, we know,” the answers are not as obvious as they seem.

Taking what would appear to be the easiest question—who is criminal—most would agree that long-term recidivists who have repeatedly been found guilty are criminals. Yet some ideologues (those committed to a strict adherence to a distinctive political belief system) might even on this point maintain that some of these “career criminals” are in fact not criminals but are, from the conflict perspective, political prisoners. They are viewed as victims of an unfair class system or of a politically oppressive system. In addition, not all apprehended individuals or persons accused of crime are guilty. And what about those who commit crimes but are not arrested?

It becomes apparent that the manner in which the variable “criminal” is operationalized will have a major influence on the definition of the concept of criminal. A **variable** is a concept that has been operationalized or measured in a specific manner and that can vary or take on different values, usually of a quantitative nature. Another example of a variable related to criminal justice is police contact. **Operationalization** involves the process of defining concepts by describing how they are being measured; the notion of operationalization can be practically explained by completing the statement “I measured it by _____.” For police contact, you could operationalize it by assessing whether a person reported any crime to the police. In Chapters 5 to 8, we describe many theories that assume excess criminality among lower-class groups based on official statistics; however, what methodological problems and biases in addressing this issue are introduced by relying solely on one measure of crime?

Official Police Statistics— The Uniform Crime Report (UCR)

Internationally, until relatively recently, the major source of information regarding crime statistics was official police statistics. Gathered for government administrative purposes with only secondary attention paid to their usefulness for social science research, these data tended to be uneven in quality and were not gathered or recorded in any systematic manner. Basically, criminologists had no efficient statistics to consult to answer even basic questions such as whether crime was increasing or decreasing.

Since 1930, the U.S. Department of Justice has compiled national crime statistics, the **Uniform Crime Report (UCR)**, with the Federal Bureau of Investigation (FBI) assuming responsibility as the clearinghouse and publisher. Police departments collect the data and submit their reports to the FBI. Although participation in the UCR program by local police departments is purely voluntary, the number of departments reporting and the comprehensiveness of the information have steadily improved over the years, with police departments from large metropolitan areas historically the most reliable participants.

Sources of Crime Statistics

Returning to our question of how much crime there is, an examination of the UCR and its relationship to sources of data on crime and criminals is useful. Figure 2.1 illustrates the relationship between crime committed and the **sources of crime statistics**, including the UCR. It is unclear whether an accurate estimate of the amount of crime committed is possible, for several reasons. For one, not all crimes that are committed are discovered. In addition, some crimes may be known only to the perpetrators, in which case the victim is unaware of loss. Perhaps there is no identifiable victim, as in the case of a gambling violation. The further a source of statistics is from the “crimes committed” category, the less useful it is as a measure of the extent of crime. Not all crimes that are discovered are reported to the police; similarly, not all reported crimes are recorded by police (see Figure 2.1).

Variable concept that varies or that can take on different numerical values.

Operationalization describing how a concept is being measured.

Uniform Crime Report (UCR) official police report on crime maintained by the FBI.

Sources of crime statistics include experiments, surveys, participant observation, case studies, and unobtrusive measures.