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EDITION



# CRIMINOLOGY

THE CORE

Larry J. Siegel



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# NEWS

6


EDITION

# CRIMINOLOGY

THE CORE

**Larry J. Siegel**

University of Massachusetts, Lowell

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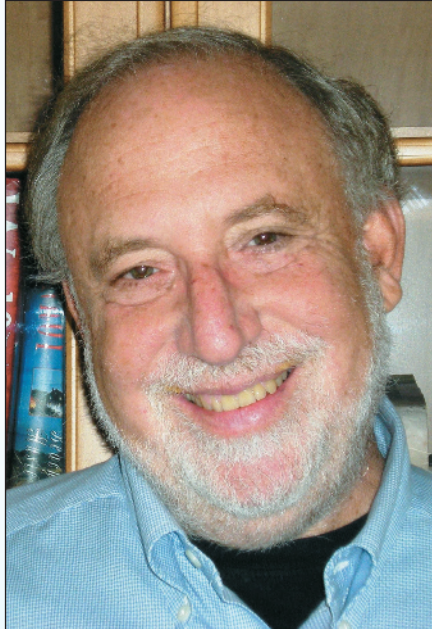
***This book is dedicated to***

*my children, **Eric, Julie, Rachel, and Andrew;***

*my grandchildren, **Jack, Brooke, and Kayla Jean;***

*and my wife, partner, and best friend, **Therese J. Libby.***

# About the Author



**LARRY J. SIEGEL** was born in the Bronx, New York. While living on Jerome Avenue and attending City College (CCNY) in the 1960s, he was swept up in the social and political currents of the time. He became intrigued with the influence contemporary culture had on

individual behavior: did people shape society or did society shape people? He applied his interest in social forces and human behavior to the study of crime and justice. After graduating from CCNY, he attended the newly opened program in criminal justice at the State University of New York at Albany, where he earned both his M.A. and Ph.D. degrees. After completing his graduate work, Dr. Siegel began his teaching career at Northeastern University, where he was a faculty member for nine years.

After leaving Northeastern, he held teaching positions at the University of Nebraska–Omaha and Saint Anselm College in New Hampshire, and the School of Criminology and Justice Studies at the University of Massachusetts–Lowell, where he taught for 27 years; he is now a professor emeritus, still teaching online courses in criminology and criminal justice. Dr. Siegel has written extensively in the area of crime and justice, including books on juvenile law, delinquency, criminology, criminal justice, and criminal procedure. He is a court-certified expert on police conduct and has testified in numerous legal cases. The father of four and grandfather of three, Larry Siegel now resides in Naples, Florida, with his wife, Terry, and their two dogs, Watson and Cody.



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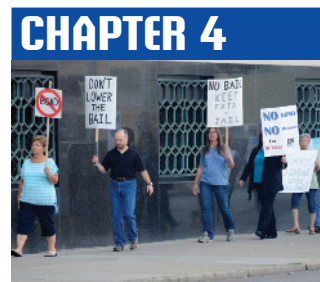
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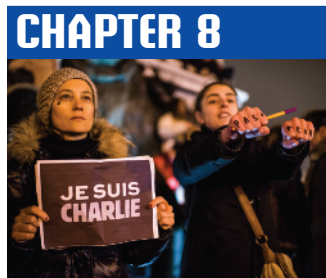
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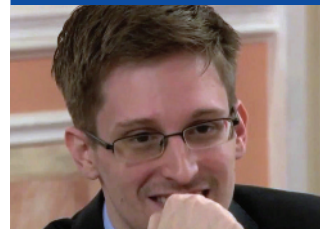
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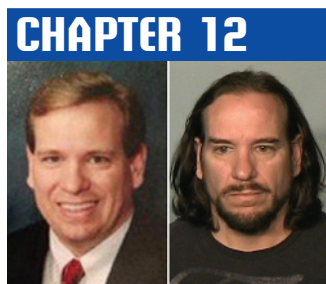
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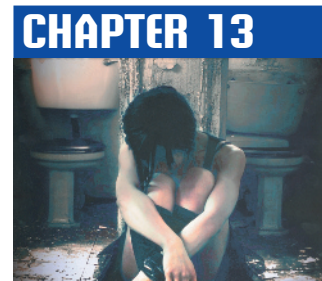
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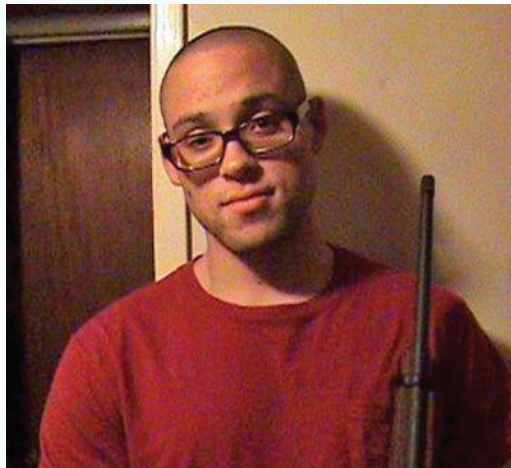
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# Preface



Reuters/via Myspace account of Chris Harper-Mercer

**O**n October 1, 2015, the normally tranquil campus of Umpqua Community College in Roseburg, Oregon, was shaken when 26-year-old Chris Harper-Mercer went on a shooting spree that left nine people dead and nine wounded. Harper-Mercer brought six weapons to campus, entered a classroom, and methodically began a killing spree. After being wounded in an exchange of fire with police officers who rushed to the campus in response to 911 calls, he returned to the classroom and killed himself.

Experts soon tried to find a motive for what at first appeared to be a totally senseless crime. Early reports claimed that Harper-Mercer asked people their religion and singled out Christians for death—could this have been a hate crime? But other witnesses told authorities that he shot people who were not Christians. Some of his Internet posts indicated that he was an attention seeker. He wrote about other killers: “A man who was known by no one, is now known by everyone, his face splashed across every screen, his name across the lips of every person on the planet, all in the course of one day. Seems the more people you kill, the more you’re in the limelight.” Could his outburst have been prompted by a quest for notoriety?

Others who knew Harper-Mercer painted a picture of an angry young man who was filled with hate, who openly despised religion, and who posted violent screeds on the Internet. Investigators discovered an online photo of Harper-Mercer holding a rifle and expressing a deep interest in the exploits of the Irish Republican Army and its soldiers.

Other reports indicated that rather than being motivated by hate, Harper-Mercer was emotionally disturbed and socially isolated. He was extremely close to his mother but withdrawn from others. He did not have a girlfriend, a fact that deeply bothered him and which he wrote about online just before the killings. He wore the same outfit every day—combat boots, green army pants, and a white T-shirt. People viewed him as strange.

Descriptions of Harper-Mercer as an angry, mentally disturbed, loner were eerily similar to the terms used to describe other mass killers, such as Adam Lanza, who killed 26 people—including 20 children 6 and 7 years old—at Sandy Hook Elementary School in Newtown, Connecticut, and James Holmes, who killed 12 in a movie theater in Aurora, Colorado. With his death, we will probably never know Harper-Mercer’s precise motives.

The Oregon shooting prompted gun control advocates to once again demand action from Congress. “Somehow this has become routine,” said President Obama, visibly upset by this latest school shooting. “I’d ask the American people to think about how they can get our government to change these laws and to save these lives and let these people grow up.”

These awful mass murders have shaken the American public. It is not surprising that many Americans are concerned about crime and worried about becoming victims of violent crime themselves. We alter our behavior to limit the risk of victimization and question whether legal punishment alone can control criminal offenders. We watch movies and TV shows about law firms and their clients, fugitives, and stone-cold killers. We are shocked when the news media offers graphic accounts of school shootings, police brutality, and sexual assaults.

I, too, have had a lifelong interest in crime, law, and justice. Why do people behave the way they do? What causes someone like Chris Harper-Mercer to kill? Was his behavior the result of a diseased mind and personality? Or was he a hate-filled person who knew exactly what he was doing? Could his murderous rampage have been predicted and prevented? And what should be done with people who commit such horrendous crimes? While Harper-Mercer and Lanza committed suicide, James Holmes was tried and sentenced to life in prison without the possibility of parole. Did he deserve to be executed for his crimes? Should Harper-Mercer and Lanza have been executed had they lived? Is it moral to execute a mentally disturbed killer no matter how horrendous his or her crimes? While the jury in the Holmes case rejected his insanity defense and found him guilty as charged, jury members still considered him mentally ill and therefore not eligible for a death sentence. Do you agree?

## Goals of This Book

For more than 40 years, I have channeled my fascination with issues related to crime and justice into a career as a student and teacher of criminology. My goal in writing this text is to help students share the same enthusiasm for criminology that has sustained me during my teaching career. What could be more important or fascinating than a field of study that deals with such wide-ranging topics as the motivation for mass murder, the effects of violent media on young people, drug abuse, and organized crime? Criminology is a dynamic field, changing constantly with the release of major research studies, Supreme Court rulings, and governmental policy. Its dynamism and diversity make it an important and engrossing area of study.

One reason why the study of criminology is so important is that debates continue over the nature and extent of crime and the causes and prevention of criminality. Some view criminals as society's victims who are forced to violate the law because of poverty and lack of opportunity. Others view aggressive, antisocial behavior such as the Umpqua Community College massacre as a product of mental and physical abnormalities, present at birth or soon after, that are stable over the life course. Still another view is that crime is a function of the rational choice of greedy, selfish people who can be deterred from engaging in criminal behavior only by the threat of harsh punishments. If the Umpqua Community College shooting was actually a hate crime, what could have been done to prevent its occurrence? It all comes down to this: Why do people do the things they do? How can we explain the intricacies and diversity of human behavior?

Because interest in crime and justice is so great and so timely, this text is designed to review these ongoing issues and cover the field of criminology in an organized and comprehensive manner. It is meant as a broad overview of the field, an introduction to whet the reader's appetite and encourage further and more in-depth exploration. I try to present how the academic study of criminology intersects with real-world issues. For example, diversity is a key issue in criminology and a topic that has important real-world consequences. Therefore the text attempts to integrate issues of racial, ethnic, gender, and cultural diversity throughout. The book opens with coverage of the killing of Michael Brown in Ferguson, Missouri, and then goes on to cover contemporary issues ranging from the Black Lives Matter movement to the most recent research on sexual assaults on campus.

My primary goals in writing this text were as follows:

1. To separate the facts from the fiction about crime and criminality
2. To provide students with a thorough knowledge of criminology and show its diversity and intellectual content
3. To be as thorough and up-to-date as possible
4. To be objective and unbiased
5. To describe current theories, crime types, and methods of social control, and to analyze their strengths and weaknesses
6. To show how criminological thought has influenced social policy

## Features

**FACT OR FICTION?** A main goal of this edition is to expose some of the myths that cloud people's thinking about crime and criminals. The media often paints a distorted picture of the crime problem in America and focuses only on the most sensational cases. Is the crime rate really out of control? Are unemployed people inclined to commit crime? Are immigrants more crime prone than the native-born, as some politicians suggest? Are married people less crime prone than singles? Distinguishing what is true from what is merely legend is one of the greatest challenges for instructors in criminology courses. Therefore a goal of this text is to disabuse students of incorrect notions, perceptions, and biases. Each chapter opens with a set of statements highlighting common perceptions about crime that are related to the material discussed in the chapter. In the text, these statements are revisited so the student will become skilled at distinguishing the myths from the reality of crime and criminality.

**CONCEPT SUMMARY** There are ongoing debates about the nature and extent of crime and the causes and prevention of criminality. I try to present the various viewpoints on each topic and then draw a conclusion based on the weight of the existing evidence. Students become familiar with this kind of analysis by examining Concept Summary boxes that compare different viewpoints, reviewing both their main points and their strengths.

**THINKING LIKE A CRIMINOLOGIST** It is important for students to think critically about law and justice and to develop a critical perspective toward the social institutions and legal institutions entrusted with crime control. Throughout the book, students are asked to critique research highlighted in boxed material and to think "outside the box," as it were. To aid in this task, each chapter ends with a brief section called Thinking Like a Criminologist, which presents a scenario that can be analyzed with the help of material found in the chapter. This section also includes critical thinking questions to guide classroom interaction.

**POLICIES AND ISSUES IN CRIMINOLOGY** Throughout the book, every attempt is made to access the most current research and scholarship available. Most people who use the book have told me that this is one of its strongest features. I have attempted to present current research in a balanced fashion, even though this approach can be frustrating to students. It is comforting to reach an unequivocal conclusion about an important topic, but sometimes that simply is not possible. In an effort to be objective and fair, I have presented each side of important criminological debates in full. Throughout the text, boxed features titled Policies and Issues in Criminology review critically important research topics. In Chapter 10, for example, this feature looks at honor killing and honor crime, which involve violence directed against women and girls who are believed to have violated the customs of traditional societies in the Middle East, Southwest Asia, India, China, and Latin America.

**PROFILES IN CRIME** These features are designed to present to students actual crimes that help illustrate the position or views within the chapter. In Chapter 14, this feature focuses on the Lost Boys case, which involved the investigation into a transnational online bulletin board that provided a forum for men who had a sexual interest in young boys to trade child pornography.

**CONNECTIONS** are short inserts that help link the material to other areas covered in the book. A Connections insert in Chapter 14 points out how cyberspace is being used to facilitate public order crimes (covered in Chapter 13) by being a conduit to illegally distribute prescription drugs, advertise prostitution, and disseminate pornography.

**CHAPTER OUTLINES** provide a roadmap to coverage and serve as a useful review tool.

**LEARNING OBJECTIVES** spell out what students should learn in each chapter and are reinforced via a direct link to the end-of-chapter summary as well as all of the text's ancillary materials.

**A RUNNING GLOSSARY** in the margins ensures that students understand words and concepts as they are introduced.

In sum, the text has been carefully structured to cover relevant material in a comprehensive, balanced, and objective fashion. Every attempt has been made to make the presentation of material interesting and contemporary. No single political or theoretical position dominates the text; instead, the many diverse views that are contained within criminology and characterize its interdisciplinary nature are presented. While the text includes analysis of the most important scholarly works and scientific research reports, it also includes a great deal of topical information on recent cases and events, such as the death of Eric Garner at the hands of the police (known as the "I can't breathe" incident), the case of Dr. Farid Fata, a respected oncologist, who committed a multimillion-dollar health care fraud, and the story of Owen Labrie and the St. Paul's School rape case.

## Topic Areas

*Criminology: The Core* is a thorough introduction to this fascinating field and is intended for students in introductory courses in criminology. It is divided into three main sections or topic areas.

**PART 1** provides a framework for studying criminology. The first chapter defines the field and discusses its most basic concepts: the definition of crime, the component areas of criminology, the history of criminology, the concept of criminal law, and the ethical issues that arise in this field. Chapter 2 covers criminological research methods, as well as the nature, extent, and patterns of crime. Chapter 3 is devoted to the concept of victimization, including the nature of victims, theories of victimization, and programs designed to help crime victims.

**PART 2** contains six chapters that cover criminological theory: Why do people behave the way they do? Why do they commit crimes? These views focus on choice (Chapter 4), biological and psychological traits (Chapter 5), social structure and culture (Chapter 6), social process and socialization (Chapter 7), social conflict (Chapter 8), and human development (Chapter 9).

**PART 3** is devoted to the major forms of criminal behavior. The chapters in this section cover violent crime (Chapter 10), political crime and terrorism (Chapter 11), blue-collar, white-collar, and green-collar crimes (Chapter 12), public order crimes, including sex offenses and substance abuse (Chapter 13), and cybercrime and transnational organized crime (Chapter 14).

## Chapter-by-Chapter Changes

**CHAPTER 1, *Crime and Criminology***, now begins with a detailed account of the death of Michael Brown and the Ferguson shooting. There is also a Profiles in Crime feature concerning the death of Trayvon Martin and the concept of “stand your ground” and legal self-defense.

**CHAPTER 2, *The Nature and Extent of Crime***, begins with a vignette detailing the murder of Hanna Graham, a young University of Virginia student killed by a sexual predator. Self-report, victim, and official crime data have all been updated and the newest trends and patterns in the crime rate analyzed. There is a new section on co-offending and crime. Special attention has been paid to the issue of race and crime, including new data on the racial threat hypothesis.

**CHAPTER 3, *Victims and Victimization***, begins with a vignette on the Steubenville High School football team sexual assault case. There is a new section on the costs of victimization and a boxed feature on the impact of wrongful convictions on crime victims. For some victims, the impact of the wrongful conviction may be comparable to—or even worse than—that of their original victimization. Another Policies and Issues feature looks at elder victims and finds that elder abuse and neglect are serious yet understudied problems in the United States. There is a new section on state victim compensation programs.

**CHAPTER 4, *Rational Choice Theory***, opens with the story of Dr. Farid Fata, a Detroit-area hematologist and oncologist who pleaded guilty to a series of health care fraud charges, kickback conspiracy, and money laundering crimes. Two new sections cover the issues “Is Hate Crime Rational?” and “Is Sex Crime Rational?” The CRAVED model of crime choice is covered. A new section looks at marginal and restrictive deterrence, deterrence strategies that can lead to less than perfect results. In a Policies and Issues feature we look at how car thieves are rational decision makers and how their behavior is effected by the deterrent effect of the law—not enough to dissuade them from committing crime but enough to alter their behavior. A section on toughening punishment explores the issues of whether a specific deterrent effect can be achieved if the severity of punishment is increased and type of punishment is amplified.

**CHAPTER 5, *Trait Theory***, begins with the Sandy Hook Elementary School shooting in Newtown, Connecticut. A new section compares the individual vulnerability model with the differential susceptibility model: the former assumes there is a direct link between traits and crime; the latter assumes there is an indirect association between traits and crime. There is new research on thrill seeking and a new section on mental illness and crime. Research is shown on how environmental contaminants can be harmful to the brains of babies and children, producing neurological deficits that may lead to delinquency and adult criminality.

**CHAPTER 6, *Social Structure Theory***, begins with the case of Kaboni Savage, a small-time Philadelphia drug dealer who escalated his offending career by buying cocaine in bulk and building a criminal organization. While in jail, Savage ordered a firebomb attack against the family of a witness who had agreed to testify for the prosecution, an attack that resulted in the death of six people. New data on child poverty and minority group poverty are presented. A Policies and Issues in Criminology feature is devoted to the G.R.E.A.T. (Gang Resistance, Education, and Training) program, a school-based, law enforcement officer–instructed classroom curriculum.

**CHAPTER 7, *Social Process Theory***, opens with the rise and fall of confidence man Vernon Matthews, who operated a company called First Capital Group (FCG) that

targeted military personnel for fraudulent investment schemes. Rand and Katherine Conger's Family Stress Model is now covered, which shows that economic hardship increases parents' sadness, pessimism about the future, anger, despair, and withdrawal from other family members, factors that are critical given the family's key influence on crime and delinquency. There are new data on the association between having antisocial peers and engaging in antisocial behavior. A Policies and Issues in Criminology feature looks at research by Ray Paternoster, Jean Marie McGloin, Holly Nguyen, and Kyle Thomas, who conducted an interesting and informative experiment to measure whether peers influence behavior choices.

**CHAPTER 8, *Social Conflict, Critical Criminology, and Restorative Justice***, begins by covering the attack by Saïd and Chérif Kouachi on the offices of the French satirical newspaper *Charlie Hebdo*. A new section on justice system inequality covers the issue of whether racial and ethnic minorities are the target of racist police officers and unfair prosecutorial practices. A new Profiles in Crime feature entitled "I Can't Breathe" covers the death of Eric Garner at the hands of police officers because he was believed to be selling "loosies" (single cigarettes) from packs without a tax stamp, prohibited by NYC law. A new section called "Being Victimized" discusses how critical feminists find that the sexual victimization of girls is a function of male socialization because so many young males learn to be aggressive and to exploit women. Another section on gender and the justice system shows that when the exploited girl finds herself in the arms of the justice system, her problems may just be beginning. Girls who get in trouble are seen as a threat to acceptable images of femininity; their behavior is considered even more unusual and dangerous than male delinquency. A Policies and Issues in Criminology feature on the Center for Restorative Justice (CRJ) focuses on a program that for over 30 years has provided a variety of restorative justice programming and services helping both young people and adults.

**CHAPTER 9, *Developmental Theories: Life Course, Propensity, and Trajectory***, opens with a vignette on Daniel Dvorkin, a commercial real estate professional who tried to hire a hit man to settle a business deal. There is a new section called "Breaking Up" that asks, if marriage helps reduce criminality, what happens when things don't always work out as planned? There is a new section on social schematic theory (SST), a life-course learning approach that suggests that social schemas—cognitive frameworks that help people quickly process and sort through information—are the key theoretical mechanisms that account for the development of criminal behavior patterns. There is also a new section on first offenders.

**CHAPTER 10, *Violent Crime***, begins with a vignette on Dylann Roof and the terrible hate-motivated shooting in a Charleston, South Carolina, church. Recent research is covered on testing the linkage between violence and mental process through the use of a magnetic resonance imaging device (MRI) to assess brain function. There is a section on rape on campus, including a recent national study that shows that more than 20 percent of all college women are victims of rape or attempted rape. Another new section looks at "rape by deception," a crime that occurs when the rapist uses fraud or trickery to convince the victim to engage in sex or impersonates someone with whom the victim has been intimate. The gender conflict view is reviewed, which holds that women are more likely to be targeted when they begin to make progress toward social, political, and economic equality; men fear them as a threat to their long-held dominance. The Campus Sexual Violence Elimination (SaVE) Act is now covered. There is a new section on carjackers, who attack occupied vehicles for the purpose of theft.

**CHAPTER 11, *Political Crime and Terrorism***, opens with the case of Edward Snowden and his release of government documents. There is coverage of a recent report by the Senate Intelligence Committee that disparages the use of torture and disputes claims that it can be a valuable source of information. A number of terror incidents

are covered, including the April 2, 2015, attack by gunmen belonging to the Somalia-based al-Shabaab terror group on the Garissa University campus in Kenya, which resulted in the killing of 148 students. There is increased and significant coverage of the Islamic State of Iraq and the Levant (ISIL) and Boko Haram, a fundamentalist Islamic group that has caused havoc in Nigeria.

**CHAPTER 12, *Economic Crimes: Blue-Collar, White-Collar, and Green-Collar***, opens with the tale of Georgia native Aubrey Lee Price, formerly a devout Christian minister and trusted financial adviser, who was sentenced to 30 years in prison for bank fraud, embezzlement, and other crimes. The latest data from the National White Collar Crime Center, which conducts national surveys that tap into individual experiences with business crimes, are included. There are new data on health care fraud, which now costs the nation \$80 billion per year. The harms perspective of environmental crime is presented.

**CHAPTER 13, *Public Order Crimes***, begins with the case of Alfred Beckman, who sexually abused young children and streamed the abuse over the Internet to a child pornography network. There is a new section called “Are Victimless Crimes Victimless?” which addresses the harm caused by public order crimes. The chapter presents the theory of social harm and updates the effects of the same-sex marriage crusade. There is a Policies and Issues in Criminology feature on the sex trade in contemporary society that presents the findings of Meredith Dank and her colleagues at the Urban Institute, who conducted a study of prostitution in some of the nation’s largest cities. A new section covers the costs of substance abuse, and a Policies and Issues in Criminology feature on substance abuse and psychosis finds that people diagnosed with mood or anxiety disorders are about twice as likely as the general population to also suffer from a substance use disorder.

**CHAPTER 14, *Crimes of the New Millennium: Cybercrime and Transnational Organized Crime***, opens with a vignette on Julian Assange and the WikiLeaks scandal, which involved the publication of classified government documents. Also included is the story of how the distributor of SpyEye designed software to facilitate online theft from financial institutions and enable users to transfer money out of victims’ bank accounts and into accounts controlled by criminals. Current distribution methods for online pornography are covered, including “porn-napping” and “typosquatted” websites. A Profiles in Crime feature addresses the Lost Boy case, about an online forum where men with a sexual interest in young boys traded child pornography. The significant problem of online drug sales is covered—for example, a single Internet pharmacy illegally sold more than 14 million doses of drugs over a four-year period. A new section covers Internet extortion schemes, such as uploading malware that freezes a computer system or encrypts its files, essentially holding the system hostage until a ransom is paid. There is a new section on the National Cyber Investigative Joint Task Force (NCIJTF), which consists of nearly two dozen federal intelligence, military, and law enforcement agencies.

## Supplements

An extensive package of supplemental aids is available for instructor and student use with this edition of *Criminology: The Core*. Supplements are available to qualified adopters. Please consult your local sales representative for details.

## For the Instructor

**ONLINE INSTRUCTOR’S MANUAL** The manual includes learning objectives, key terms, a detailed chapter outline, student activities, and media tools. The learning objectives are correlated with the discussion topics, student activities, and media tools. The manual is available for download on the password-protected website and can also be obtained by e-mailing your local Cengage Learning representative.



**ONLINE TEST BANK** Each chapter of the test bank contains questions in multiple-choice, true/false, completion, and essay formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text, references to the section in the main text where the answers can be found, and Bloom's taxonomy. Finally, each question in the test bank has been carefully reviewed by experienced criminal justice instructors for quality, accuracy, and content coverage. The Test Bank is available for download on the password-protected website and can also be obtained by e-mailing your local Cengage Learning representative.

**CENGAGE LEARNING TESTING, POWERED BY COGNERO** This assessment software is a flexible, online system that allows you to import, edit, and manipulate test bank content from the *Criminology: The Core* test bank or elsewhere, including your own favorite test questions; create multiple test versions in an instant; and deliver tests from your LMS, your classroom, or wherever you want.

**ONLINE POWERPOINT® LECTURES** Helping you make your lectures more engaging while effectively reaching your visually oriented students, these handy Microsoft PowerPoint slides outline the chapters of the main text in a classroom-ready presentation. The PowerPoint slides are updated to reflect the content and organization of the new edition of the text and feature some additional examples and real-world cases for application and discussion. Available for download on the password-protected instructor companion website, the presentations can also be obtained by e-mailing your local Cengage Learning representative.

## For the Student

**MINDTAP FOR CRIMINOLOGY** With MindTap™ Criminal Justice for *Criminology: The Core*, you have the tools you need to better manage your limited time, with the ability to complete assignments whenever and wherever you are ready to learn. Course material that is specially customized for you by your instructor in a proven, easy-to-use interface keeps you engaged and active in the course. MindTap helps you achieve better grades today by cultivating a true understanding of course concepts, and with a mobile app to keep you on track. With a wide array of course-specific tools and apps—from note taking to flashcards—you can feel confident that MindTap is a worthwhile and valuable investment in your education.

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## Acknowledgments

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# CRIMINOLOGY

THE CORE

# 1 Crime and Criminology

## Learning Objectives

- L01** Explain the various elements of criminology.
- L02** Differentiate between crime and deviance.
- L03** Discuss the three different views of the definition of crime.
- L04** Discuss the different purposes of the criminal law.
- L05** Describe the criminal justice process.
- L06** Identify the ethical issues in criminology.

Robert Cohen/Pool/EPA/Corbis Wire/Corbis



## Chapter Outline

### Criminology in Action

Criminal Statistics/Crime Measurement  
Sociology of Law/Law and Society/Sociological Studies  
Developing Theories of Crime Causation

### Policies and Issues in Criminology

SHOULD SEX OFFENDERS BE REGISTERED?

Understanding and Describing Criminal Behavior  
Penology: Punishment, Sanctions, and Corrections  
Victimology

### A Brief History of Criminology

Classical Criminology  
Positivist Criminology  
Sociological Criminology  
Conflict Criminology  
Developmental Criminology  
Contemporary Criminology

### Deviant or Criminal?

#### How Criminologists Define Crime

Becoming Deviant  
The Concept of Crime

### Profiles in Crime

TRAYVON MARTIN AND GEORGE ZIMMERMAN

A Definition of Crime

### Criminology and the Criminal Law

Common Law  
Contemporary Criminal Law  
The Evolution of Criminal Law

### Criminology and Criminal Justice

The Criminal Justice System  
The Process of Justice

### Ethical Issues in Criminology

## FACT OR FICTION?

- ▶ Sex offender registration lists help deter potential offenders and reduce the incidence of child molestation.
- ▶ Criminals and victims are two totally different types of people.

**O**n August 9, 2014, in Ferguson, Missouri, a suburb of St. Louis, Michael Brown, an 18-year-old unarmed African American youth, was fatally shot by Darren Wilson, a white police officer. According to most accounts, shortly before the shooting Brown and a friend, Dorian Johnson, had stolen some cigars from a local convenience store. Officer Wilson, who at the time was not aware of the theft, encountered the two young men as they were walking down the middle of the street. From his police car, Wilson ordered them to move to the sidewalk. According to Wilson, the two refused to obey the order, a scuffle broke out during which Michael Brown punched Wilson through the window of the police car. The fight went on until Wilson's gun was fired, and Brown and Johnson fled down the street. Wilson pursued Brown, eventually firing a total of twelve rounds at him from a distance ranging from 30 to under 10 feet. In all Michael Brown was hit eight times, the last shot causing his death.

A grand jury called to review the evidence in the case failed to find sufficient cause to indict Darren Wilson for the death of Michael Brown, prompting nationwide protests condemning racial bias in the justice system. The incident reminded people of the central role crime, law, and justice play in their daily lives and how a random encounter can escalate into the death of a young man.

Many questioned the grand jury's refusal to indict Officer Wilson, not being able to understand how the shooting of an unarmed suspect was not a crime. Legally, the grand jury's decision rested on what happened during the pursuit of Michael Brown: did he, as some witnesses asserted, have ▶

his hands raised in surrender as he moved towards Officer Wilson or was Michael Brown madly charging at the officer in an attempt to attack him further as Wilson claimed? If the latter, then the officer's behavior might be excused since he acted in self-defense if he actually felt threatened; if the former, Wilson's actions amounted to felony murder. Members of the jury obviously believed Wilson's story when they failed to indict.

The case also shows that crime is socially constructed: Wilson could have been indicted, tried, and convicted for his act and be considered a callous, violent criminal. Instead, the jury decided not to indict, meaning that Wilson is not a criminal in the eyes of the law. The fact that a jury of his peers failed to indict Wilson reinforces the fact that what is a crime and who is considered a criminal are not objective facts but open to interpretation.

The death of Michael Brown certainly raised issues about the role race plays in the construction and creation of crime and criminality. Would Michael Brown have been stopped by a police officer if he was a Caucasian college student? The law should and must be color and gender blind. Did this incident occur because of racial profiling? Many people believed that the incident showed that racism still exists in the justice system. ■

### criminology

The scientific study of the nature, extent, cause, and control of criminal behavior.

The Ferguson shooting and similar incidents have captured headlines around the globe, raised fascinating questions about crime and its control, and spurred interest in **criminology**, an academic discipline that uses the scientific method to study the nature, extent, cause, and control of criminal behavior. Unlike political figures and media commentators, whose opinions about crime may be colored by personal experiences, biases, and election concerns, criminologists remain objective as they study crime and its consequences.<sup>1</sup> The field itself is far reaching, and subject matter ranges from street level drug dealing to international organized crime, from lone wolf terrorism to control of kiddie porn. It is an interdisciplinary field: while many have attended academic programs that award degrees in criminology or criminal justice, many criminologists have a background in other academic disciplines, including sociology, psychology, and legal studies.

In this chapter, we review the components of this diverse field of study, how this field developed, and how criminologists view crime and justice.

**L01** Explain the various elements of criminology.

## Criminology in Action

Several subareas exist within the broader arena of criminology. Some criminologists specialize in one area while ignoring others, and some are generalists whose research interests are wide ranging. What then are the most important subareas in the field?

### Criminal Statistics/Crime Measurement

The subarea of criminal statistics/crime measurement involves creating methodologies that are able to accurately measure activities, trends, and patterns in crime and then using these tools to calculate amounts and developments in criminal activity: How much crime occurs annually? Who commits it? When and where does it occur? Which crimes are the most serious?

Criminologists interested in computing criminal statistics focus on creating **valid** and **reliable measures** of criminal behavior:

- Criminologists help formulate techniques for collecting and analyzing official measures of criminal activities, such as crimes reported to the police.
- To measure unreported criminal activity criminologists develop survey instruments designed to have victims report loss and injury that may not have been reported to the police.
- Criminologists design methods that make it possible to investigate the cause of crime. They may create a self-administered survey instrument that contains questions measuring an adolescent's delinquent behaviors as well as social characteristics, education and occupation of parents, friendship patterns, and school activities in order to determine the association between a wide variety of social factors and criminal activities, such as whether school failure is related to drug abuse.

#### valid measure

A measure that actually measures what it purports to measure; a measure that is factual.

#### reliable measure

A measure that produces consistent results from one measurement to another.

## Sociology of Law/Law and Society/Sociolegal Studies

Sociology of law/law and society/sociolegal studies is a subarea of criminology concerned with the role that social forces play in shaping criminal law and the role of criminal law in shaping society. Criminologists interested in sociolegal studies might investigate the history of legal thought in an effort to understand how criminal acts (such as theft, rape, and murder) evolved into their present form. They may also play an active role in suggesting legal changes that benefit society.

Criminological research is also used extensively by the Supreme Court in shaping their decision making and creating legal precedence.<sup>2</sup> In the case of *Miller v. Alabama*, the Supreme Court relied on social research that had found juveniles not fully capable of anticipating the consequences of their actions. This finding led the justices to conclude that it would be inappropriate and unconstitutional for juveniles to receive mandatory life sentences without the possibility of parole. Since this research found that juveniles had a different mental capacity than adults, it seemed illogical that they should receive the same punishment; this would amount to cruel and unusual punishment.<sup>3</sup>

In the accompanying Policies and Issues in Criminology feature, criminological research on another policy issue—sex offender registration—is discussed in some detail.

## Developing Theories of Crime Causation

Criminologists also explore the causes of crime. How do the mechanisms of past experience influence an individual's propensity to offend? Is past behavior the best predictor of future behavior? Are the seeds of a criminal career planted early in life or do life events upend a person's normal life course?

Some criminologists focus on the individual and look for an association between decision making, psychological and biological traits, and anti-social behaviors. Those who have a psychological orientation view crime as a function of personality, development, social learning, or cognition. Others investigate the biological correlates of antisocial behavior and study the biochemical, genetic, and neurological linkages to crime.

Those with a sociological orientation look at the social forces producing criminal behavior, including

### FACT OR FICTION?

Sex offender registration lists help deter potential offenders and reduce the incidence of child molestation.

**FICTION** Research indicates that registration has little effect on either offenders or rates of child molesting.



Monica Almeida/New York Times/Redux

Criminologists interested in the sociology of law conduct research on the effects of legal change on society. Take for example the Supreme Court's ruling in *Miller v. Alabama*, barring mandatory life sentences for juveniles convicted of murder. Criminologists may be called upon to test public opinion on whether violent young felons have the potential for rehabilitation. They may also try to measure the factors that may have influenced judicial decision making. In this case, they may try to determine whether scientific research on adolescent brain development influenced the ruling.

## Policies and Issues in Criminology

### SHOULD SEX OFFENDERS BE REGISTERED?

Criminologists evaluate the impact that new laws have had on society after they have been in effect for a while. Take the practice of sex offender registration, which requires convicted sex offenders to register with local law enforcement agencies whenever they move into a community. These provisions are often called Megan's Laws, in memory of 7-year-old Megan Kanka. Megan was killed in 1994 by sex offender Jesse Timmendequas, who had moved unannounced into her New Jersey neighborhood. Megan's Laws require law enforcement authorities to make information available to the public about registered sex offenders, including the offender's name, picture, address, incarceration date, and nature of crime. The information can be published in newspapers or put on a sex offender website.

In *Connecticut Dept. of Public Safety v. Doe* (2003), the U.S. Supreme Court upheld the legality of sex offender registration when it ruled that persons convicted of sexual offenses may be required to register with a state's Department of Public Safety and may then be listed on a sex offender registry that contains registrants' names, addresses, photographs, and descriptions and can be accessed on the Internet. In a 9–0 opinion upholding the plan, the Court reasoned that, because these defendants had been convicted of a sex offense, disclosing their names on the registry without a hearing did not violate their right to due process.

Thus sex offender registration laws have been ruled constitutional, are pervasive (they are used in all 50 states), and appeal to politicians who may be swayed by media crusades against child molesters (such as "To Catch a Predator" on *Dateline NBC*), and appease the public's desire to "do something" about child predators. But do they actually work? Does registration deter offenders from committing further sex offenses and reduce the incidence of predatory acts against children?

To answer this question, criminologists Kristen Zgoba and Karen Bachar conducted an in-depth study of the effectiveness of the New Jersey registration law and found that, although it was maintained at great cost to the state, the system did not produce effective results. Sex offense rates in New Jersey were in steep decline before the system was installed, and the rate of decline actually slowed down after 1995 when the law took effect. The study showed that the greatest rate of decline in sex offending occurred prior to the passage and implementation of Megan's Law. Zgoba and Bachar also found that the passage and implementation of Megan's Law did not reduce the number of rearrests for sex offenses, nor did it have any demonstrable effect on the time between when sex offenders were released from prison and the time they were rearrested for any new offense, such as a drug offense, theft, or another sex offense.

Zgoba and Bachar's results can be used to rethink legal changes such as sex offender registration. Rather than deterring crime, such laws may merely cause sex offenders to be more cautious, while giving parents a false sense of security. Sex offenders may target victims in other states or in communities where they do not live and parents are less cautious.

### Critical Thinking

1. Considering the findings of Zgoba and Bachar, would you advocate abandoning sex offender registration laws because they are ineffective? Or might there be other reasons to keep them active?
2. What other laws do you think should be the topic of careful scientific inquiry to see whether they actually work as advertised?

**Sources:** *Connecticut Dept. of Public Safety v. Doe*, 538 U.S. 1 (2003); Kristen Zgoba and Karen Bachar, "Sex Offender Registration and Notification: Limited Effects in New Jersey," National Institute of Justice, April 2009, [www.ncjrs.gov/pdffiles1/nij/225402.pdf](http://www.ncjrs.gov/pdffiles1/nij/225402.pdf) (accessed June 2015).

neighborhood conditions, poverty, socialization, and group interaction. Their belief is that people are a "product of their environment" and anyone living in substandard conditions could be at risk to crime. Kids are deeply affected by what goes on in their family, school, and neighborhood, and these are the keys to understanding the development of antisocial behavior.

Pinning down "one true cause" of crime remains a difficult problem because most people, even those living in the poorest disorganized neighborhood, or who suffered



abuse and neglect as children, do not become criminals. If they did, there would be a lot more crimes committed each year than now occur. Since most of us are law abiding, despite enduring many social and psychological problems, it's tough to pinpoint the conditions that inevitably lead to a criminal way of life. Criminologists are still unsure why, given similar conditions, some people choose criminal solutions to their problems, whereas others conform to accepted social rules of behavior.

## Understanding and Describing Criminal Behavior

Another subarea of criminology involves research on specific criminal types and patterns: violent crime, theft crime, public order crime, organized crime, and so on. Numerous attempts have been made to describe and understand particular crime types. Marvin Wolfgang's 1958 study *Patterns in Criminal Homicide* is a landmark analysis of the nature of homicide and the relationship between victim and offender. Wolfgang discovered that in many instances victims caused or precipitated the violent confrontation that led to their death, spawning the term **victim precipitated homicide**.<sup>4</sup> Edwin Sutherland's pioneering analysis of business-related offenses also helped coin a new phrase, **white-collar crime**, to describe economic crime activities of the affluent.<sup>5</sup>

Criminologists are constantly broadening the scope of their inquiry because new crimes and crime patterns are constantly emerging. Whereas 50 years ago they might have focused their attention on rape, murder, and burglary, they now may be looking at stalking, environmental crimes, cybercrime, terrorism, and hate crimes. A number of criminologists are now doing research on terrorism and the terrorist personality in order to discover why some young people are motivated to join terror groups. Among the findings:

- Mental illness is not a critical factor in explaining terrorist behavior. Also, most terrorists are not “psychopaths.”
- There is no “terrorist personality,” nor is there any accurate profile—psychological or otherwise—of the terrorist.
- Rather than mental illness, perceived injustice, need for identity, and need for belonging are common among potential terrorists.<sup>6</sup>

## Penology: Punishment, Sanctions, and Corrections

The study of **penology** involves efforts to control crime through the correction of criminal offenders. Some criminologists advocate a therapeutic approach to crime prevention that relies on the application of **rehabilitation** services; they direct their efforts at identifying effective treatment strategies for individuals convicted of law violations, such as relying on community sentencing rather than prison. Others argue that crime can be prevented only through the application of formal social control, through such measures as **mandatory sentences** for serious crimes and even the use of **capital punishment** as a deterrent to murder.

Criminologists interested in penology direct their research efforts at evaluating the effectiveness of crime control programs and searching for effective treatments that



AP Photo/Christophe Ena

The study of terrorism and political crime has become a major focus of criminology. On November 13, 2015, 130 people were killed and another 350 injured in a series of terror attacks across Paris, including at the Stade de France (the French national stadium), at cafés and restaurants, and at the Bataclan Theater, where a concert was taking place. The attacks began when bombs were set off outside the Stade de France during a soccer match between France and Germany. Hundreds of people ran from the stadium in panic. The Islamic State of Iraq and the Levant (ISIL) claimed responsibility for the attacks that involved groups of jihadists who simultaneously attacked numerous sites in the city. Soon after, French President François Hollande closed the nation's borders and declared a state of emergency. The Paris attacks prompted massive retaliation on ISIL installations by France, the United States, and Russia. Criminologists conduct research on discovering what prompts people to join terror groups and what can be done to dissuade them from joining.

### victim precipitated homicide

Refers to those killings in which the victim is a direct, positive precipitator of the incident.

### white-collar crime

Illegal acts that capitalize on a person's status in the marketplace. White-collar crimes may include theft, embezzlement, fraud, market manipulation, restraint of trade, and false advertising.

### penology

Subarea of criminology that focuses on the correction and control of criminal offenders.

### rehabilitation

Treatment of criminal offenders that is aimed at preventing future criminal behavior.

### mandatory sentences

A statutory requirement that a certain penalty shall be carried out in all cases of conviction for a specified offense or series of offenses.

### capital punishment

The execution of criminal offenders; the death penalty.



AP Images

The motivation for crime is often baffling. The body of Danvers High School teacher Colleen Ritzer was found behind the school on October 22, 2013, in Danvers, Massachusetts. Philip Chism, 14, was charged with sexually assaulting and killing Ritzer.

can significantly lower **recidivism** rates. An evaluation of the Risk-Need-Responsivity (RNR) program, which classifies people on probation and orders the placement of some in anger management and cognitive behavioral therapy programs, has been found to cut the recidivism of high-risk offenders by as much as 20 percent.<sup>7</sup>

Not all penological measures work as expected. One might assume that inmates placed in the most punitive high-security prisons will “learn their lesson” and not dare to repeat their criminal offense. However, research shows that being sent to a high-security prison exposes inmates to the most violent peers who have a higher propensity to crime, and this exposure may actually increase criminal behavior, reinforce anti-social attitudes, and ultimately increase recidivism, a finding that supports the need for careful penological research.<sup>8</sup>

## Victimology

Criminologists recognize that the victim plays a critical role in the criminal process and that the victim’s behavior is often a key determinant of crime.<sup>9</sup> **Victimology** includes the following areas of interest:

- Using victim surveys to measure the nature and extent of criminal behavior and to calculate the actual costs of crime to victims
- Calculating probabilities of victimization risk
- Studying victim culpability in the precipitation of crime
- Designing services for crime victims, such as counseling and compensation programs

Criminologists who study victimization have uncovered some startling results. For one thing, criminals have been found to be at greater risk of victimization than noncriminals.<sup>10</sup> This finding indicates that rather than being passive targets who are “in the wrong place at the

### recidivism

Relapse into criminal behavior after apprehension, conviction, and correction for a previous crime.

### victimology

The study of the victim’s role in criminal events.

## Concept Summary 1.1 Criminology in Action

The following subareas constitute the discipline of criminology.

<b>Criminal statistics</b>	<i>Gathering valid crime data.</i> Devising new research methods; measuring crime patterns and trends.
<b>Sociology of law/law and society/sociolegal studies</b>	<i>Determining the origin of law.</i> Measuring the forces that can change laws and society.
<b>Theory construction</b>	<i>Predicting individual behavior.</i> Understanding the cause of crime rates and trends.
<b>Criminal behavior systems</b>	<i>Determining the nature and cause of specific crime patterns.</i> Studying violence, theft, organized crime, white-collar crime, and public order crimes.
<b>Penology: punishment, sanctions, and corrections</b>	<i>Studying the correction and control of criminal behavior.</i> Using the scientific method to assess the effectiveness of criminal sanctions designed to control crime through the application of criminal punishments.
<b>Victimology</b>	<i>Studying the nature and cause of victimization.</i> Aiding crime victims; understanding the nature and extent of victimization; developing theories of victimization risk.

wrong time,” victims may themselves be engaging in a high-risk behavior, such as crime, that increases their victimization risk and renders them vulnerable to crime.

The various elements of criminology in action are summarized in Concept Summary 1.1.

## A Brief History of Criminology

How did this field of study develop? What are the origins of criminology? The scientific study of crime and criminality is a relatively recent development. During the Middle Ages (1200–1600), people who violated social norms or religious practices were believed to be witches or possessed by demons.<sup>11</sup> The use of cruel torture to extract confessions was common. Those convicted of violent or theft crimes suffered extremely harsh penalties, including whipping, branding, maiming, and execution.

### Classical Criminology

By the mid-eighteenth century, social philosophers began to argue for a more rational approach to punishment. Reformers stressed that the relationship between crime and punishment should be balanced and fair. This more moderate view of criminal sanctions can be traced to the writings of an Italian scholar, Cesare Beccaria (1738–1794), who was one of the first scholars to develop a systematic understanding of why people commit crime.

Beccaria believed that in choosing their behavior people act in their own self-interest: they want to achieve pleasure and avoid pain. People will commit crime when the potential pleasure and reward they believe they can achieve from illegal acts outweigh the threat of future punishment. To deter crime, punishment must be sufficient—no more, no less—to counterbalance the lure of criminal gain. If it were too lenient, people would risk committing crimes; too severe a punishment would be unfair and encourage crimes. If rape were punished by death, rapists might be encouraged to kill their victims to prevent identification; after all, they would have nothing to lose if both rape and murder were punished equally. Beccaria’s famous theorem was that in order for punishment to be effective it must be public, prompt, necessary, the least possible in the given circumstances, proportionate, and dictated by law.<sup>12</sup>

The writings of Beccaria and his followers form the core of what today is referred to as **classical criminology**. As originally conceived in the eighteenth century, classical criminology theory had several basic elements:

- People have free will to choose criminal or lawful solutions to meet their needs or settle their problems.
- Crime is attractive when it promises great benefits with little effort.
- Crime may be controlled by the fear of punishment.
- Punishment that is (or is perceived to be) severe, certain, and swift will deter criminal behavior.

This classical perspective influenced judicial philosophy, and sentences were geared to be proportionate to the seriousness of the crime. Executions were still widely used but gradually came to be employed for only the most serious crimes. The catchphrase was “Let the punishment fit the crime.”

### Positivist Criminology

During the nineteenth century, a new vision of the world challenged the validity of classical theory and presented an innovative way of looking at the causes of crime. The scientific method was beginning to take hold in Europe and North America.

Auguste Comte (1798–1857), considered the founder of sociology, argued that societies pass through stages that can be grouped on the basis of how people try to understand the world in which they live. People in primitive societies believe that inanimate objects have life (for example, the sun is a god); in later social stages, people

## CHECKPOINTS

- ▶ Criminologists engage in a variety of professional tasks.
- ▶ Those who work in criminal statistics create accurate measures of crime trends and patterns.
- ▶ Some criminologists study the origins and sociology of law.
- ▶ Theorists interested in criminal development seek insight into the causes of crime.
- ▶ Some criminologists try to understand and describe patterns and trends in particular criminal behaviors, such as serial murder or rape.
- ▶ Penologists evaluate the criminal justice system.
- ▶ Victimologists try to understand why some people become crime victims.

### classical criminology

Theoretical perspective suggesting that people choose to commit crime and that crime can be controlled if potential criminals fear punishment.