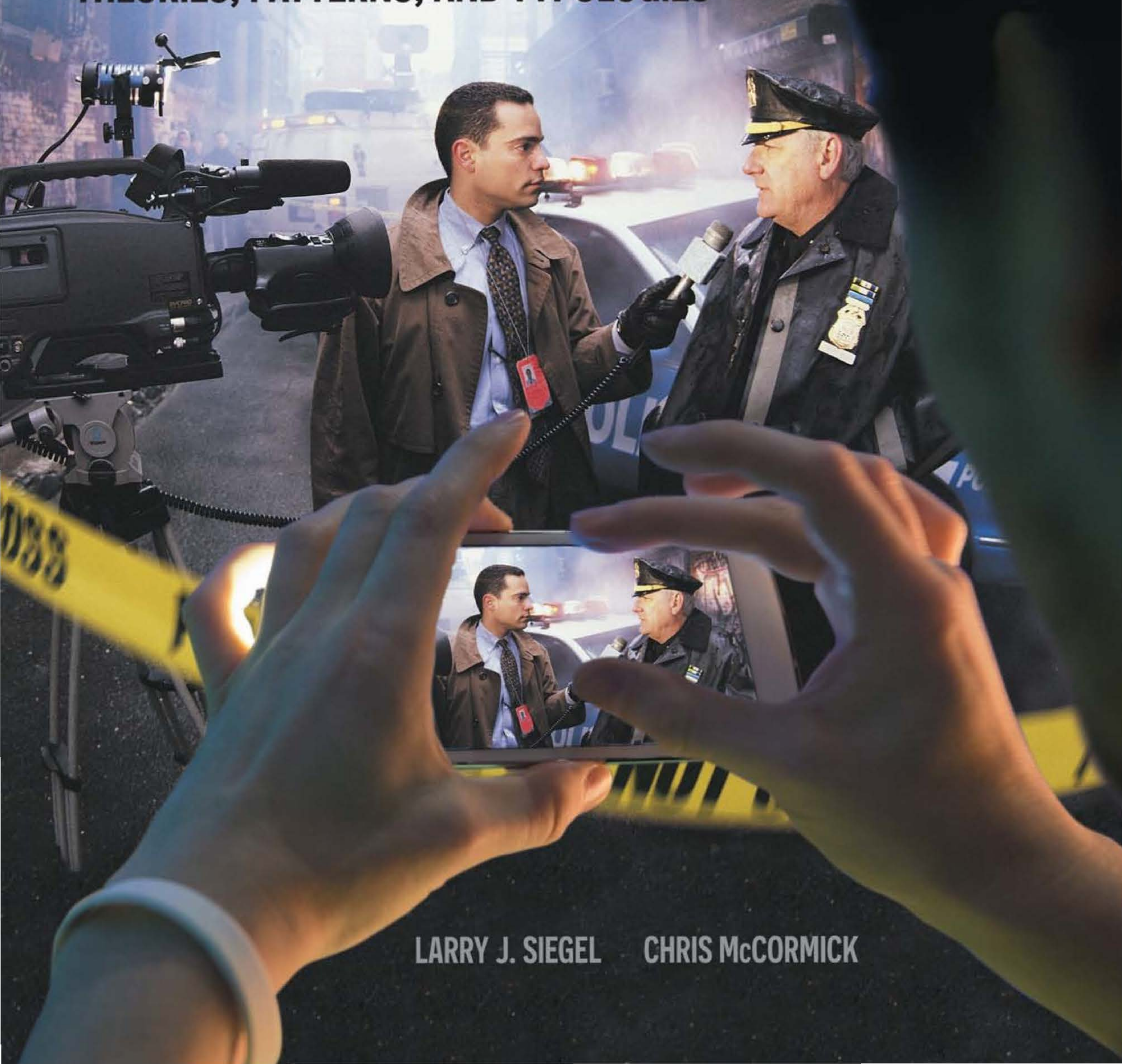


SIXTH  
EDITION

# CRIMINOLOGY IN CANADA

THEORIES, PATTERNS, AND TYPOLOGIES



LARRY J. SIEGEL    CHRIS McCORMICK



# Synopsis of Criminological Theories

## CLASSICAL THEORY

**ORIGIN** About 1764

**FOUNDERS** Cesare Beccaria, Jeremy Bentham

**MOST IMPORTANT WORKS** Beccaria, *On Crimes and Punishments* (1764); Bentham, *Moral Calculus* (1789)

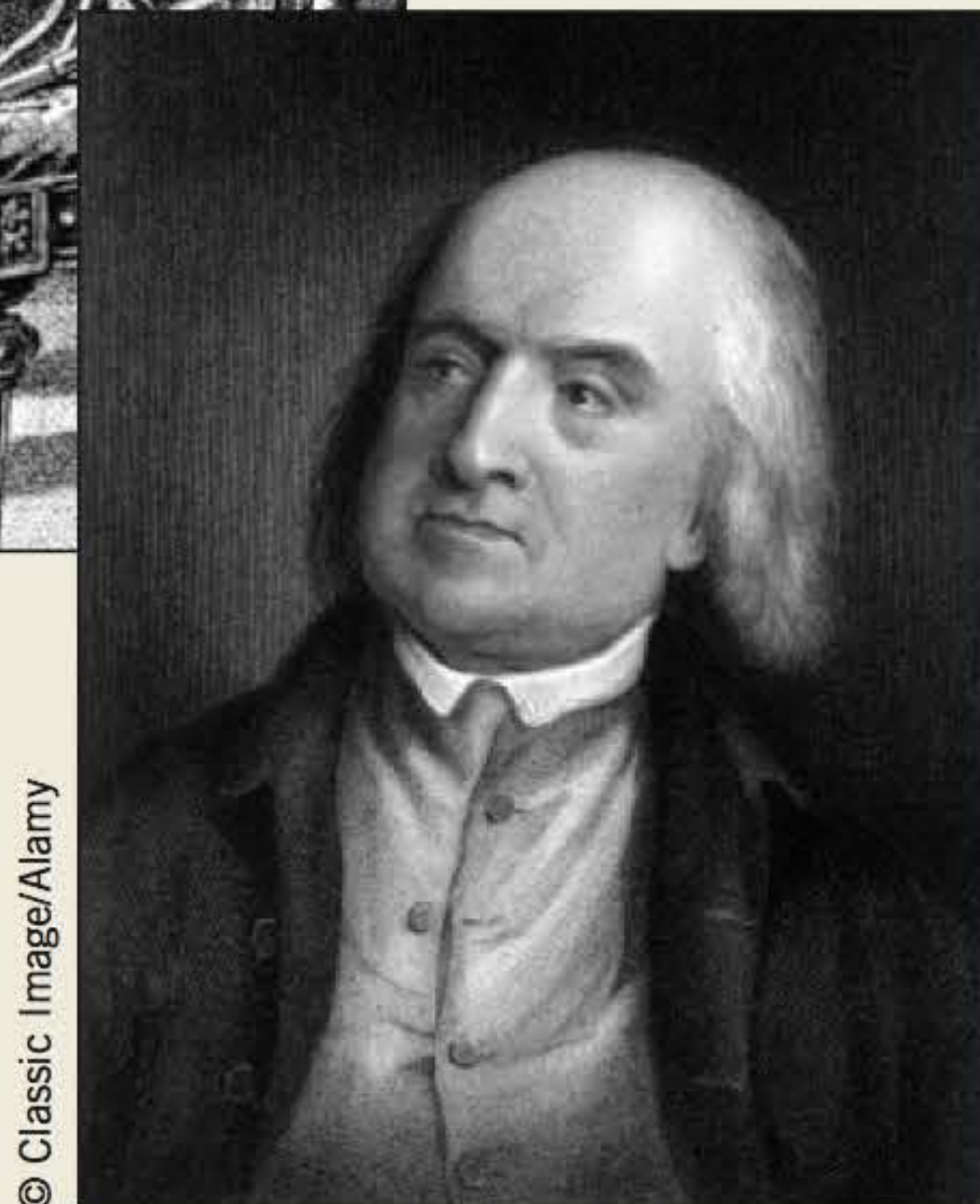
**CORE IDEAS** People choose to commit crime after weighing the benefits and costs of their actions. Crime can be deterred by certain, severe, and swift punishment.

**MODERN OUTGROWTHS** Rational Choice Theory, Routine Activities Theory, General Deterrence Theory, Specific Deterrence, Incapacitation



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Cesare Beccaria



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Jeremy Bentham

## POSITIVIST THEORY

**ORIGIN** About 1810

**FOUNDERS** Franz Joseph Gall, Johann Spurzheim, J. K. Lavater, Cesare Lombroso, Enrico Ferri, Raffaele Garofalo, Earnest Hooton, Charles Goring

**MOST IMPORTANT WORKS** Lombroso, *Criminal Man* (1863); Garofalo, *Criminology* (1885); Ferri, *Criminal Sociology* (1884); Goring, *The English Convict* (1913); William Sheldon, *Varieties of Delinquent Youth* (1949)

**CORE IDEAS** Some people have biological and mental traits that make them crime prone. These traits are inherited and are present at birth. Mental and physical degeneracies are the cause of crime.

**MODERN OUTGROWTHS** Biosocial and Psychological Theory, Cognitive Theory, Behavioural Theory, Evolutionary Theory, Arousal Theory



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Cesare Lombroso

## MARXIST/CONFLICT THEORY

**ORIGIN** About 1848

**FOUNDERS** Karl Marx, Willem Bonger, Ralf Dahrendorf, George Vold

**MOST IMPORTANT WORKS** Marx and Friedrich Engels, *The Communist Manifesto* (1848); Bonger, *Criminality and Economic Conditions* (1916); George Rusche and Otto Kirchheimer, *Punishment and Social Structure* (1939); Dahrendorf, *Class and Class Conflict in Industrial Society* (1959)

**CORE IDEAS** Crime is a function of class struggle. The capitalist system's emphasis on competition and wealth produces an economic and social environment in which crime is inevitable.

**MODERN OUTGROWTHS** Critical Theory, Conflict Theory, Radical Theory, Radical Feminist Theory, Left Realism, Peacemaking, Power-Control Theory, Postmodern Theory, Reintegrative Shaming, Restorative Justice



## SOCIOLOGICAL THEORY

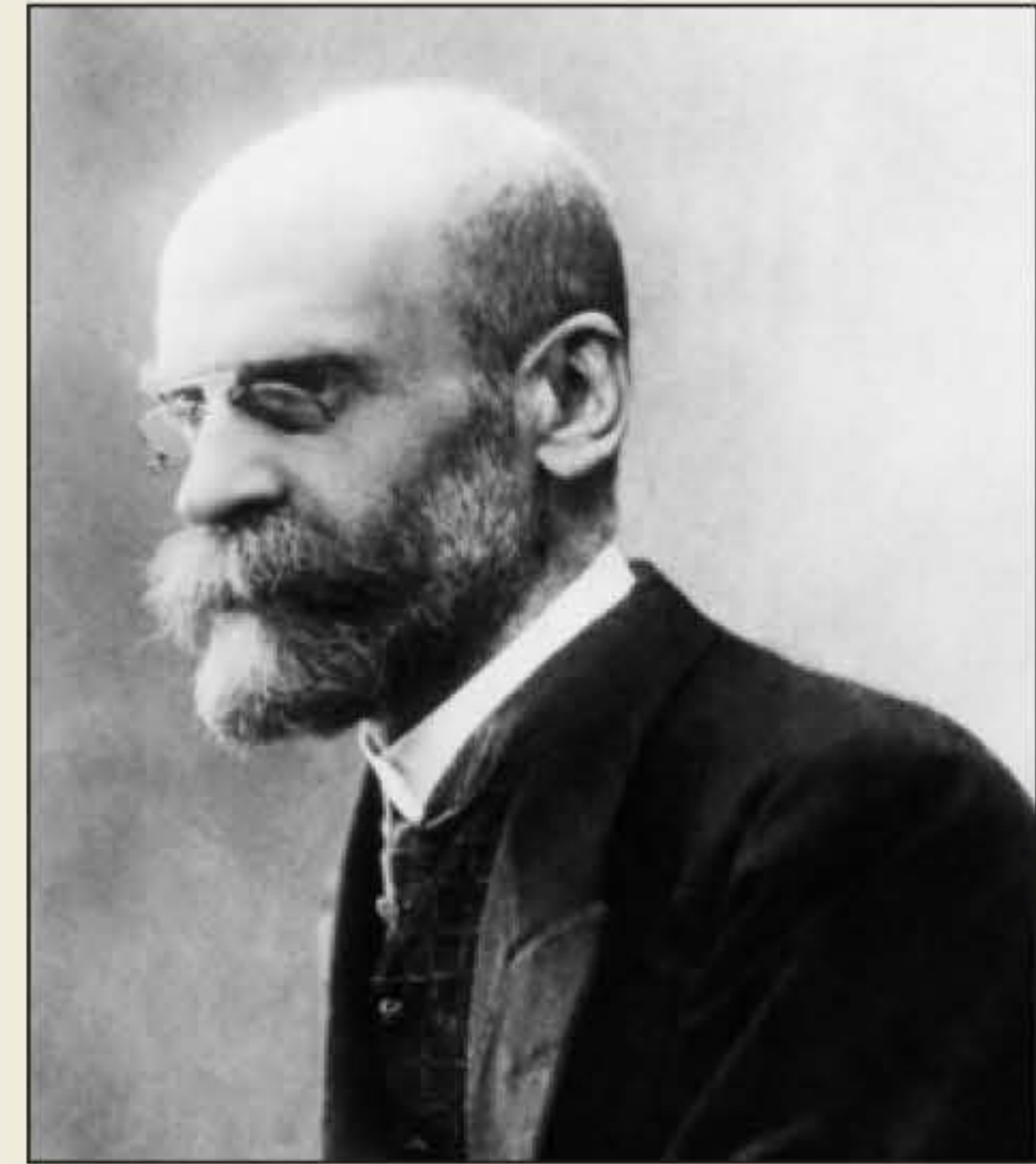
**ORIGIN** 1897

**FOUNDERS** Émile Durkheim, Robert Ezra Park, Ernest Burgess, Clifford Shaw, Walter Reckless, Frederic Thrasher

**MOST IMPORTANT WORKS** Durkheim, *The Division of Labor in Society* (1893), and *Suicide: A Study in Sociology* (1897); Park, Burgess, and John McKenzie, *The City* (1925); Thrasher, *The Gang* (1926); Shaw et al., *Delinquency Areas* (1925); Edwin Sutherland, *Criminology* (1924)

**CORE IDEAS** A person's place in the social structure determines his or her behaviour. Disorganized urban areas are the breeding ground of crime. A lack of legitimate opportunities produces criminal subcultures. Socialization within the family, the school, and the peer group controls behaviour.

**MODERN OUTGROWTHS** Strain Theory, Cultural Deviance Theory, Social Learning Theory, Social Control Theory, Social Reaction Theory, Labelling



Émile Durkheim

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## MULTIFACTOR/INTEGRATED THEORY

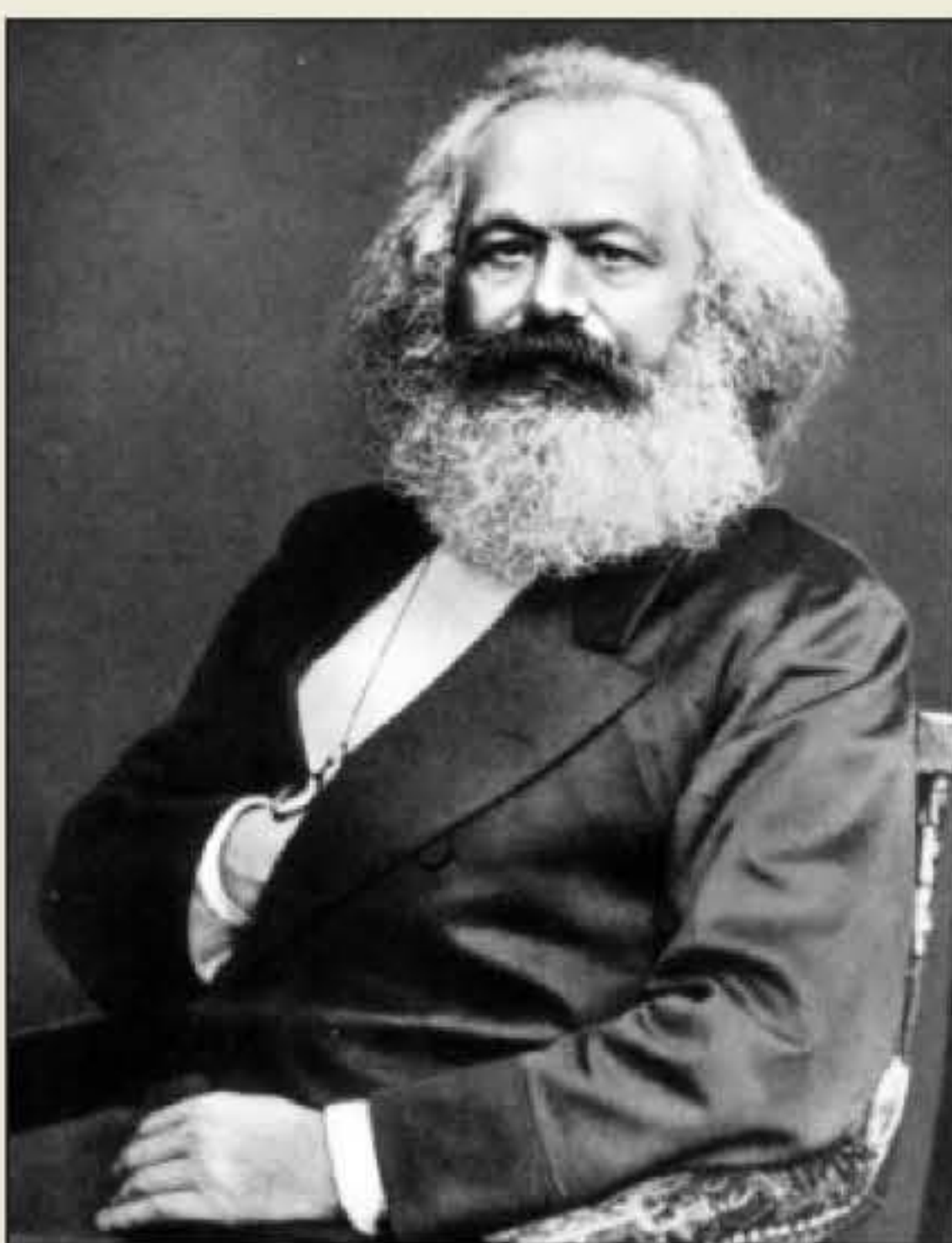
**ORIGIN** About 1930

**FOUNDERS** Sheldon and Eleanor Glueck

**MOST IMPORTANT WORKS** Sheldon and Eleanor Glueck: *Five Hundred Delinquent Women* (1934); *Later Criminal Careers* (1937); *Criminal Careers in Retrospect* (1943); *Juvenile Delinquents Grown Up* (1940); *Unraveling Juvenile Delinquency* (1950)

**CORE IDEAS** Crime is a function of environmental, socialization, physical, and psychological factors. Each makes an independent contribution to shaping and directing behaviour patterns. Deficits in these areas of human development increase the risk of crime. People at risk for crime can resist antisocial behaviours if these traits and conditions can be strengthened.

**MODERN OUTGROWTHS** Developmental Theory, Life Course Theory, Latent Trait Theory



Karl Marx

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Sheldon and Eleanor Glueck

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# **CRIMINOLOGY IN CANADA**

**THEORIES, PATTERNS, AND TYPOLOGIES**

SIXTH EDITION

**LARRY J. SIEGEL**  
UNIVERSITY OF MASSACHUSETTS AT LOWELL

**CHRIS McCORMICK**  
ST. THOMAS UNIVERSITY





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Terry Fedorkiw

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**This book is dedicated to my children, Julie,  
Andrew, Eric, and Rachel Siegel, and to my wife,  
Theresa G. Libby.**

*—Larry J. Siegel*

**For my students.**

*—Chris McCormick*



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# Preface

Writing a preface is the last thing, and one of the hardest things, to do in writing a book. It has to be an introduction but it can't say too much. It has to be inviting but also challenging enough to inspire more reading. Using interesting stories is a good way to begin each edition. For example, in the fifth edition of *Criminology in Canada*, I wrote about how former press baron Conrad Black renounced his Canadian citizenship in 2001 to take a seat in Britain's House of Lords. Success, it seemed, was his. Black's empire started to unravel, however, when Hollinger International began investigating illegal payments totalling \$74 million that were made to Black and other executives.

A series of suits and countersuits followed between Black and Hollinger. And then, in 2005, video cameras recorded Black and his chauffeur removing 12 file boxes from Hollinger's headquarters, despite a court order that no evidence be removed. When Black was convicted, he was fined, ordered to pay \$6 million in restitution, and told to report to a minimum-security prison to begin his six-and-a-half-year prison sentence for mail fraud and obstruction of justice. Black was convicted in a lengthy and highly publicized trial, which was covered by more than 300 journalists from the United States, Canada, Britain, and Europe.

While this case is a highly unusual one, it demonstrates that criminal acts capture public attention in a way that nothing else does. And yet, our ability to determine the validity of those news stories, television documentaries, and magazine articles is compromised because most of us have little independent knowledge of crime. Unless you hang out with cops (or criminals), what you know about crime is more than likely gleaned from the media.

Similarly, the third edition of *Criminology in Canada* began with the Pickton murders. Dozens of women had gone missing from Vancouver's Downtown Eastside in a series of slayings that had people convinced a serial killer was operating in their midst. Despite geographic profiling evidence confirming links between the cases, police failed to make the connection until more than 50 women had been murdered. If this case were used today, it would be updated to include reference to the more than 600 missing Aboriginal women, some from the infamous Highway of Tears in British Columbia.

The Pickton case made for a good introduction to the book because it was sensational, and yet it again illustrated the ambiguous role the media has in modern society. The

media does a good job reporting crime, but they also seem to have an inordinate interest in notorious killers, serial murderers, drug lords, and sex criminals. It is not surprising, then, that many of us are more concerned about violent crime than about almost any other social problem. We worry about becoming victims of violent crime, having our houses broken into, or having our cars stolen. We alter our behaviour to limit the risk of victimization, and we question whether legal punishment alone can control criminal offenders. We are shocked by graphic news accounts of drive-by shootings, police brutality, and prison riots. We are fascinated by books, movies, and TV shows about law firms, clients, fugitives, and hardened killers. Yet these media do little to enlighten us as to the cause of criminal behaviour.

In contrast, this book addresses the question of why we behave the way we do. What causes one person to become violent and antisocial, while another channels his or her energy into work, school, and family? How do we explain the at-risk kid in a high-crime neighbourhood who successfully resists the temptation of the streets? What accounts for the behaviour of the multimillionaire who cheats on his or her taxes and engages in other fraudulent schemes? The former has nothing yet is able to resist crime; the latter has everything and falls prey to its allure. Is behaviour a function of personal characteristics, or of upbringing and experience? Is it influenced by culture or environment? Or is it a combination of all of these influences?

This text addresses some of these difficult questions through a typology-based approach. This means we look for patterns, so as to better predict behaviour and to learn how to control it. It might be looking at the role of gender, or the influence of social class. It might mean looking at opportunities for deviant behaviour, and the influence of peer groups. It might mean looking at the role of regulation in such disasters as the railcar explosion in Lac Megantic, Quebec, regulations which allowed a train carrying highly explosive oil to sit idle on a siding with no one on board, only to slip away during the night and coast downhill into the middle of a town where it derailed and exploded, killing almost 50 people. Such a disaster could have been predicted and thus prevented, if only our attention wasn't distracted by serial killers.

As a professor of criminology, I have taught thousands of students. To me, what is important is communicating



my interests in crime, law, and justice to my students and inspiring them to explore their interests in the field. My goal has always been to help students understand a very broad field in a way that is easy to grasp. 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 association between media violence and interpersonal aggression, the family's influence on drug abuse, and the history of 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. In this book, I have sought to find examples and cases that make the field come alive.

What makes criminology difficult, but also interesting, is the continuing debate regarding the nature and extent of crime, and the causes and prevention of criminality. Some people view criminals as society's victims who are forced to violate the law because of poverty and the lack of opportunity. Others view aggressive, antisocial behaviour as a product of mental and physical abnormalities that persist through the life course. Genetic, neurological, and physiological factors are also felt to influence criminality. Still another view is that crime is a function of the rational choice of greedy, selfish people who can be deterred only through the threat of harsh punishments. For these people, there can be no treatment—only punishment. As new research uncovers factors that affect crime, the debate over the nature and cause of crime develops.

Debate also continues over how the criminal justice system should best treat known criminals. Should they be punished by being locked up? Or should they be given a second chance and diverted into alternative justice programs? Should crime control policy focus on punishment or rehabilitation, or even on medical treatment? If the underlying cause is poverty, how can this situation be remedied? Many of these questions are tied to the current events we learn about through the media. When a group of teenagers were accused of luring Reena Virk to a secluded spot only to assault and then kill her, it fuelled the call for reforms to juvenile justice. When Melanie Carpenter was abducted in broad daylight from her place of work in Surrey, British Columbia, sufficient public alarm ensued that the dangerous offender legislation was amended. Similarly, when Georgina Leimonis was shot in a Toronto café, the public called for the deportation of violent criminals. Recent events involving the suicides of Amanda Todd and Rehtaeh Parsons have fuelled debate over cyber-bullying and sparked changes to cyber-crime and online activity. Because interest in crime and justice is so great and so timely, this text reviews these ongoing issues and covers the field of criminology in an organized and comprehensive manner. It is meant as a broad overview of the field, designed to whet the reader's appetite and encourage further and more in-depth exploration. Numerous students have told me that they kept this book throughout university, using it as

a criminology reference text beyond first year. That type of testimonial has inspired me to keep working to design this book to suit student needs, while meeting my interest in communicating my enthusiasm for a rich, growing field of study.

In this sixth edition, I have made every effort to make the presentation of material interesting, balanced, objective, and especially, as distinctly Canadian as possible. No single political or theoretical position dominates the text; instead, this text presents the many diverse views that are contained within criminology and that characterize its interdisciplinary nature. The multi-disciplinarity of the field ranges from biology to sociology, and includes history, economics, and psychology. The text analyzes the most important scholarly works and scientific research reports, while also presenting topical information on recent cases and events.

## ORGANIZATION OF THE TEXT AND WHAT IS NEW IN THIS EDITION

The text is divided into three main sections or topic areas.

Section 1 provides a framework for studying criminology. Chapter 1 defines the field and discusses its most basic concepts: the definition of crime, the component areas of criminology, the history of criminology, criminological research methods, and the ethical issues that confront the field. Chapter 2 covers criminal law and its functions, processes, defences, and reform. In addition, the topic of wrongful convictions illustrates how mistakes can happen in even the most rationally organized system. Chapter 3 deals with the nature, extent, and patterns of crime, covering the various ways we learn about crime in our society: police statistics, victimization surveys, and the media. Criminologists attempt to reconcile these different sources to understand crime patterns. Chapter 4 is devoted to a new area of criminology: victimization. This chapter includes a discussion of the nature of victims, theories of victimization, and programs designed to help crime victims. A section on hate crime is especially relevant as we move into the twenty-first century after the events of 9/11.

- These introductory chapters lay out the basic issues that criminology deals with, highlighted by examples such as the Idle No More movement and other recent protests. Debates over criminalization are highlighted by issues like the necessity of self-defence in protests over shale gas development, and changes in the criminalization of euthanasia and marijuana. Updated provincial and national statistics on crime in general and youth



crime specifically help show how patterns of crime are changing, while new victimization statistics allow for better international comparisons. Controversial issues in the news, such as the cyber-bullying of victim Amanda Todd, highlight the ongoing relevance of criminology to understand the world around us.

Section 2 contains five chapters that cover criminological theories: criminal choice (Chapter 5); biological and psychological views (Chapter 6); structural, cultural, and ecological theories (Chapter 7); social process theories that focus on socialization and include learning and control (Chapter 8); and theories of social conflict (Chapter 9). Of particular interest are the material on closed circuit television in Chapter 5, real cases of sleepwalking used as a defence in Chapter 6, early research done at McGill University in the 1920s in Chapter 7, and research on ethnicity and criminality in Chapter 9. Some of these cases are highly controversial, such as the case in Chapter 6 that discusses how a woman was given leniency after she stabbed her husband. Her defence? She was suffering from premenstrual syndrome.

- These chapters outline the theoretical issues that criminology deals with, and are highlighted in Chapter 5 by new material on surveillance and security, and in Chapter 6 by material on biological differences that predict criminality. Chapter 7 and Chapter 9 both discuss how racial profiling used by police has come under criticism, and Chapter 8 looks at interpersonal factors, such as the controversy surrounding Toronto's mayor and drug use. All these chapters deal with ongoing issues such as inequality and life chances. Chapter 9 continues to highlight how the risk of crime in a society increasingly oriented to mandatory minimum sentences connects the individual to wider social structures.

Section 3 is devoted to the major forms of criminal behaviour. Chapters 10 to 13 cover violent crime, common theft offences, white-collar and organized crimes, and public order crimes, including sex offences and substance abuse. Each of these chapters has been updated from the preceding edition, using where possible the latest criminal statistics provided by government studies and academic research. Throughout, recent Canadian research is highlighted and current topics keep the text fresh. Also updated in this edition is Chapter 14, which was added in the fifth edition to address crimes of the twenty-first century, including new and upcoming issues for our society, from transnational terrorism to cybercrime.

- These chapters on crime patterns and trends lay out current and controversial issues, and highlight the most recent information, such as statistics on patterns of violent crime in Chapter 10, including the major forms of murder, sexual assault, and family violence. Chapter 11, with its focus on property crime, discusses recent trends in crimes such as auto theft and computer-assisted crime,

while Chapter 12 highlights crimes of power, such as the train disaster at Lac-Mégantic, the Senate scandal, the recent economic collapse, and new efforts against organized crime. Chapter 13 also takes up the moral issues of the decriminalization of marijuana and euthanasia, while Chapter 14 looks at crimes of the twenty-first century, such as WikiLeaks and the Snowden affair, cyber-terrorism, and environmental activism.

The text has been carefully structured to cover relevant material in a comprehensive, balanced, and objective fashion. With marginal notes and clearly defined learning objectives, lesson concepts are also easy to understand.

## KEY FEATURES

**Connections** boxes are located in appropriate places throughout each chapter. These brief inserts link the material being currently discussed with relevant information located elsewhere in the text. Connections either expand on the subject matter or show how it can be applied to other areas or topics. In such a comprehensive book, these boxes help organize and coordinate the material for quicker learning.

**Crime in the News** is a special feature, where newspaper columns on crime and criminal justice are reproduced. Over a nine-year period, I wrote a biweekly column that sought to communicate criminological research in a popular format. The media is an important resource for our understanding of criminal justice, and it can be used proactively. For example, in Chapter 5, a column is reproduced that discusses research on red-light cameras. Despite being hailed as a way to deter red-light runners, the research actually shows that they increase the incidence of rear-end collisions, causing more accidents than they prevent. Why, then, are they so popular? Perhaps it is because insurance companies can collect higher premiums and the police can collect more fines.

- Each chapter now sports a new column, from prostitution in Chapter 1, wrongful convictions in Chapter 2, the discussion of crime patterns in the media in Chapter 3, and the coverage of domestic violence in the media in Chapter 4. As mentioned above, Chapter 5 looks at red-light cameras. Chapter 6 discusses new advances in forensic brain mapping, Chapter 7 looks at the London riots of 2011, Chapter 8 examines the cyber-bullying case of Amanda Todd, and Chapter 9 looks at racial profiling by police in Toronto. In the last section of the book, the crime in the media issue in Chapter 10 is whether duress can be a defence to murder, Chapter 11 discusses the topic of auto theft, and Chapter 12 looks at the explosion of the Deepwater Horizon oil well. Chapter 13 highlights the moral issue of euthanasia and



assisted suicide, while Chapter 14 looks at the defence of necessity in environmental activism.

**Famous Canadian Criminals** and **Famous Canadian Court Cases** boxes use cases from our past to illustrate principles from the text. For example, Chapter 4 highlights the case of Angelique Lyn Lavallee, a battered woman in a violent common-law relationship who killed her partner late one night by shooting him in the back of the head as he left her room. This case ultimately resulted in a decision by the Supreme Court of Canada (1990) that set the legal framework for what has become known as the “battered wife syndrome” defence. Then Justice Minister Allan Rock also agreed to consider extending that principle to some pre-1990 cases. In this example, we see the origin of an important doctrine of Canadian criminal justice and consider the significance of gender in criminal cases.

- These exhibits have also been updated to include new information, such as in Chapter 1 where the ethical issues around Russel Ogden’s research on assisted suicide at Simon Fraser University now makes reference to researchers at the University of Ottawa who interviewed Luka Magnotta in their research on sex trade workers. Police sought to subpoena their research notes, a move that the researchers resisted. In another example, The Famous Canadian Criminal exhibit in Chapter 3 on Karl Toft has been updated to include the case of a Saint John city councillor convicted of child abuse and molestation, while the exhibit in Chapter 12 profiles the infamous Senate scandals that have recently plagued the Conservative government.

**Thinking Like a Criminologist** asks you to apply reasoning from the chapter to a criminal justice question. For example, in Chapter 12, to deter property crime, various measures are discussed that could prevent theft from households and cars. These measures are based on ideas from Chapter 5 on rational choice theory. Can you think of other preventive measures after reading this chapter?

Each chapter has **Critical Thinking Questions**, designed to get students thinking about key issues in the chapter. These questions follow the popular **Thinking Like a Criminologist** section and are good preparation for essay questions on quizzes.

Each chapter has two additional boxes—**Comparative Criminology** and **Criminology Research**—in which broader questions address the relationship between crime and the wider society. Chapter 6, for example, discusses some issues concerning the relation between the media and violence. Are the media implicated in influencing violent behaviour? Do the media simply reflect norms already existing in society? These questions are still open for discussion. Chapter 4 examines gay bashing in some detail, and Chapter 9 highlights issues involving Aboriginal people and the criminal justice system.

Photos, charts, and figures are important pedagogical features for any text. Each chapter includes a chapter outline, a list of key terms contained in the chapter, and at least one boxed insert. These boxed features contain a detailed discussion or reading of an important and intriguing topic, issue, or program. A running marginal glossary provides concise definitions of key terms used throughout the text for quick reference. Public opinion polls discussed in the text also help situate current thinking on criminal issues, such as whether marijuana should be regulated, or euthanasia should be decriminalized.

As always, the effort has been made to update information, cite important new research as it appears, keep old features that work well, and work in new features to help communicate the material. As always, the effort is to highlight Canadian criminology, and to showcase Canadian cases. I hope you agree.

## ANCILLARIES

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- **NETA PowerPoint:** Microsoft® PowerPoint® lecture slides for every chapter have been created by Paul Hommersen, Sheridan College. There is an average of 47 slides per chapter, many featuring key figures, tables, and photographs from *Criminology in Canada*. Up to 50 percent of the slides also include talking notes in the Notes section to further support teaching. NETA principles of clear design and engaging content have been incorporated throughout, making it simple for instructors to customize the deck for their courses.
- **Image Library:** This resource consists of digital copies of figures, short tables, and photographs used in the book. Instructors may use these jpegs to customize the NETA PowerPoint or create their own PowerPoint presentations.
- **NETA Instructor's Manual:** This resource was written by Paul Hommersen, Sheridan College. It is organized according to the textbook chapters and addresses key educational concerns, such as typical stumbling blocks that students face and how to address them. Other sections of each chapter answer the following questions: How can I generate discussion in my course and assess my students? How can I engage my students? What can I do in the way of assignments and projects? And what can I do online?
- **DayOne:** Day One—Prof InClass is a PowerPoint presentation that instructors can customize to orient students to the class and their text at the beginning of the course.

- **Mind Tap:** MindTap for *Criminology in Canada* is a personalized teaching experience with rel-

evant assignments that guide students to analyze, apply, and elevate thinking, allowing instructors to measure skills and promote better outcomes with ease. A fully online learning solution, MindTap combines all student learning tools—readings, multimedia, activities, and assessments—into a single Learning Path that guides the student through the curriculum. Instructors personalize the experience by customizing the presentation of these learning tools to their students, even seamlessly introducing their own content into the Learning Path.

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- **Crime Scenes 2.0: Interactive Criminal Justice CD-ROM (0-534-56831-9):** This interactive CD-ROM features six vignettes that allow students to play various roles as they explore all aspects of the criminal justice system. Exciting videos and supporting documents put students in the midst of a juvenile murder trial, a prostitution case that turns into manslaughter, and several other scenarios. This product received the gold medal in higher education and the silver medal for video interface from NewMedia Magazine's Invision Awards.
- **Careers in Criminal Justice Printed Access Card (ISBN-10: 0-495-59522-5; ISBN-13: 978-0-495-59522-9):** The Careers in Criminal Justice website is designed to help students investigate and focus on the criminal justice career choices that are right for them by offering extensive career profiling information and self-assessment testing. This insightful website includes over 70 Career Profiles and more than 25 video interviews with links and tools to assist students in finding a professional position. It also features a career rolodex, interest assessments, and a career planner with sample résumés, letters, interview questions, and more.



- **Nelson Criminology Dictionary (0-17-640608-5):** Written by Gary Parkinson and Robert Drislane, the *Nelson Criminology Dictionary* is a compact and inexpensive glossary of common criminological terms that students will encounter during their studies in criminology. More than 1,400 entries cover the main concepts and events that are used in criminology and criminal justice courses, making this dictionary an invaluable tool.

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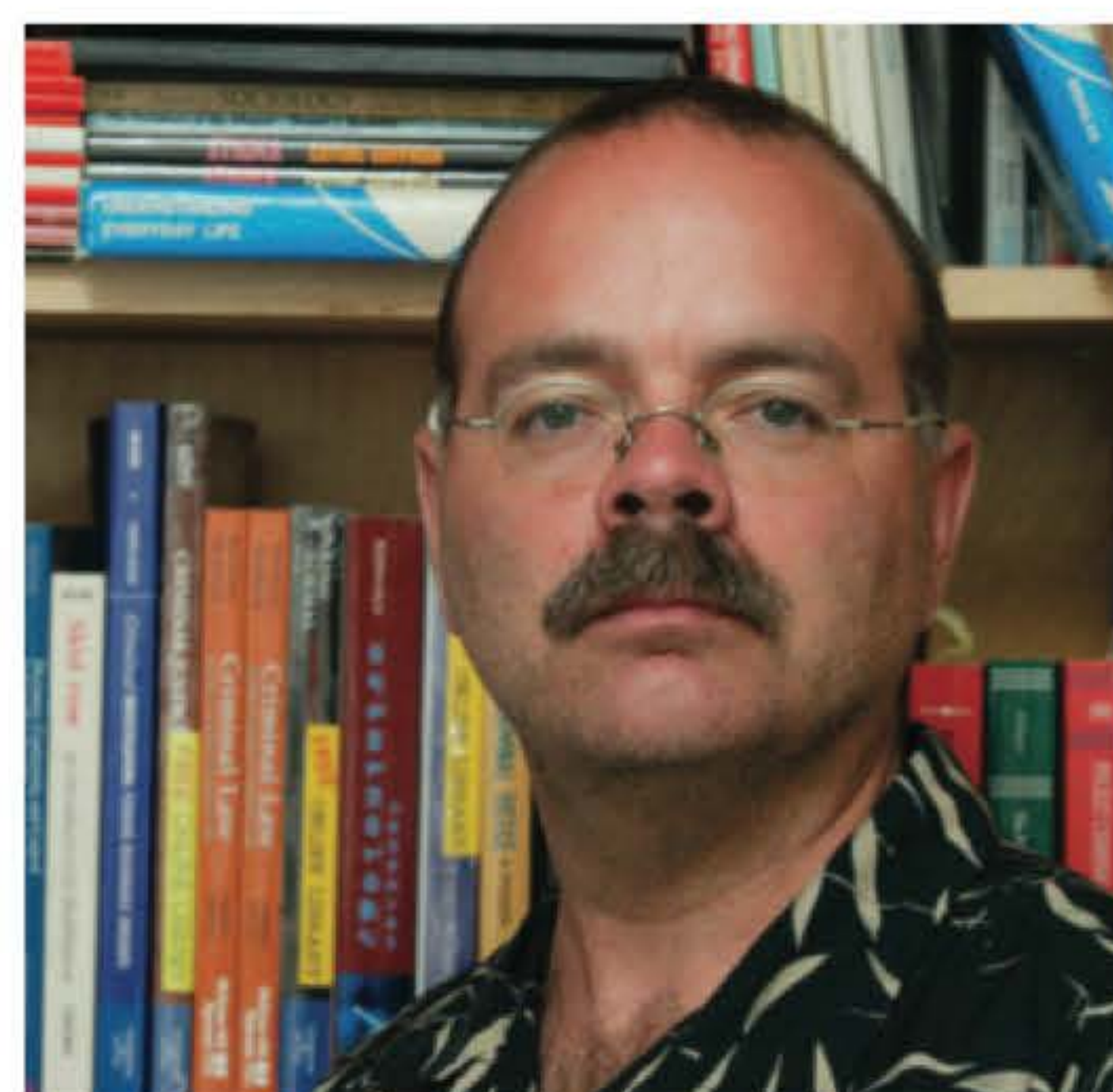
# About the Authors

**LARRY J. SIEGEL** was born in the Bronx in 1947. While living on Jerome Avenue and attending City College of New York (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 behaviour: Did people shape society or did society shape people? He applied his interest in social forces and human behaviour 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, earning both his M.A. and Ph.D. degrees there. 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. He is currently a professor at the University of Massachusetts–Lowell. 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 and his wife, Terry, now reside in Bedford, New Hampshire, with their two dogs, Watson and Cody.



Courtesy of Larry Siegel and Therese

**CHRIS McCORMICK** lives in Fredericton with his human family and two dogs, Rusty and Bussy, who were rescued from shelters in the United States by the National Brittany Rescue Association to now live a wonderful life in New Brunswick. Chris McCormick has degrees from Acadia, Queen's, and York Universities. He has taught at various institutions, including Acadia, York, and Bishop's University in Quebec, and Mount Saint Vincent, Dalhousie, and Saint Mary's University in Halifax, before moving to St. Thomas University to co-found the Criminology and Criminal Justice program. This is one of only five criminology programs in Canada, and is known for its strong social justice focus. Professor McCormick's teaching interests are in cultural studies, discourse analysis, and wrongful convictions. In addition, he has published in the areas of crime and media, corporate crime, and historical studies of crime and criminal justice in Canada. Between 2004 and 2013, he published *Crime Matters*, a biweekly column on crime and criminal justice issues in Fredericton, New Brunswick's city newspaper. Samples of this work in public scholarship are featured in chapters throughout the book. After all, it is not just what we do as academics that matters, but how we communicate it to others, our students, and our community. To paraphrase Karl Marx, the point is not just to understand the world but to make it better.



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Chris McCormick  
Department of Criminology  
St. Thomas University  
Fredericton, New Brunswick  
2014







# SECTION ONE

# Concepts of Crime, Law, and Criminology

How is crime defined? How much crime is there, and what are the trends and patterns in the crime rate? How many people are victims of crime, and who is likely to become a crime victim? How did our system of criminal law develop, and what are the basic elements of crimes? What is the science of criminology all about? These are some of the core issues that will be addressed in the first four chapters of this text, providing a solid foundation for the chapters to come. Chapter 1 introduces the field of criminology: its nature, area of study, methodologies, and historical development. Concern about crime and justice has been an important part of the human condition for more than 5,000 years, since the first criminal codes were set down in the Middle East. And although the scientific study of crime—criminology—is considered a contemporary science, it has existed for more than 200 years.

Chapter 2 introduces one of the key components of criminology: the development of criminal law. Included in this discussion is the social history of law and the purpose of law, and how that purpose defines crime. The chapter also briefly examines criminal defences and legal reform using prominent Canadian examples. The final two chapters of this section create a picture of crime by reviewing the various sources of crime data. Chapter 3 focuses on the nature and extent of crime, while Chapter 4 is devoted to victims and victimization. Important and stable patterns in the rates of crime and victimization indicate that these are not random events. The way crime and victimization are organized and patterned profoundly influences how criminologists view the causes of crime.

## CHAPTER 1 Crime and Criminology

## CHAPTER 2 The Criminal Law and Its Process

## CHAPTER 3 The Nature and Extent of Crime

## CHAPTER 4 Victims and Victimization



# Crime and Criminology



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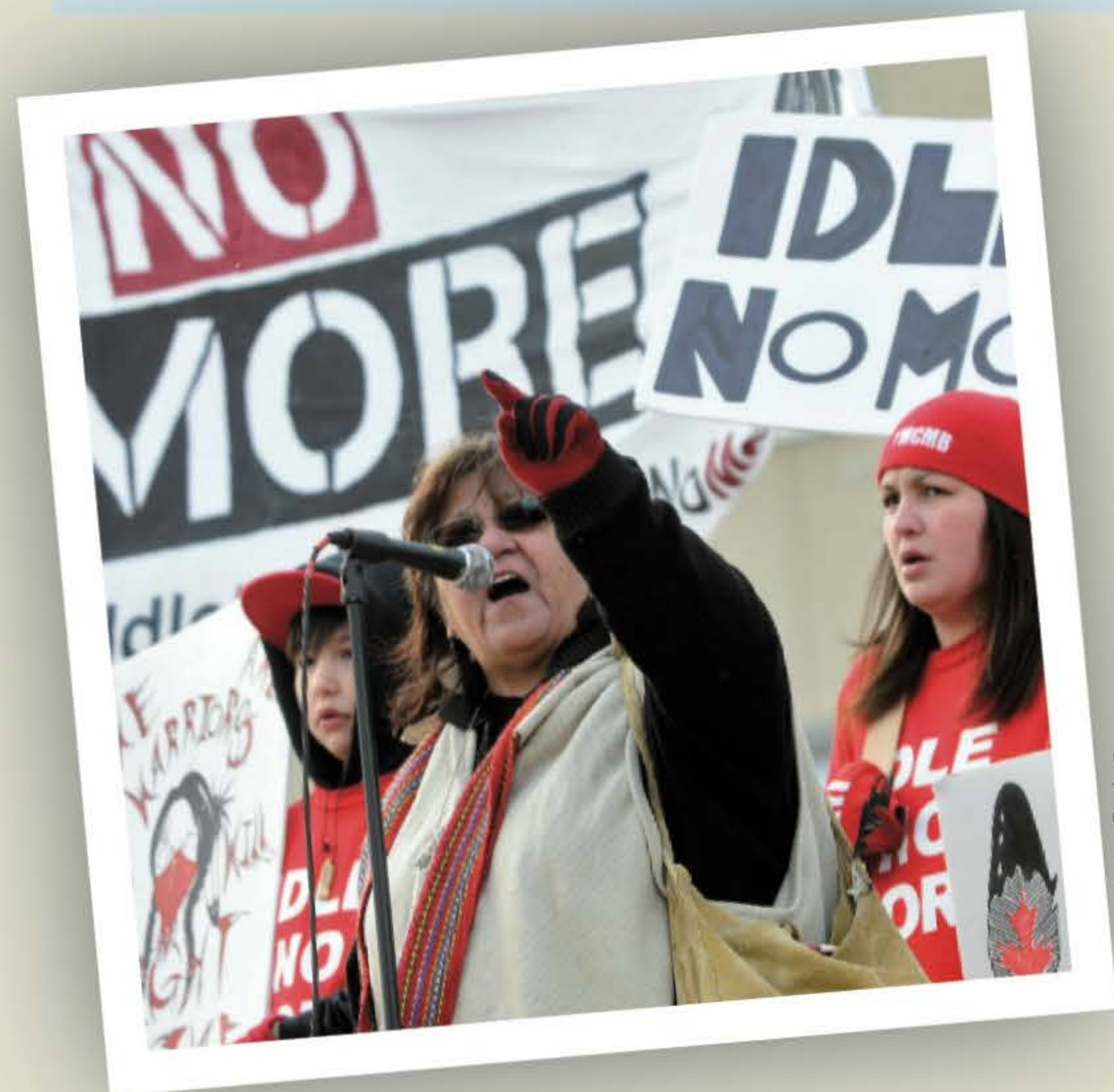
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## Learning Objectives

After reading this chapter, you will be able to:

1. Understand the scope of the field of criminology.
2. Be familiar with different parts of the “criminological enterprise.”
3. Know the elements of what constitutes a crime.
4. Discuss the different views of crime.
5. Explain different methods and their use.



The Idle No More movement of 2012, and ongoing, featured protests by First Nations peoples against environmental degradation and social inequality.

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What people know about crime and criminal justice generally comes from media coverage of highly publicized cases. For example, in 2010, David Russell Williams was relieved as base commander at Canadian Forces Base (CFB) Trenton and charged with two counts of first-degree murder, two counts each of forcible confinement, breaking and entering, and sexual assault. He was subsequently sentenced to two life sentences for first-degree murder, two 10-year sentences each for sexual assault and forcible confinement, and 82 one-year sentences for burglary. He will serve a minimum of 25 years before parole eligibility and is not eligible for early parole under the so-called faint hope clause of the *Criminal Code of Canada* (CCC). A successful soldier and military commander, Williams was also a decorated military pilot who had flown Canadian Forces VIP aircraft for such dignitaries as Queen Elizabeth II and Prince Philip, the governor general, and the prime minister. And yet what we saw of him in the news was the endless parade of pictures he took of himself posing in trophy underwear and the recitation of details of his sordid crimes. He became a celebrity criminal.

Similarly, in 2003, a high-profile trial brought Maurice “Mom” Boucher, leader of the notorious Nomads chapter of the Hells Angels, into the public spotlight. In a police raid called Operation Hurricane, assets worth a total of \$29 million were seized, including houses, bank accounts, narcotics, 28 vehicles, and 70 firearms, including a rocket launcher. Members of the Hells Angels faced charges of complicity to commit murder, gangsterism, and drug trafficking; after a lengthy trial involving more than 200 witnesses, they all pleaded guilty. Boucher had encouraged the murder of rival bikers as the Hells Angels sought to expand their territory. He also ordered the murder of two prison guards in an attempt to destabilize the **criminal justice system** and increase fear. For that order, he was convicted of murder and received two life sentences.

Such cases illustrate why crime and criminal behaviour have long fascinated people. Crime involves some that shock the conscience. In the mid-1990s, Karla Homolka and Paul Bernardo were convicted of murdering 14-year-old Leslie Mahaffy and 15-year-old Kristen French. In a controversial plea bargain, Homolka cooperated with the prosecution and testified against Bernardo. She was sentenced to 12 years in jail and was released on parole in 2005 amid great controversy. Bernardo received a life sentence for the two murders and was declared a dangerous offender for a string of rapes.

Details of Homolka’s trial were subject to a publication ban in efforts to ensure a fair trial for Bernardo; however, this ban didn’t prevent the public from learning details of the case. *The Washington Post* published a story, which Canadians could read in public libraries; *The Buffalo News* printed an article, and Canadians drove across the border to buy the newspaper. Details of the crimes were posted on the Internet faster than news lists and discussion groups could be shut down. Were the media sensationalizing the case, or were they simply responding to the public’s need to know?

And in a last, more recent example, Robert Pickton was found guilty in December 2007 of six counts of second-degree

murder for the deaths of women who disappeared from Vancouver’s Downtown Eastside. In stories of the investigation, the public read about body parts discovered in buckets and freezers on Pickton’s pig farm. He was charged in 20 other deaths, but in 2010 it was announced that the prosecution of those charges would likely not be pursued.

## CONNECTIONS

For more examples of serial killers, see the Famous Canadian Criminals exhibit later in this chapter.

Such cases illustrate how criminal acts can be the work of strangers who prey on people they have never met, or how they can involve friends and family members in **intimate violence**. What compels a couple like Paul Bernardo and Karla Homolka to kidnap, sexually assault, and murder? They came from a community with tree-shaded parks, nice homes, and sports fields. They were seen as a young couple with a bright future. Could such outrageous behaviour be better understood if the crimes had been committed by teens who were the product of bad neighbourhoods and dysfunctional homes? Research indicates that habitually aggressive behaviour is often learned in homes where children are victimized and parents serve as aggressive role models—the learned violence then persists into adulthood.<sup>1</sup> Could someone who was considered normal ever commit such horrible crimes? Does their conviction and imprisonment deter others? Is it possible to deter the Picktons of our society who prey on vulnerable victims? Do the media have any responsibility in reporting such horrific crimes?

Such crime stories as these take their toll on the public. When Paul Bernardo was on trial for his crimes, about one-third of the Canadian population said that they did not feel safe walking alone in their own neighbourhood at night. This fear was more likely to be expressed by women than by men and was out of proportion to the actual risk of victimization. Although many Canadians thought crime had increased, overall rates of victimization had remained the same. Canadians were no more likely to be victims of assault, theft (either of personal or of household property), vandalism, or break and enter than they had been previously.

The public fear of crime is an important barometer of social health and how people feel about their communities. The public overestimation of the likelihood of crime in their own neighbourhoods, despite contradictory evidence from their

**criminal justice system** The stages through which the offender passes, including police, courts, and corrections.

**intimate violence** Crime that occurs in the context of familiarity, such as spousal abuse, child abuse, or elder abuse.





Robert Pickton was found guilty in December 2007 of six counts of second-degree murder in the deaths of women who disappeared from Vancouver's Downtown Eastside.

own experience, points to the influence of other factors on the public's knowledge of crime. People do not rely on their experience when assessing the likelihood of being a victim of crime, but rather draw from such sources as the media. For example, even though victimization surveys often show only slight variations in personal victimization from year to year, many people often believe crime has increased in their neighbourhood.

Third-hand knowledge of crime has long-term effects, creating fear of crime, a negative view of the police and the courts, and an attitude favouring harsher punishments for offenders. The fear of crime skews the larger social agenda, resulting in people being more in favour of investing resources into reducing crime than into reducing poverty. In 2005, following the Boxing Day shooting on Toronto's Yonge Street that killed 15-year-old Jane Creba, 87 percent of residents said they believed that Toronto was becoming more violent, and 64 percent of residents said they would rather see an increase in policing and stricter penalties for crime than money spent on social programs. Furthermore, 76 percent of Toronto residents believed lenient judges were allowing gun crime to flourish in Canada's cities—and it didn't help that one of the suspects charged in the Boxing Day gunfight was out on parole at the time of the incident.<sup>2</sup>

## CONNECTIONS

Experts have suggested a variety of explanations for bizarre violent episodes, such as serial homicide. Psychologists link violent behaviour to a number of psychological influences, including observational learning from violent TV shows, traumatic childhood experiences, mental illness, impaired cognitive processes, and a psychopathic personality structure. Chapter 6 reviews the most prominent of these explanations of violence.

Concern about crime and the need to develop effective measures to control criminal behaviour has spurred the development of the study of **criminology**. This academic discipline is devoted to the study of crime patterns and trends, and the development of valid and reliable information regarding the causes of crime. **Criminologists** use scientific methods to study the nature, extent, cause, and control of criminal behaviour. Unlike media commentators, whose opinions about crime can be coloured by personal experiences, biases, and values, criminologists attempt to bring objectivity and scientific methods to the study of crime and its consequences. Because of the threat of crime and the social problems it represents, the field of criminology has gained prominence as an academic area of study.

This chapter introduces criminology: how it is defined, its goals, and its history. It also addresses such questions as the following: How do criminologists define crime? How do they conduct research? What ethical issues face those wanting to conduct criminological research?

## WHAT IS CRIMINOLOGY?

Criminology is the scientific approach to the study of criminal behaviour. In their classic definition, criminologists Edwin Sutherland and Donald Cressey state:

Criminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws, and of reacting toward the breaking of laws. ... The objective of criminology is the development of a body of general and verified principles and of other types of knowledge regarding this process of law, crime, and treatment.<sup>3</sup>

Sutherland and Cressey's definition includes the most important areas of interest to criminologists: the development of criminal law and its use to define crime, the cause of law violations, and the methods used to control criminal behaviour. Also important is the use of the scientific method in criminology. Criminologists use objective research methods to pose research questions (hypotheses), gather data, create theories, and test the validity of theories. They use every method of established social science inquiry: analysis of existing records, experimental designs, surveys, historical analysis, and content analysis.

**criminology** The scientific study of the nature, extent, cause, and control of criminal behaviour.

**criminologist** One who brings objectivity and method to the study of crime and its consequences.



An essential part of criminology is its nature as a multidisciplinary science. Few universities in Canada grant graduate degrees in criminology, but criminologists are also drawn from such disciplines as sociology, criminal justice, political science, psychology, history, geography, economics, and the natural sciences. Today, criminology's orientation is truly multidisciplinary—an integrated approach to the study of criminal behaviour. Criminology combines elements from many other fields to understand the connections among law, crime, and justice.

## Criminology and Criminal Justice

In the late 1960s, research projects were developed to understand the way police, courts, and correctional agencies operated.<sup>4</sup> These academic programs, devoted to studying the criminal justice system, are concentrated in five university departments of criminology in Canada: Simon Fraser University in Burnaby, the University of Ottawa, the University of Montreal, the University of Toronto, and St. Thomas University in Fredericton. Students can also pursue this field in many community college programs and institutes for the study of criminal justice. The criminal justice studies program at Oshawa's University of Ontario's Institute of Technology is an example of such new developments in criminology studies.

Although the terms *criminology* and *criminal justice* may seem similar, they have major differences. Criminologists explain the etiology (origin), extent, and nature of crime in society, whereas criminal justice scholars describe and analyze the work of the police, courts, and correctional facilities, and how to better design effective methods of crime control.

Because both fields are crime-related, they do overlap. Criminologists must be aware of how the agencies of justice operate, and criminal justice experts design programs of crime prevention or rehabilitation through their understanding of the nature of crime. Thus, these two fields not only coexist, but also help each other to grow and develop.

## Criminology and Deviance

Criminology is also sometimes confused with the study of **deviant behaviour**. However, deviance is more widely defined as behaviour that departs from social norms and is not always subject to formal sanction. Included within the broad spectrum of deviant acts is sunbathing in the nude, joining a nudist colony, or a woman going topless.

Crime and deviance are often confused, yet not all crimes are deviant or unusual acts, and not all deviant acts are illegal or criminal. For example, using recreational drugs, such as marijuana, may be illegal, but is it deviant? Most Canadians surveyed think that soft drugs should be allowed for individual use, and support for decriminalizing marijuana is high. For example, when Ross Rebagliati was threatened with losing his gold medal in snowboarding at the 1998

Winter Olympics after testing positive for marijuana, public surveys showed more concern with the high-handedness of officials than with Rebagliati's purported marijuana use. In 2010, 40,000 demonstrators rallied at the Ontario Legislative Assembly as part of the Million Marijuana March, a worldwide event held annually in over 200 cities to demand the full legalization of marijuana. In 2012, four British Columbia attorneys general called for the legalization of cannabis, arguing that the (then) 89-year-old law had failed.

Conversely, many deviant acts are not criminal even though they may be shocking. For example, suppose that a passerby observes a person drowning and makes no effort to save that victim. Although the general public would probably condemn such lack of action as callous and immoral, citizens are not required by law to be good Samaritans. In sum, many criminal acts, but not all, fall within the concept of deviance. Similarly, some deviant acts, but not all, are considered crimes.

The relationship between crime and deviance is illustrated in Figure 1.1, "Hagan's Varieties of Deviance." This model depicts the relationship between crime and deviance along three dimensions: the evaluation of social harm, the level of agreement about the norm, and the severity of societal response. As Figure 1.1 shows, the most serious acts of deviance are also the least likely to occur; however, strong agreement exists over the harmfulness of those acts and the need for a serious societal response.<sup>5</sup>

Two issues are of particular interest to criminologists: (1) How do deviant behaviours become crimes? (2) When should acts considered crimes be legalized? The first issue involves the historical development of law. Many acts that are legally forbidden today were once considered merely unusual or deviant behaviour. Thus, criminologists study the process by which crimes are created from deviance. For example, the sale and possession of marijuana was legal in Canada until 1923, when it was prohibited under federal law by simply adding marijuana to the law prohibiting opium.<sup>6</sup> Despite being criminalized, however, marijuana still enjoys widespread popularity: Health Canada estimates that 60 percent of Canadians between the ages of 20 and 44 have used marijuana, and the Canadian Addiction Survey reported that 70 percent of those aged 18 to 24 report using the substance.<sup>7</sup>

If marijuana use is widespread, criminologists will consider whether behaviours that were outlawed in the past have evolved into social norms and, if so, whether those behaviours should either be legalized or have their penalties reduced. This is called **decriminalization**.

**deviant behaviour** Behaviour that departs from or doesn't conform to social norms, but isn't defined as a crime by the law.

**decriminalization** Reducing the penalty for a criminal act, and its illegality.