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1 Introduction to Criminology

Often, crimes such as the mass shooting in San Bernardino, California, lead people to ask, "Why do they do it?"





Francine Orr/Getty Images

Learning Objectives

As you read this chapter, consider the following topics:

- Describe the various definitions of crime, including the difference between criminal behavior and deviant behavior.
- Distinguish between criminology and criminal justice.
- Determine whether a theory would be considered from a consensus or conflict perspective of crime.
- List and describe the three general components of the criminal justice system.
- Identify some of the key distinguishing features of the juvenile justice system compared with the adult criminal justice system.
- Identify the criteria that characterize a good theory.
- Identify key concepts associated with victimology.

Introduction

When introducing students to criminology, it is essential to stress how various concepts and principles of theoretical development are woven into our understanding of crime as well as policy. This chapter begins with a brief discussion of such concepts as *crime*, *criminal*, *deviant*, *criminology*, *criminal justice*, and *consensus and conflict perspectives of crime*. The following section presents a general summary of the different stages of the adult criminal justice system as well as the juvenile justice system. Next, this chapter illustrates how criminology informs policies and programs. Unfortunately, there are instances when policies lack evidence and are not founded on criminological theory and rigorous research but are more of a “knee-jerk” reaction. The concluding section provides students with an overview of victimology and various issues related to victims of crime.

Key Concepts in Understanding Criminology

What Is a Crime?

There are various definitions of **crime**. Many scholars have disagreed as to what should be considered a crime. For instance, if one takes a legalistic approach, then crime is that which violates the law. But should one consider whether certain actions cause serious harm? If governments violate the basic human rights of their citizens, are they engaging in criminal behavior?⁴ As illustrated by these questions, the issue with defining crime from a legalistic approach is that one jurisdiction may designate an action as a crime while another does not recognize such an action as a crime. Some acts, such as murder, are against the law in most countries as well as in all jurisdictions of the United States. These are referred to as acts of *mala in se*, meaning the act is “inherently and essentially evil, that is immoral in its nature and injurious in its consequence, without any regard to the fact of its being noticed or punished by the law of the state.”⁵

Other crimes are known as acts of *mala prohibita*, which means “a wrong prohibited; an act which is not inherently immoral, but becomes so because its commission is expressly forbidden by positive law.”⁶ For instance, prostitution is illegal in most jurisdictions in the United States. However, prostitution is legal, and licensed, in most counties of Nevada. The same can be said about gambling and drug possession or use.

This text focuses on both *mala in se* and *mala prohibita* offenses as well as other acts of **deviance**. Deviant acts are not necessarily against the law but are considered atypical and may be deemed immoral rather than illegal. For example, in Nevada in the 1990s, a young man watched his friend (who was later criminally prosecuted) kill a young girl in a casino bathroom. He never told anyone of the murder. While most people would consider this highly immoral, at that time, Nevada state laws did not require people who witnessed a killing to report it to authorities. This act was deviant, because most would consider it immoral; it was not criminal, because it was not against the laws of that jurisdiction. It is essential to note that as a result of this event, Nevada made withholding such information a criminal act.

Case Study

Burke and Hare

During the 1820s, Edinburgh, Scotland, was a major center for those pursuing an education in medicine. Almost 60 years prior to Jack the Ripper, the first serial

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murderers, William Burke and William Hare, captured media attention. During a 12-month period, Burke and Hare killed 16 people in Edinburgh before being arrested in November 1828. What made these killings so sordid was that Burke and Hare committed them for the sole purpose of selling the cadavers to medical schools for dissection and medical research. They were assisted by Burke's companion, Helen M'Dougal, and Hare's wife, Margaret. Burke and Hare would lure their victims with alcohol. Then, they would suffocate their inebriated victims by lying on their chests and holding their mouths and nostrils closed. Subsequently, Burke and Hare would sell these cadavers, "no questions asked," to Dr. Robert Knox, a promising anatomist.

During the trial, Hare was granted immunity in return for testifying against Burke. Burke was found guilty and sentenced to death by hanging. He was hanged on January 28, 1829. Ironically, the next day, Burke's cadaver was donated to the University of Edinburgh, where Professor Alexander Monro conducted the dissection in the anatomical theater.¹ In fact, the University of Edinburgh Anatomical Museum has an exhibit of William Burke's skeletal remains. A description of the exhibit ends with a 19th-century children's rhyme:

Up the close and down the stair
In the house with Burke and Hare
Burke's the butcher
Hare's the thief
Knox the boy who buys the beef.²

In January 2016, Arthur and Elizabeth Rathburn from Grosse Point Park, Michigan (six miles outside Detroit), were indicted for running a black-market body part business. The Rathbuns obtained most of the cadavers from two Chicago-area body donation labs. Many of the families who donated the bodies of their loved ones did so with the belief that they would go to science. A number of these cadavers were infected with HIV, hepatitis B, and other diseases. The Rathbuns would use chainsaws, band saws, and reciprocating saws to butcher these cadavers for body parts. The Rathbuns stored body parts from over 1,000 people inside a warehouse. Subsequently, they would sell these butchered body parts to medical and dental trainees. However, they sometimes did not disclose to their customers that these body parts were infected with disease.³

Over 180 years separate these two cases; the technological expertise needed to carry out these crimes significantly changed during this time. However, one consistent theme that links these two cases is motive—monetary gain. This is one of the most fascinating aspects to studying crime—although technology may have changed how crimes are committed (e.g., Internet fraud), have the explanations (i.e., "why they do it") changed?

WHAT MADE THESE KILLINGS SO SORDID WAS THAT BURKE AND HARE COMMITTED THEM FOR THE SOLE PURPOSE OF SELLING THE CADAVERS TO MEDICAL SCHOOLS FOR DISSECTION AND MEDICAL RESEARCH.

Other acts of deviance are not necessarily seen as immoral but are considered strange and violate social norms, such as purposely belching at a formal dinner. These types of deviant acts are relevant even if not considered criminal under the legal definition, for individuals engaging in these types of activities reveal a disposition toward antisocial behavior often linked to criminal behavior. Further, some acts are moving from being deemed deviant to being declared illegal, such as using a cell phone while driving or smoking cigarettes in public. Many jurisdictions are moving to have these behaviors made illegal and have been quite successful, especially in New York and California.

While most *mala in se* activities are also considered highly deviant, this is not necessarily the case for *mala prohibita* acts. For instance, speeding on a highway (a *mala prohibita* act) is not deviant, because many people engage in this act. Thus, while this is illegal, it is not considered deviant. This book presents theories for all these types of activities, even those that do not violate the law.⁷

crime: there are various definitions of crime. From a legalistic approach, crime is that which violates the law.

***mala in se*:** acts that are considered inherently evil.

***mala prohibita*:** acts that are considered crimes primarily because they have been declared bad by the legal codes in that jurisdiction.

deviance: behaviors that are not normal; includes many illegal acts as well as activities that are not necessarily criminal but are unusual and often violate social norms.

What Is Criminology and Criminal Justice?

The term *criminology* was first coined by the Italian law professor Raffaele Garofalo in 1885 (in Italian, *criminologia*). In 1887, French anthropologist Paul Topinard used it for the first time in French (*criminologie*).⁸ In 1934, American criminologist Edwin Sutherland defined criminology as

the body of knowledge regarding crime as a social phenomenon. It includes within its scope the process 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 or prevention.⁹

Criminology is the scientific study of crime, especially why people engage in criminal behavior. While other textbooks may provide a more

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complex definition of crime, the word *scientific* distinguishes our definition from other perspectives and examinations of crime.¹⁰ Philosophical and legal examinations of crime are based on logic and deductive reasoning—for example, by developing what makes logical sense. Journalists play a key role in examining crime by exploring what is happening in criminal justice and revealing injustices as well as new forms of crime. However, the philosophical, legal, and journalistic perspectives of crime are not scientific because they do not involve the use of the scientific method.

Criminal justice often refers to the various criminal justice agencies and institutions (e.g., police, courts, and corrections) that are interrelated and work together toward common goals. Interestingly, many scholars who referred to criminal justice as a system did so only as a way to collectively refer to those agencies and organizations rather than to imply that they were interrelated.¹¹ Some individuals argue that the term *criminal justice system* is an oxymoron. For instance, Joanne Belknap noted that she preferred to use the terms *crime processing*, *criminal processing*, and *criminal legal system*, given that “the processing of victims and offenders [is] anything but ‘just.’”¹²

criminology: the scientific study of crime and the reasons why people engage (or don't engage) in criminal behavior.

criminal justice: often refers to the various criminal justice agencies and institutions (e.g., police, courts, and corrections) that are interrelated.

The Consensus and Conflict Perspectives of Crime

A **consensus perspective** of crime views the formal system of laws, as well as the enforcement of those laws, as incorporating societal norms for which there is a broad normative consensus.¹³ The consensus perspective developed from the writings of late-19th- and early-20th-century sociologists such as Durkheim, Weber, Ross, and Sumner.¹⁴ This perspective assumes that individuals, for the most part, agree on what is right and wrong as well as on how those norms have been implemented into laws and how those laws are enforced. Thus, people obey laws not for fear of punishment but rather because they have internalized societal norms and values and perceive these laws as appropriate to observe rather than disobey.¹⁵ The consensus perspective was more dominant during the early part of the 1900s. Since the 1950s, however, no major theorist has considered this to be the best perspective of law. Further, “to the extent that assumptions or hypotheses about consensus theory are still given credence in current theories of law, they are most apt to be found in ‘mutualist’ models.”¹⁶

consensus perspective: theories that assume that virtually everyone is in agreement on the laws and therefore assume no conflict in attitudes regarding the laws and rules of society.

Around the 1950s, the **conflict perspective** was challenging the consensus approach.¹⁷ The conflict perspective maintains that there is conflict between various societal groups with different interests. This conflict is often resolved when the group in power achieves control.

Marsha Gay Reynolds, a JetBlue flight attendant, was accused of transporting \$3 million worth of cocaine in her suitcase. What might have motivated such behavior?



Los Angeles Airport Police via AP

Several criminologists, such as Richard Quinney, William Chambliss, and Austin Turk, maintained that criminological theory has placed too much emphasis on explaining criminal behavior; rather, theory needs to shift its focus toward explaining criminal law. The emphasis should not be on understanding the causes of criminal behavior but on understanding the process by which certain behaviors and individuals are formally designated as criminal. From this perspective, one would ask different questions. For instance, instead of asking, “Why do some people commit crimes while others do not?” one would ask, “Why are some behaviors defined as criminal while others are not?” Asking these types of questions raises the issue of whether the formulation and enforcement of laws serve the interests of those in a more powerful position in society.¹⁸

conflict perspective: criminal behavior theories that assume most people disagree on what the law should be and that law is used as a tool by those in power to keep down other groups.

Learning Check 1.1

1. Crime that is evil in itself is referred to as _____.
2. Acts that are not necessarily against the law but are considered atypical and may be considered more immoral than illegal are _____ acts.
3. Criminology is distinguished from other perspectives of crime, such as journalistic, philosophical, or legal perspectives, because it involves the use of _____.

Answers located at www.edge.sagepub.com/schram2e

The Criminal Justice System

According to the 1967 President’s Commission on Law Enforcement and Administration of Justice,

any criminal justice system is an apparatus society uses to enforce the standards of conduct necessary to protect individuals and the

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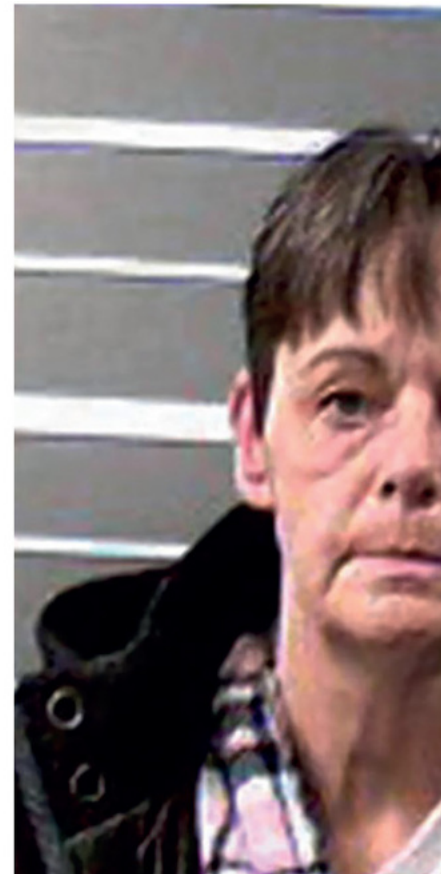
community. It operates by apprehending, prosecuting, convicting, and sentencing those members of the community who violate the basic rules of group existence.¹⁹

This general purpose of the criminal justice system can be further simplified into three goals: to control crime, to prevent crime, and to provide and maintain justice. The structure and organization of the criminal justice system has evolved in an effort to meet these goals. The structure and organization is often presented as three components: law enforcement, courts, and corrections.²⁰

Law Enforcement

Law enforcement includes various organizational levels (i.e., federal, state, and local). One of the key features distinguishing federal law enforcement agencies from others is that they were often established to enforce specific statutes. Thus, their units are highly specialized and often associated with specialized training and resources.²¹ Federal law enforcement agencies include the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the U.S. Secret Service, the U.S. Marshals Service, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Further, almost all federal agencies, including the Postal Service and the Forest Service, have some police power. In 2002, President George W. Bush restructured the federal agencies, resulting in the establishment of the Department of Homeland Security. This department was created in an effort to protect and defend the United States from terrorist threats.²²

Law enforcement officials often find crime in unusual places. These two women were arrested after being accused of cooking meth inside a rural Illinois church.



Montgomery County Sheriff's Office via New York Daily News

The earliest form of state police agency to emerge in the United States was the Texas Rangers, founded by Stephen Austin in 1823 to protect settlers. By 1925, formal state police departments existed throughout most of the country. While some organizational variations exist among the different states, two models generally characterize the structure of these state police departments.

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The first model can be designated as **state police**. States such as Michigan, New York, Pennsylvania, Delaware, Vermont, and Arkansas have a state police structure. These agencies have general police powers and enforce state laws as well as perform routine patrols and traffic regulation. Further, they have additional functions such as specialized units to investigate major crimes, intelligence units, drug trafficking units, juvenile units, and crime laboratories. The second model can be designated as **highway patrol**. States such as California, Ohio, Georgia, Florida, and the Carolinas have a highway patrol model. For these agencies, the primary focus is to enforce the laws that govern the operation of motor vehicles on public roads and highways. In some instances, this also includes not just enforcing traffic laws but investigating crimes that occur in specific locations or under certain circumstances, such as on state highways or state property.²³ Agencies on the local level are divided into counties and municipalities. The primary law enforcement office for most counties is that of county sheriff. In most instances, the sheriff is an elected position. The majority of local police officers are employed by municipalities. Most of these agencies comprise fewer than 10 officers. Local police agencies are responsible for the “nuts and bolts” of law enforcement responsibilities. For instance, they investigate most crimes and engage in crime prevention activities such as patrol duties. Further, these officers are often responsible for providing social services such as responding to incidents of domestic violence and child abuse.²⁴

state police: agencies with general police powers to enforce state laws as well as to investigate major crimes; they may have intelligence units, drug trafficking units, juvenile units, and crime laboratories.

highway patrol: one type of model characterizing statewide police departments. The primary focus is to enforce the laws that govern the operation of motor vehicles on public roads and highways.

Courts

The United States does not have just one judicial system. Rather, the judicial system is quite complex. In fact, there are 52 different systems, one for each state, the District of Columbia, and the federal government. Given this complexity, however, one can characterize the United States as having a *dual court system*. This dual court system consists of separate yet interrelated systems: the federal courts and the state courts. While there are variations among the states in terms of judicial structure, usually a state court system consists of different levels or tiers, such as lower courts, trial courts, appellate courts, and the state’s highest court. The federal court system is a three-tiered model: U.S. district courts (i.e., trial courts) and other specialized courts, U.S. courts of appeals, and the U.S. Supreme Court (see [Figure 1.1](#)).²⁵

Before any case can be brought to a court, that court must have *jurisdiction* over those individuals involved in the case. Jurisdiction is the authority of a court to hear and decide cases within an area of the law (i.e., subject matter such as serious felonies, civil cases, or misdemeanors) or a geographic territory.²⁶ Essentially, jurisdiction is categorized as limited, general, or appellate:

A black wool crepe is draped over Justice Antonin Scalia’s bench chair in the Supreme Court courtroom. His death in 2016 left a vacancy on the Supreme Court bench.



Andrew Harrer/Bloomberg via Getty Images

Courts of limited jurisdiction. These are also designated as lower courts. They do not have power that extends to the overall administration of justice; thus, they do not try felony cases and do not have appellate authority.

Courts of general jurisdiction. These are also designated as major trial courts. They have the power and authority to try and decide any case, including appeals from a lower court.

Courts of appellate jurisdiction. These are also designated as appeals courts. They are limited in their jurisdiction decisions on matters of appeal from lower courts and trial courts.²⁷

Every court, including the U.S. Supreme Court, is limited in terms of jurisdiction.

Corrections

After an offender is convicted and sentenced, he or she is processed in the corrections system. An offender can be placed on probation, incarcerated, or transferred to some type of community-based corrections facility. **Probation** is essentially an *arrangement* between the sentencing authorities and the offender. While under supervision, the offender must comply with certain terms for a specified amount of time to return to the community. These terms are often referred to as conditions of probation.²⁸ Examples of *general conditions* include the offenders regularly reporting to their supervising officer, obeying the laws, submitting to searches, and not being in possession of firearms or using drugs. *Specific conditions* can also be imposed, such as participating in methadone maintenance, urine testing, house arrest, vocational training, or psychological or psychiatric treatment.²⁹ There are also variations to probation. For instance, a judge can combine probation with

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incarceration, such as *shock incarceration*. This involves sentencing the offender to spend a certain amount of time each week, oftentimes over the weekend, in some type of institution like a jail; during the remaining time period, the offender is on probation.

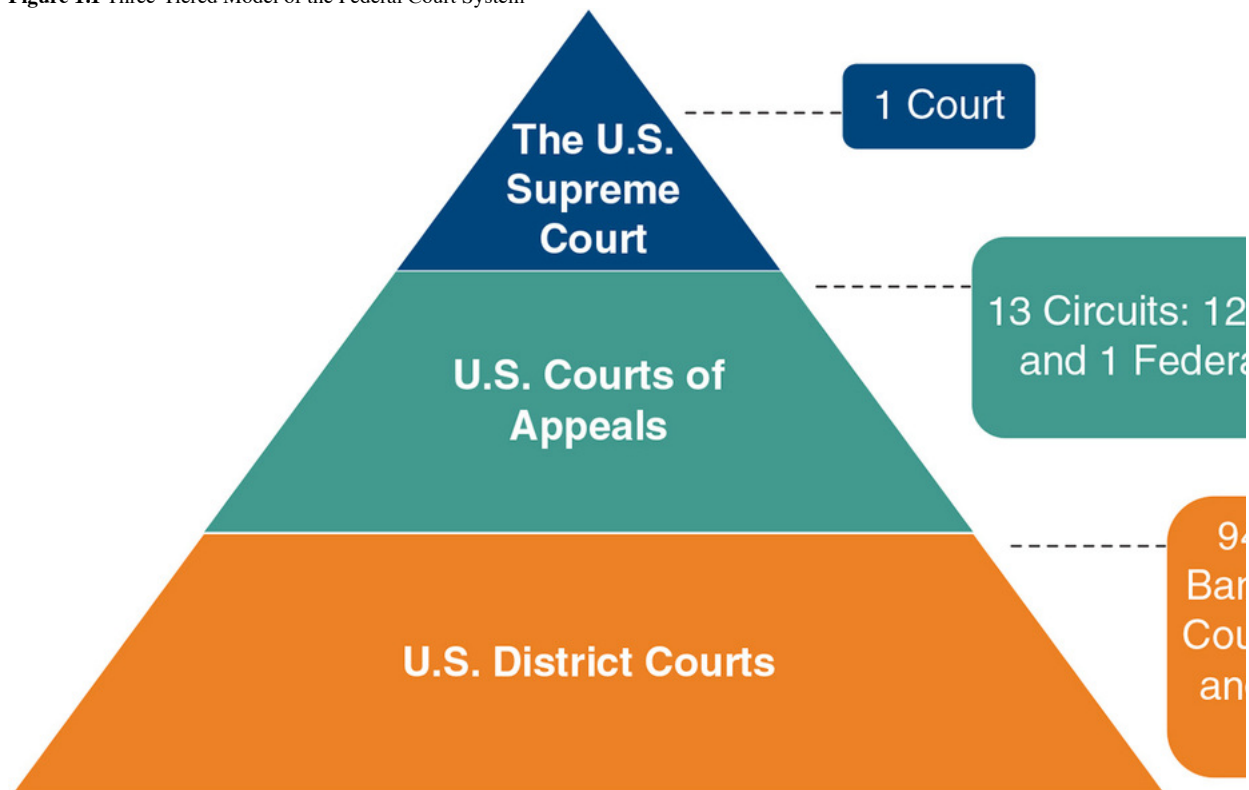
Some offenders are required to serve their sentences in a corrections facility. One type of corrections facility is **jail**. Jails are often designated for individuals convicted of minor crimes. Jails are also used to house individuals awaiting trial; these people have not been convicted but are incarcerated for various reasons, such as preventative detention. Another type of corrections facility is **prison**. Those sentenced to prison are often convicted of more serious crimes with longer sentences. There are different types of prisons based on security concerns, such as supermax, maximum, medium, and minimum security. Generally, counties and municipalities operate jails, while prisons are operated by federal and state governments.³⁰

limited jurisdiction: the authority of a court to hear and decide cases within an area of the law or a geographic territory.

probation: essentially an arrangement between the sentencing authorities and the offender requiring the offender to comply with certain terms for a specified amount of time.

jail: jails are often designated for individuals convicted of a minor crime and to house individuals awaiting trial.

Figure 1.1 Three-Tiered Model of the Federal Court System



Source: Adapted from <http://judiciallearningcenter.org/our-programs/>

Given the rising jail and prison populations, there has been increased use of alternatives to traditional incarceration. For instance, examples of residential sanctions include halfway houses as well as work and study release. Examples of nonresidential sanctions include house arrest, electronic monitoring, and day reporting centers.³¹

The Juvenile Justice System

Prior to the establishment of the juvenile justice system, children were treated the same as adults in terms of criminal processing. Children were considered as “imperfect” adults or “adults in miniature.” They were held to the same standards of behavior as adults. The American colonists

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brought with them the common law doctrine from England, which held that juveniles seven years or older could be treated the same as adult offenders. Thus, they were incarcerated with adults and could also receive similarly harsh punishments, including the death penalty. It should be noted, however, that youths rarely received such harsh and severe punishments.³² Beginning in the early 1800s, many recognized the need for a separate system for juveniles.³³ For instance, Johann Heinrich Pestalozzi, a Swiss educator, maintained that children are distinct from adults, both physically and psychologically.

While there is some disagreement in accrediting the establishment of the first juvenile court, most acknowledge that the first comprehensive juvenile court system was initiated in 1899 in Cook County, Illinois. An essential component to understanding the juvenile justice system is the concept of **parens patriae**. This Latin term literally means “the parent of the country.” This philosophical perspective recognizes that the state has both the right and the obligation to intervene on behalf of and to protect its citizens who have some impairment or impediment such as mental incompetence or, in the case of juveniles, immaturity. The primary objective of processing juveniles was to determine what was in the best interest of the child. This resulted in the proceedings resembling more of a civil case than a criminal case. The implication of this approach was that the juvenile’s basic constitutional rights were not recognized; these rights included the right to the confrontation and cross-examination of the witnesses, the right to protection against self-incrimination, and compliance regarding the rules of evidence. Another distinctive feature separating the juvenile justice system and the adult criminal justice system is the use of different terms for similar procedures in each system (see [Table 1.1](#)).

prison: generally for those convicted of more serious crimes with longer sentences, who may be housed in a supermax-, maximum-, medium-, or minimum-security prison, based on security concerns.

parens patriae: a philosophical perspective that recognizes that the state has both the right and the obligation to intervene on behalf of its citizens in the case of some impairment or impediment such as mental incompetence or, in the case of juveniles, age and immaturity.

During the 1960s, there was a dramatic increase in juvenile crime. The existing juvenile justice system came under severe criticism, including questions concerning the informal procedures of the juvenile courts. Eventually, numerous U.S. Supreme Court decisions challenged these procedures, and some maintained that these decisions would radically change the nature of processing juveniles. For instance, in the case *In re Gault* (1967), the U.S. Supreme Court ruled that a juvenile is entitled to certain due-process protections constitutionally guaranteed to adults, such as a right to notice of the charges, right to counsel, right to confront and cross-examine witnesses, and right against self-incrimination. The case *In re Winship* (1970) decided that the standard of proof in juvenile delinquency proceedings is proof beyond a reasonable doubt. The first U.S. Supreme Court case to address juvenile court procedures was *Kent v. United States* (1966). The court ruled that juveniles who are facing a waiver to adult court are entitled to some essential due-process rights.

TABLE 1.1

Comparing Juvenile and Criminal Justice System

JUVENILE JUSTICE SYSTEM TERM

Adjudicated delinquent – Found to have engaged in delinquent conduct

Adjudication hearing – A hearing to determine whether there is evidence beyond a reasonable doubt to support the allegations against the juvenile

Aftercare – Supervision of a juvenile after release from an institution

Commitment – Decision by a juvenile court judge to send the adjudicated juvenile to an institution

Delinquent act – A behavior committed by a juvenile that would have been a

crime if committed by an adult

Delinquent – A juvenile who has been adjudicated of a delinquent act in juvenile court

Detention – Short-term secure confinement of a juvenile for the protection of the juvenile or for the protection of society

Detention center – A facility designed for short-term secure confinement of juvenile prior to court disposition or execution of a court order

Disposition – The sanction imposed on a juvenile who has been adjudicated in juvenile court

Disposition hearing – A hearing held after a juvenile has been adjudicated

Institution – A facility designed for long-term secure confinement of a juvenile after adjudication (also referred to as a training school)

Petition – A document that states the allegations against a juvenile and requests a juvenile court to adjudicate the juvenile

Taken into custody – The action on the part of a police officer to obtain custody of a juvenile accused of committing a delinquent act

Source: Taylor, R. W., & Fritsch, E. J. (2015). Juvenile justice: Policies, programs, and practices (4th ed.). New York, NY: McGraw-Hill Education, p. 9.

Source: Taylor, R. W., & Fritsch, E. J. (2015). Juvenile justice: Policies, programs, and practices (4th ed.). New York, NY: McGraw-Hill Education, p. 9.

Although the major impetus for establishing the juvenile justice system was to emphasize rehabilitation, since the 1980s, there has been an emerging trend toward a more punitive approach to juveniles. This changing trend is due to various converging developments, such as broadening due-process protections of adults to include juveniles, the resurgence of retribution, and societal changes in perceptions about children's responsibility and accountability.³⁴ Another aspect to this more punitive trend is in reference to transfer provisions—waiving a juvenile offender from the juvenile justice system to the adult criminal justice system. The reasons for waivers have often been that the juvenile justice system cannot provide the needed treatment or protect the community from the offender. In reality, however, the reason for waivers is an immediate increase in the severity of response to the juvenile.³⁵

Learning Check 1.2

1. Law enforcement agencies on the state level that have general police powers as well as additional functions, such as investigating major crimes, are designated as the _____ model.
2. Law enforcement agencies on the state level whose primary focus is to enforce laws concerning public roads and highways are designated as the _____ model.
3. Every court, including the U.S. Supreme Court, is limited in terms of _____.

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4. Recognizing that the state has both the right and an obligation to protect juveniles is referred to as _____.

Answers located at www.edge.sagepub.com/schram2e

Some states have had transfer provisions since the 1920s; other states have had such provisions since the 1940s.³⁶ Transfer provisions can be categorized into three types: judicial waiver, concurrent jurisdiction, and statutory exclusion.

Judicial waiver: The juvenile court judge has the authority to waive juvenile court jurisdiction and transfer the case to criminal court. States may use terms other than *judicial waiver*. Some call the process *certification*, *remand*, or *bind over* for criminal prosecution. Others *transfer* or *decline* rather than waive jurisdiction.

Concurrent jurisdiction: Original jurisdiction for certain cases is shared by both criminal and juvenile courts, and the prosecutor has discretion to file such cases in either court. Transfer under concurrent jurisdiction provisions is also known as *prosecutorial waiver*, *prosecutor discretion*, or *direct file*.

Statutory exclusion: State statute excludes certain juvenile offenders from juvenile court jurisdiction. Under statutory exclusion provisions, cases originate in criminal rather than juvenile court. Statutory exclusion is also known as *legislative exclusion*.³⁷

While all states have some type of provision that allows some juveniles to be tried in adult criminal court, 34 states have what is termed the “once an adult, always an adult” provision. Under this provision, juveniles who have been tried and convicted as adults *must* be prosecuted in criminal court for any subsequent offenses.

judicial waiver: the authority to waive juvenile court jurisdiction and transfer the case to criminal court.

concurrent jurisdiction: original jurisdiction for certain cases is shared by both criminal and juvenile courts; the prosecutor has discretion to file such cases in either court.

statutory exclusion: excludes certain juvenile offenders from juvenile court jurisdiction; cases originate in criminal rather than juvenile court.

Introduction to Comparative Criminology

Another area of criminological research is the study of the nature and extent of crime and criminal justice systems across societies. This is an expanding area of research given the complexities associated with crime, prevention, and detection in a high-tech, global environment.³⁸ There are various definitions for the term *comparative criminology*, some being more comprehensive in scope than others. Hardie-Bick, Sheptycki, and Wardak noted that comparative criminology should address questions such as the following:

- Why do some societies have lower crime rates?
- What are the differences and similarities in crime definition and control across social and cultural frontiers?
- How do theoretical models relating to crime translate across cultures?³⁹

The comparative perspective is not a relatively new approach. In 1889, E. B. Taylor outlined the benefits of such an approach during his presentation to the Royal Anthropological Institute of Great Britain. But it was not until the mid-1950s that researchers outside anthropological studies, such as those in sociology, psychology, and political science, incorporated a more comparative approach in their research. Criminologists also began to incorporate this perspective in the late 1960s and early 1970s. While this approach has been relatively slow to gain prominence, a growing body of research incorporates this perspective.⁴⁰

The study of comparative criminology is no longer considered an option but rather a necessity.⁴¹

In our global village, crime problems are no longer a domestic concern. Many types of crime have international dimensions, and trends in crime and justice in different countries are increasingly interdependent. The international nature of markets for drugs, sexual services, and illicit firearms is generally recognized. Less well understood is the international nature of many other criminal markets such as that for stolen cars with an estimated half million stolen cars transported from developed to less developed countries annually. More and more criminal groups operate internationally through loose networks of partners in crime.⁴²

As mentioned previously, although there is an increased appreciation for the study of comparative criminology, there are limitations regarding the availability of international statistics on crime and criminal justice. In recent years, there have been increasing efforts to enhance international statistics on global social issues such as diseases, infant mortality, and the consumption of illegal drugs. However, efforts to collect information on crime are limited. One explanation for the relative paucity of data on this global issue is that some governments do not want to be exposed to data that may reveal their countries in a negative light. Scholars are working to break this politically inspired *conspiracy of silence*.⁴³

This text will include a series of boxes that compare the United States with foreign nations in terms of various aspects of criminology and criminal justice. Nearly every chapter in this textbook will include a Comparative Criminology box, and each will focus on a single type of serious crime; for example, the Comparative Criminology box in this chapter examines relative rates of motor vehicle theft. It is important to

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be aware of and understand where the United States stands in relative terms on crime rates, which enlightens us on how cultural and socioeconomic factors influence such rates. The same can be said of comparing various regions/states/cities across the United States, which some of the comparative boxes will also examine.

Most of the statistics in the various comparative criminology boxes of this book were obtained from *The World of Crime* by Jan Van Dijk, one of the best compilations of international crime statistics in that it synthesizes and reports on a variety of measures using both police reports and victimization surveys from a multitude of sources.

comparative criminology: the study of crime across various cultures to identify similarities and differences in crime patterns.

Applying Theory to Crime: Motor Vehicle Theft



A motor vehicle theft is defined as “the theft or attempted theft of a motor vehicle. . . . A motor vehicle is a self-propelled vehicle that runs on land surfaces and not on rails.”⁴⁴ Examples of motor vehicles include sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, all-terrain vehicles, and snowmobiles. They do not, however, include farm equipment, bulldozers, airplanes, construction equipment, or watercraft. In 2014, about 689,527 motor vehicle thefts were reported in the United States. In that time, more than \$4.5 billion was lost as a result of motor vehicle thefts; the average dollar loss per stolen vehicle was \$6,537.

Slightly over 74% of all motor vehicle thefts were automobiles. According to the National Insurance Crime Bureau (NICB), the Honda Accord is stolen more often than any other car in the United States. This is followed by the Honda Civic, Ford pickup (full size), Chevrolet pickup (full size), Toyota Camry, Dodge Ram pickup (full size), Dodge Caravan, Nissan Altima, Acura Integra, and Nissan Maxima.⁴⁵ Further, the NICB noted that one should also consider vehicle theft fraud. In the past, vehicle thieves were focused on stealing cars and trucks the “old-fashioned way,” such as by forced entry and circumventing ignitions. Today, there are new scams for stealing vehicles that involve fraud:

- Owner give-ups: The vehicle owner lies about the theft of the vehicle and then orchestrates its destruction to collect insurance money. He or she claims the vehicle was stolen, but then it is found burned or heavily damaged in a secluded area, submerged in a lake, or, in extreme cases, buried underground.
- Thirty-day specials: Owners whose vehicles need extensive repairs sometimes perpetrate the 30-day special scam. They will report the vehicle stolen and hide it for 30 days—just long enough for the insurance company to settle the claim. Once the claim is paid, the vehicle is often found abandoned.
- Export fraud: After securing a bank loan for a new vehicle, an owner obtains an insurance policy for it. The owner reports the vehicle stolen to a U.S. law enforcement agency but, in reality, has illegally shipped it overseas to be sold on the black market. The owner then collects on the insurance policy as well as any illegal profits earned through overseas conspirators who sell the vehicle.
- Phantom vehicles: An individual creates a phony title or registration to secure insurance on a nonexistent vehicle. The insured then reports the vehicle stolen before filing a fraudulent insurance claim. Often, antique or luxury vehicles are used in this scam, since these valuable vehicles produce larger insurance settlements.⁴⁶

One interesting approach to addressing the problem of motor vehicle thefts, which has been popularized by the media, is the use of bait cars. The Los Angeles Police Department defines the use of a bait car as “an undercover operation where [they] bring in a plain motor vehicle and load it with desirable goods (iPod, GPS, cigarettes, etc.) and hope someone breaks into the car as [they] are watching.”⁴⁷ On June 25, 2012, police in Albuquerque, New Mexico, were quite surprised when one of their bait cars was stolen by an 11-year-old boy. This boy wanted to take the car for a joy ride; on the way, he also decided to pick up two of his 10-year-old friends. A video camera had been placed in the bait car. In the video, the boy can be heard bragging to his friends about his driving skills. For instance, while turning up the radio to enjoy the music as he drives, the boy says, “I’m a good driver, huh?” During their joy ride, apparently one of the boys spotted a police officer; one of the boys said, “Quiet,” while the other said, “Slow down.”⁴⁸

After reading about this youth, one might ask, “Why would he do that?” Some of you might consider that his 10-year-old peers somehow influenced his behavior, especially since it seems he wanted them to be a part of his criminal adventure. Others may argue that these boys lacked some form of adult supervision resulting from a dysfunctional family environment. Another possible explanation is that these boys lacked self-control, that they were thrill seekers who knew this was wrong, especially given their reaction when spotting the police. When we read about this type of behavior in a newspaper or hear about it on the news and ask, “Why would someone do that?” we are trying to find some kind of explanation. This is what theory attempts to do but in a more rigorous, scientific manner. Throughout this text, as we discuss various theories, we attempt to apply key points of those theories to either a real or hypothetical situation in boxes labeled “Applying Theories to Crime.” For each of these special boxes, we begin with a brief discussion of a particular crime, such as motor vehicle theft, robbery, or murder. Subsequently, we apply the relevant theory or theories in that chapter to that particular crime. With this approach, you will obtain general information about particular offenses as well as apply key features of various theories to those crimes.

Think About It:

1. What kind of influence did peers have on this 11-year-old’s behavior?
2. Do you think the lack of adult supervision could explain his behavior?

Comparative Criminology: Motor Vehicle Theft



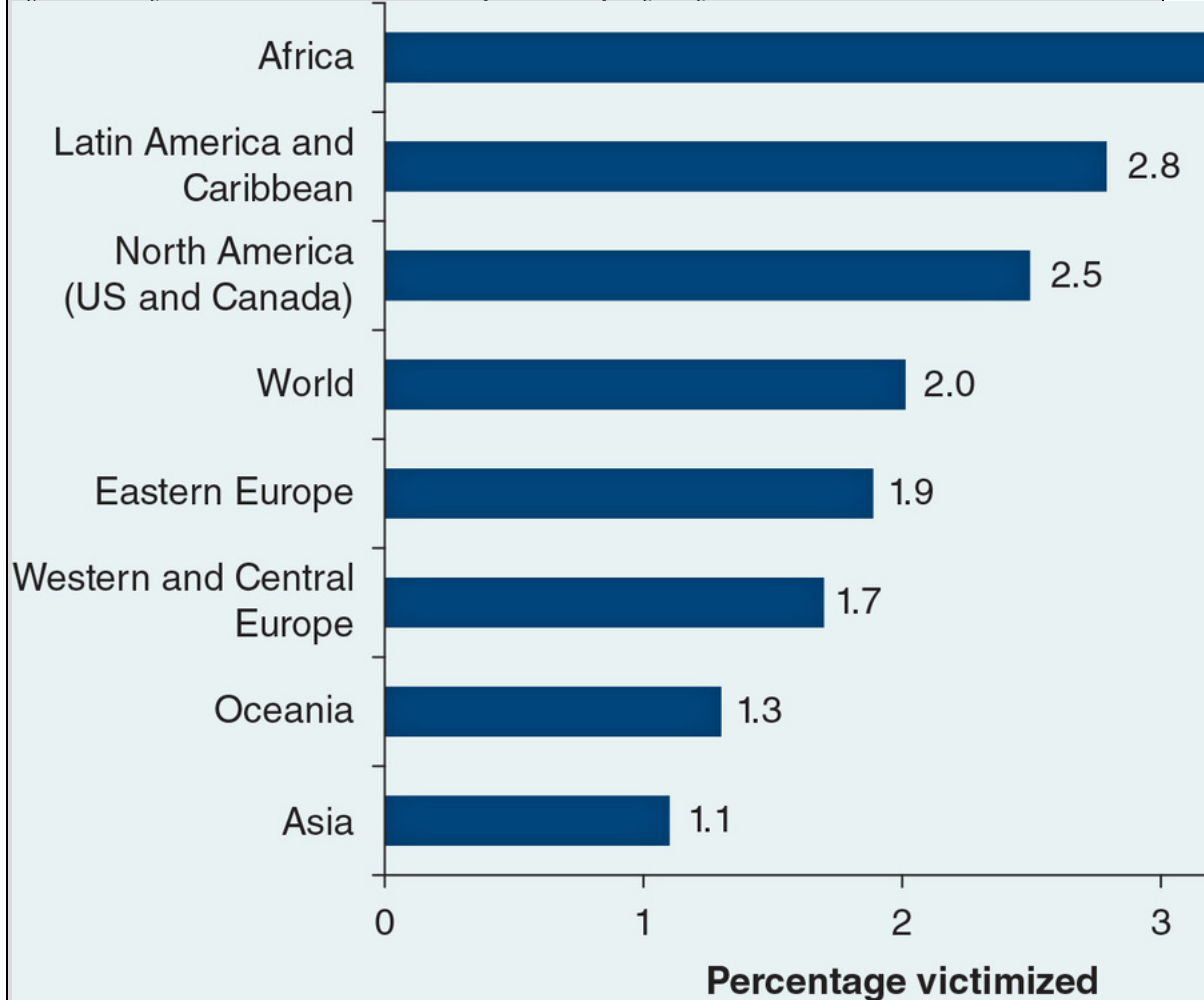
Ranking Regions/Countries on Rates of Motor Vehicle Theft

The key measure of prevalence of motor vehicle theft in the world is the International Crime Victimization Survey (ICVS), which is a data bank that collects and standardizes police reports from more than 70 countries around the world. This measure has been conducted since 1987 and does have some weaknesses, but it is currently the best measure of most crimes in terms of cross-national comparisons.

The ICVS has collected many years' worth of data on motor vehicle theft. Van Dijk synthesized the data from ICVS regarding car theft from the years 1996 to 2005.⁵¹ Some regions have very high numbers of stolen vehicles, but to make a fair comparison across regions, rates of ownership should be accounted for. As seen in [Figure 1.2](#), the countries with by far the highest percentages of car owners in urban areas who had been victimized by car theft were on the continent of Africa. A relatively distant second highest ranking area was countries in the region of Latin America/Caribbean.

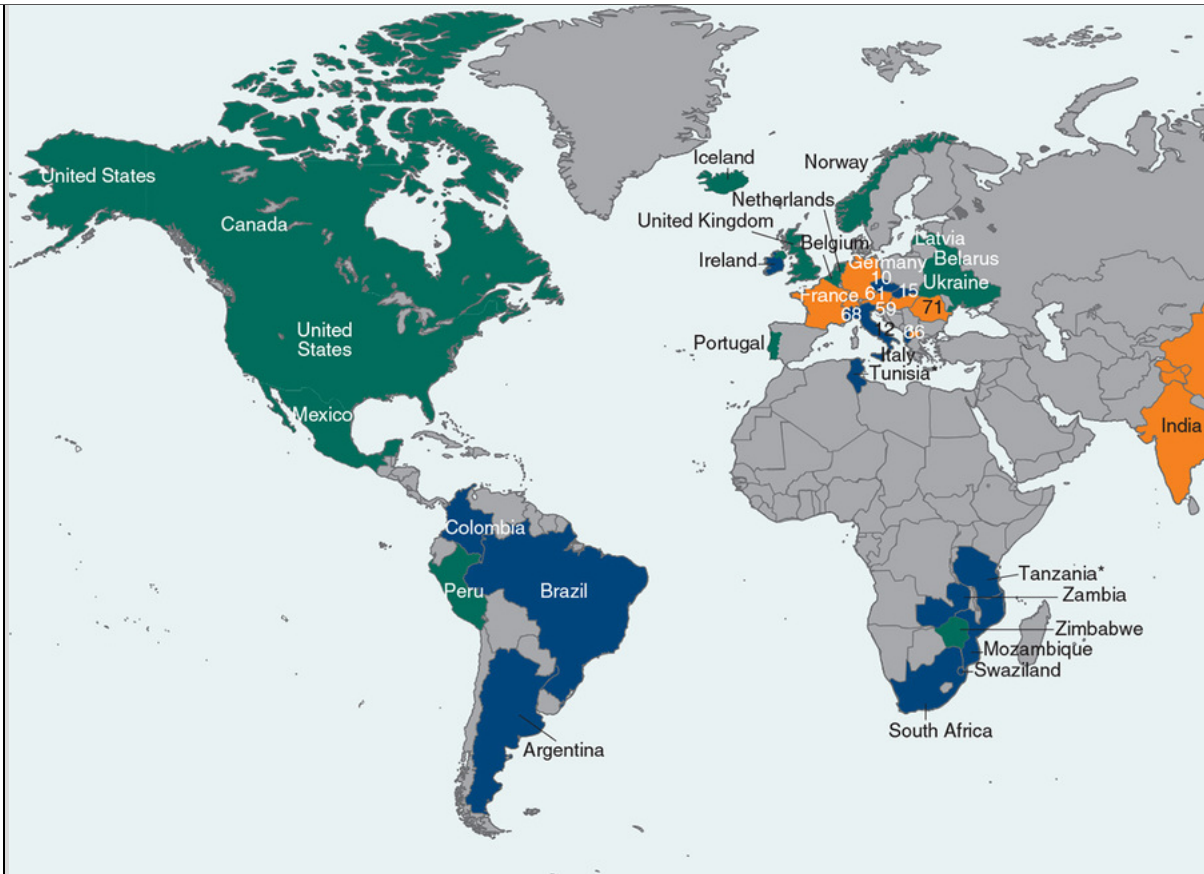
To be more specific, we can examine the ranking of the countries in terms of their rates of vehicle theft. As can be seen in [Figure 1.3](#), ICVS data show that Papua New Guinea had by far the highest rate (at 9.8% of car owners victimized each year), followed by Mozambique (7.5%) and then South Africa, Swaziland, and Brazil rounding out the top five. It is notable that the United States did not rank in the worst 15 countries for motor vehicle theft.

Figure 1.2 Percentages of Car Owners in Urban Areas Victimized by Car Theft or Joyriding During the Past 12 Months



Source: ICVS, 1996–2005, latest survey available.

Figure 1.3 World Ranking of Countries According to Victimization of Car Owners in Urban Areas by Theft of a Car in the Course of One Year, Rank Number, and Percentage of Victims per Year



Sources: ICVS, 1992, 1996–2005, latest survey available.

*Countries with data from ICVS, 1992.

It is not too surprising that motor vehicle theft tends to be higher (when accounting for rates of ownership) in some of the most deprived nations in the world, such as Africa and various Latin American/Caribbean countries. After all, in such extreme poverty, many individuals are driven to commit such crimes to survive. However, the results from the ICVS also reveal that vehicle theft actually happens quite a bit in many regions of the world (North America being ranked third), so motor vehicle theft is alive and well throughout virtually all societies.

Think About It:

1. According to the ICVS, what regions of the world had the highest rates of motor vehicle theft between 1996 and 2005?
2. Which regions had the lowest vehicle theft rates between 1996 and 2005?
3. Can you provide possible explanations for these differences across regions?

Criminological Theory

Respected scientific theories in all fields of study, whether chemistry, physics, or criminology, tend to have the same characteristics. This is further illustrated by the scientific review process (i.e., blind peer review by experts) used in all fields to assess which studies and theoretical frameworks are of high quality. The criteria that characterize a good theory in chemistry are the same ones used to assess what makes a good criminological theory. These characteristics include parsimony, scope, logical consistency, testability, empirical validity, and policy implications.⁴⁹ Each of these characteristics is examined in the [next section](#).⁵⁰

Characteristics of Good Theories

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Parsimony is attained by explaining a phenomenon, such as criminal activity, in the simplest way possible. Other characteristics being equal, the simpler the theory, the better. The challenge with criminal behavior is that it is highly complex; however, some criminologists have attempted to explain this complex phenomenon using rather simplistic approaches. For instance, the theory of low self-control maintains that one personality factor—low self-control—is responsible for all criminal activity. As will be discussed in a later chapter, the originators of this theory, Michael Gottfredson and Travis Hirschi, contend that every act of crime and deviance is caused by this same factor: low self-control.⁵² A simple theory is better than a more complex one. Given the complex nature of criminal behavior, however, it is likely that a simple explanation, such as identifying one factor to explain all types of criminal and deviant behavior, will not be adequate.

How would Lombroso classify this person?



RAUL ARBOLEDA/AFP/Getty Images

Scope is the trait that indicates how much of a given phenomenon the theory attempts to explain. Other traits being equal, the larger the scope, the better the theory. To some extent, this is related to parsimony in the sense that some theories, such as the theory of low self-control, seek to explain all crimes and all deviant acts. Thus, the theory of low self-control has a very wide scope. As we will discuss later, other theories of crime may attempt to explain only property crime, such as some versions of strain theory or drug use. However, the wider the scope of what a theory can explain, the better the theory.

Logical consistency is the extent to which a theory makes sense in terms of its concepts and propositions. Sometimes it is easier to illustrate this point with an example. Some theories do not make sense simply because of the face value of their propositions. For instance, Cesare Lombroso maintained that the most serious offenders are *born criminals*; they are biological throwbacks to an earlier stage of evolutionary development and can be identified by their physical features.⁵³ Lombroso, who is discussed later in this book, maintained that tattoos were one of the physical features that distinguished these born criminals. This does not make sense, or lacks logical consistency, because tattoos are not biological physical features (i.e., no baby has been born with a tattoo).

Testability is the extent to which a theory can be empirically and scientifically tested. Some theories simply cannot be tested. A good example of such a theory is Freud's theory of the psyche, discussed in more detail later in this book. Freud described three domains of the psyche—the

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conscious ego, the subconscious id, and the superego. None of these domains, however, can be observed or tested.⁵⁴ While some theories can be quite influential without being testable (e.g., Freud's theory), a theoretical model that is untestable and unobservable is at a considerable disadvantage. Fortunately, most established criminological theories can be examined through empirical testing.

Empirical validity is the extent to which a theoretical model is supported by scientific research. This is closely associated with the previous characteristic of testability. While almost all accepted modern criminological theories are testable, this does not mean they are equal in terms of empirical validity.

parsimony: a characteristic of a good theory, meaning that it explains a certain phenomenon, such as criminal behavior, with the fewest possible propositions or concepts.

scope: refers to the range of criminal behavior that a theory attempts to explain.

logical consistency: the extent to which concepts and propositions of a theoretical model make sense in terms of face value and consistency with what is readily known about crime rates and trends.

testability: the extent to which a theoretical model can be empirically or scientifically tested through observation and empirical research.

For instance, deterrence theory proposed in part that offenders will not repeat their crimes if they have been caught and given severe legal punishment. If research finds that this is true for only a small minority of offenders or that punished offenders are only slightly less likely to repeat crimes than are unpunished offenders, then the theory has some, but not much, empirical validity.⁵⁵

Thus, questions of empirical validity include these: "What degree of empirical support does the theory have?" "Do the findings of research provide weak or strong support?" "Does the preponderance of evidence support or undermine the theory?"⁵⁶

Learning Check 1.3

1. When a theory can explain a phenomenon using a simplistic approach, this is considered _____.
2. When a theory attempts to explain all crimes and all deviant acts, this theory is broad in _____.
3. Empirical validity is the extent to which a theoretical model is supported by _____.

Answers located at www.edge.sagepub.com/schram2e

Three Requirements for Determining Causality

Various criteria are involved in determining whether a certain variable causes another variable to change—in other words, causality. For this discussion, we will be referring to the commonly used scientific notation of a predictor variable—called X—as causing an explanatory variable—called Y. These variables are often referred to as an independent or predictor variable (X) and a dependent or explanatory variable (Y). These criteria are used for all scientific disciplines, whether chemistry, physics, biology, or criminology. The three criteria required to determine causality are temporal ordering, covariation or correlation, and accounting for spuriousness.

Temporal ordering requires that the predictor variable (X) precede the explanatory variable (Y) if one is attempting to determine that X causes Y. Although this issue of time order appears to be quite obvious, there are instances when this criterion is violated in criminological theories. For instance, a recent scientific debate has focused on whether delinquency is an outcome variable (Y) caused by associations with delinquent peers and associates (X) or whether delinquency (X) causes associations with delinquent peers and associates (Y), which then leads to more delinquent behavior. This is an example of temporal ordering, or "which came first, the chicken or the egg?" Research has revealed that both processes often occur, meaning that delinquency and associations with delinquent peers are likely to be both predictor and explanatory variables.

Correlation or covariation is the extent to which a change in the predictor (X) is associated with a change in the explanatory variable (Y). For instance, an increase in unemployment (X) is likely to lead to a rise in crime rates (Y). This would indicate a positive association, because both increased. Similarly, an increase in employment (X) is likely to lead to a decrease in crime rates (Y). This would be a negative, or inverse, association, because as one decreases, the other increases. The criterion of covariance is not met when a change in X does not produce any change in Y. Thus, if a significant change in X does not lead to a significant change in Y, this criterion is not met.

It is essential to stress, however, that correlation alone does not mean that X causes Y. For example, ice cream sales (X) tend to be highly associated with crime rates (Y). This does not mean that ice cream sales cause higher crime rates. Instead, other factors, such as warm weather, lead to an increase in both sales of ice cream and the number of people who are outdoors in public areas, which could lead to greater opportunities and tendencies to engage in criminal activity. This example leads to the final criterion for determining causality.

empirical validity: the extent to which a theoretical model is supported by scientific research.

temporal ordering: the criterion for determining causality; requires that the predictor variable (X) precede the explanatory variable (Y) in time.

correlation or covariation: a criterion of causality that requires a change in a predictor variable (X) to be consistently associated with some change in the

explanatory variable (Y).

Why Do They Do It?



Diane and Rachel Staudte

In an ABC 20/20 interview, Sarah Staudte stated that “she [her mother, Diane] had this journal that she wrote . . . her thoughts. She wrote the deaths of Shaun, my brother, and me. And that’s what worried me . . . I was shocked.” According to medical examiners, in April 2012, Mark Staudte, Sarah’s father, died of “natural causes”; five months later, her brother’s death was ruled as being due to “prior medical issues.” Both bodies were cremated.⁵⁷ In June 2013, Sarah was taken to Cox South Hospital in Springfield, Missouri. While she exhibited flulike symptoms, the doctors discovered that her kidneys and brain were deteriorating. After running a number of tests, doctors still could not determine the cause of her kidney and brain failure. While she was hospitalized, Springfield police detective Neal McAmis received an anonymous tip. The caller stated that Diane could be responsible for Sarah’s illness and might also have been involved in the deaths of Sarah’s father and brother. Following this tip, Detective McAmis went to the hospital. One of the doctors stated that he was suspicious that this was a possible poisoning case. He further noted that Sarah was essentially given a “zero percent chance” of living; the question was not whether she was going to die, but when. The detective also talked to a nurse, who commented that Diane was acting strangely, given the severity of the situation. Diane was joking about Sarah’s condition and was talking about her upcoming Florida vacation.⁵⁸

Subsequently, Detective McAmis brought Diane Staudte in for questioning. During a four-hour interview, Diane admitted to fatally poisoning her husband and son as well as poisoning her daughter. She, along with her then 24-year-old daughter Rachel, had put antifreeze in Coca-Cola and Gatorade. During her taped interview, Diane made some startling comments in reference to why she had poisoned her family members. She stated that she “hated his [her husband’s] guts.” Below are portions of the interview between Detective McAmis and Diane regarding her son, Shaun:

“He was almost to the point of inappropriate at times,” Diane Staudte said. “I mean he would walk into the bathroom if the door was shut. I mean just really bizarre stuff.”

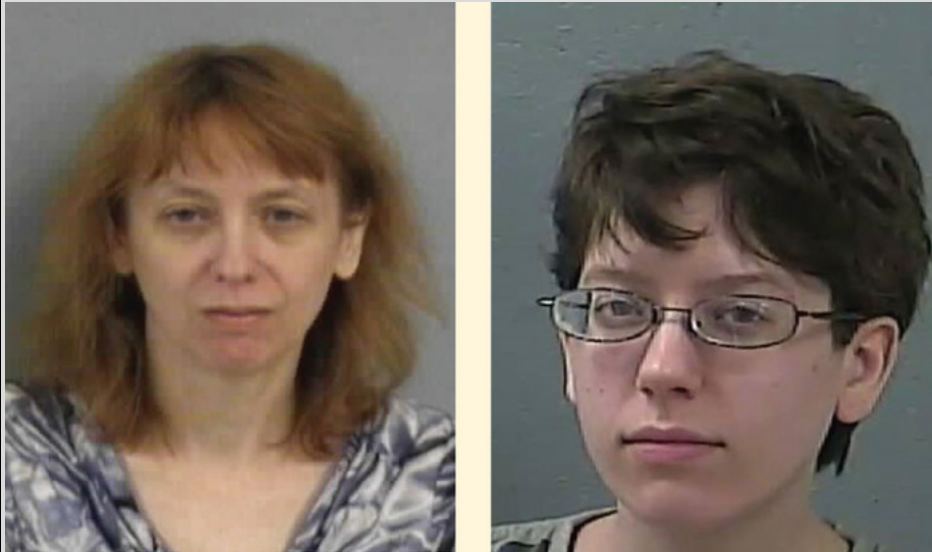
“He was such an interference and a bother that you just said you can’t take it anymore?” McAmis prodded.

“He was more than a bother,” Diane Staudte said.

“More than a bother, OK. Would a pest, would that be a good word for it?” McAmis asked.

“No, it was more than that,” Diane Staudte said.⁵⁹

Diane and Rachel Staudte.



Greene County Sheriff’s Office via AP

Further into the interview, when asked about poisoning her daughter, Diane Staudte stated that Sarah was unemployed and therefore could not financially contribute to the household.

Detective McAmis then interviewed Diane’s daughter, Rachel Staudte. Rachel stated that her mother initially brought up the idea, but soon after Rachel also became involved in the poisonings. When asked why she wanted to kill her father, Rachel stated, “[I]t was for a little peace.” When asked about her brother, she said, “Shaun, because he was annoying.” Finally, when asked about her sister, Sarah, Rachel stated “Sarah was just nosy. Very nosy.” Rachel told the detective that they were planning to poison her then 12-year-old sister.

Diane Staudte was sentenced to life in prison without the possibility of parole; Rachel, since she agreed to testify against her mother, was also sentenced to life, but she will be eligible for parole after serving over 42 years in prison.

Sarah Staudte did survive, but she suffered serious brain injury. She now has a guardian and lives in an assisted living facility.⁶⁰

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Think About It:

1. How does a mother involve her own daughter in the poisoning of family members?
2. If Diane and Rachel had not been caught, how many more individuals might have been poisoned?

In this text, we will be presenting what some may consider “high-profile” crimes. These are crimes that have received a great deal of media attention due to the individuals involved and/or the horrendous nature of the offense. In some instances, such as the Diane Staudte case, these types of crimes go beyond the question, “Why did she do it?”

Considering for **spuriousness** is a complicated way of saying, to determine that X causes Y, other factors (typically called Z factors) that could be causing the observed association must be accounted for before one can be sure that X is actually causing Y. In other words, these other Z factors may account for the observed association between X and Y. What often happens is that a third factor (Z) causes two events to occur together in time and place. Referring back to Lombroso, tattoos may have predicted criminality at the time he wrote. However, Lombroso did not account for an important Z factor—namely, associates or friends who also had tattoos. This Z factor caused the simultaneous occurrence of both other factors.

What aspects of this neighborhood would cause it to be classified as “disorganized”?



Charles Ommanney/Getty Images

Researchers in criminology are fairly good at determining the first two criteria of causality—temporal ordering and covariance or correlation. Most scientists can perform classical experiments that randomly assign participants either to receive or not to receive the experimental manipulation to examine the effect on outcomes. The problem for criminologists, however, is that the factors that appear to be important (according to police officers, parole agents, or corrections officers) are family variables, personality traits, employment variables, intelligence, and other similar characteristics that cannot be experimentally manipulated to control for possible Z factors. Thus, as criminologists, we may never be able to meet all the criteria for causality. Rather, we are often restricted to building a case for the factors we think are causing crime by amassing as much support as we can regarding temporal ordering and covariance or correlation, and perhaps accounting for other factors in

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advanced statistical models. Ultimately, social science, particularly criminology, is a difficult field in terms of establishing causality, and as we shall see, empirical validity of various criminological theories is hindered by such issues.

spuriousness: when other factors (often referred to as Z factors) are actually causing two variables (X and Y) to occur at the same time; it may appear as if X causes Y, when in fact they are both being caused by other Z factor(s).

Theory Informs Policies and Programs

An essential aspect of a good theory is that it can help inform and guide policies that attempt to reduce crime. After all, a criminological theory is truly useful in the real world only if it helps reduce criminal offending. For instance, referring to the 11-year-old boy in Albuquerque who took the bait car for a joy ride, if one maintains that the reason he engaged in this criminal behavior was a lack of adult supervision, suggested policies and programs might be directed toward some type of after-school program. Many theories have been used as the basis of such changes in policy.

All major criminological theories have implications for, and have indeed been utilized in, criminal justice policy and practice. Every therapy method, treatment program, prison regimen, police policy, or criminal justice practice is based, either explicitly or implicitly, on some explanation of human nature in general or criminal behavior in particular.⁶¹ In each chapter, we will present examples of how the theories of crime discussed have guided policy making.

One theoretical perspective we will be discussing is differential association. A central tenet of this theory is the influence of close peer groups or other role models. The major implication of this theory is to replace negative, antisocial role models with more positive, prosocial role models. The influence of this position is reflected in the conditions of probation or parole; offenders are required to stay away from convicted felons. Programs that bring juveniles together for positive purposes and positive interaction with others will face obstacles because “the lure of ‘the streets’ and of the friends they have grown up with remains a powerful countervailing force regarding rehabilitation.”⁶²

Another theory perspective we will be presenting focuses on social structure. If individuals live in an environment that is considered *disorganized*, such as one characterized by high unemployment and transiency, this could be deemed the *root cause* of crime. The challenge with implementing policies and programs with this perspective is that it does not necessarily focus on the individual but rather the community. Clifford Shaw argued that rather than treating individual offenders, one needs to focus on the community. Subsequently, he developed the Chicago Area Project. Shaw, along with his staff, organized various programs aimed at establishing or enhancing a sense of community with neighborhoods. He also obtained the assistance and cooperation of schools, churches, recreational clubs, trade unions, and businesses.⁶³

Victimology

Victimology can be defined as the scientific study of victims.⁶⁴ Although this definition is quite simple, the range of specific topics and the depth to which they are examined can be complex. Specifically, the study of victims includes such widely varied topics as theoretical reasons that some individuals are more likely to be victimized, the legal rights of victims, and the incidence/spatial distribution of victimization in a given geographic area. These are just some of the many topics that fall under the general umbrella of victimology, and even these three topics can be broken into many categories of study. Before we discuss some of those areas, it is important to understand the evolution of the study of victims.

Victimology is a relatively new area of criminology, which is strange because there have been victims since the very beginning of human civilization. The earliest use of the term *victimology* is attributed to two scholars, Fredric Wertham in his book *The Show of Violence* (1949)⁶⁵ and Benjamin Mendelsohn, generally considered the Father of Victimology, in his 1956 article titled “Victimology” and published in a foreign journal.⁶⁶ This may not seem to many readers being that recent, but it is when you consider that most sciences, including criminology, had been studied for hundreds of years prior to the mid-20th century. Another indication that the science of victimology is very young is that the term *victimology* was not recognized as a correctly spelled word by spell checks in the most commonly used word-processing programs until the last few years.

However, the study of victims is a very insightful perspective for understanding crime. After all, for most crimes there is a victim, so to only try to understand the offender is to miss half the equation. As Wertham wrote:

The murder victim is the forgotten man. With sensational discussions on the abnormal psychology of the murderer, we have failed to emphasize the unprotectedness of the victim and the complacency of the authorities. One cannot understand the psychology of the murderer if one does not understand the sociology of the victim. What we need is a science of victimology.⁶⁷

It is also important to note that one of the most accurate measures of crime that exists is based on interviews with victims. Called the National Crime Victimization Survey (NCVS), it was begun in 1973 and is generally considered a more accurate estimate of crime in the United States than the Uniform Crime Reports collected by the police and FBI, especially for certain types of offenses, such as forcible rape and burglary. It is certainly the most important source for victimization data across the United States.

Victim Precipitation

One of the most basic underlying concepts of virtually all theoretical perspectives of victimology is that of **victim precipitation**.⁶⁸ Victim precipitation is when an individual does or doesn't do something that increases the risk that he or she will be victimized. For example, if someone does not lock their car and it gets stolen, this is known as *passive victim precipitation*, because it was something they did not or forgot to do. The other type, *active victim precipitation*, involves an individual actually doing something that increases their probability of being victimized. For example, if John yells a racial slur at Ron and then Ron attacks John, what Ron did is not justified, but John clearly increased his likelihood of being attacked, which is the reason why it is an active form of precipitation. The concept of victim precipitation is not about blame; rather, it is simply about raising the odds or risk of being victimized. To be clear, victims should not be blamed, but often what they did or didn't do made them more vulnerable to being targeted.

Marvin Wolfgang was a key researcher who conducted one of the first major studies of victim precipitation in the late 1940s and early 1950s, in which he found that a substantial percentage of homicides in Philadelphia involved situations in which the victim was the first to use force against the person(s) who killed them.⁶⁹ At the time, this was a key insight, because previously most researchers had assumed that most victims were completely innocent. Wolfgang's study showed that many of the victims of homicide were actually active precipitators of the crime. Many other theorists have expanded on this theory of victim precipitation, but none have really added to the original model and data provided by Wolfgang.

victim precipitation: the increased likelihood of an individual becoming a victim due to something they did (or did not do) that put them more at risk (e.g., not locking their car door).

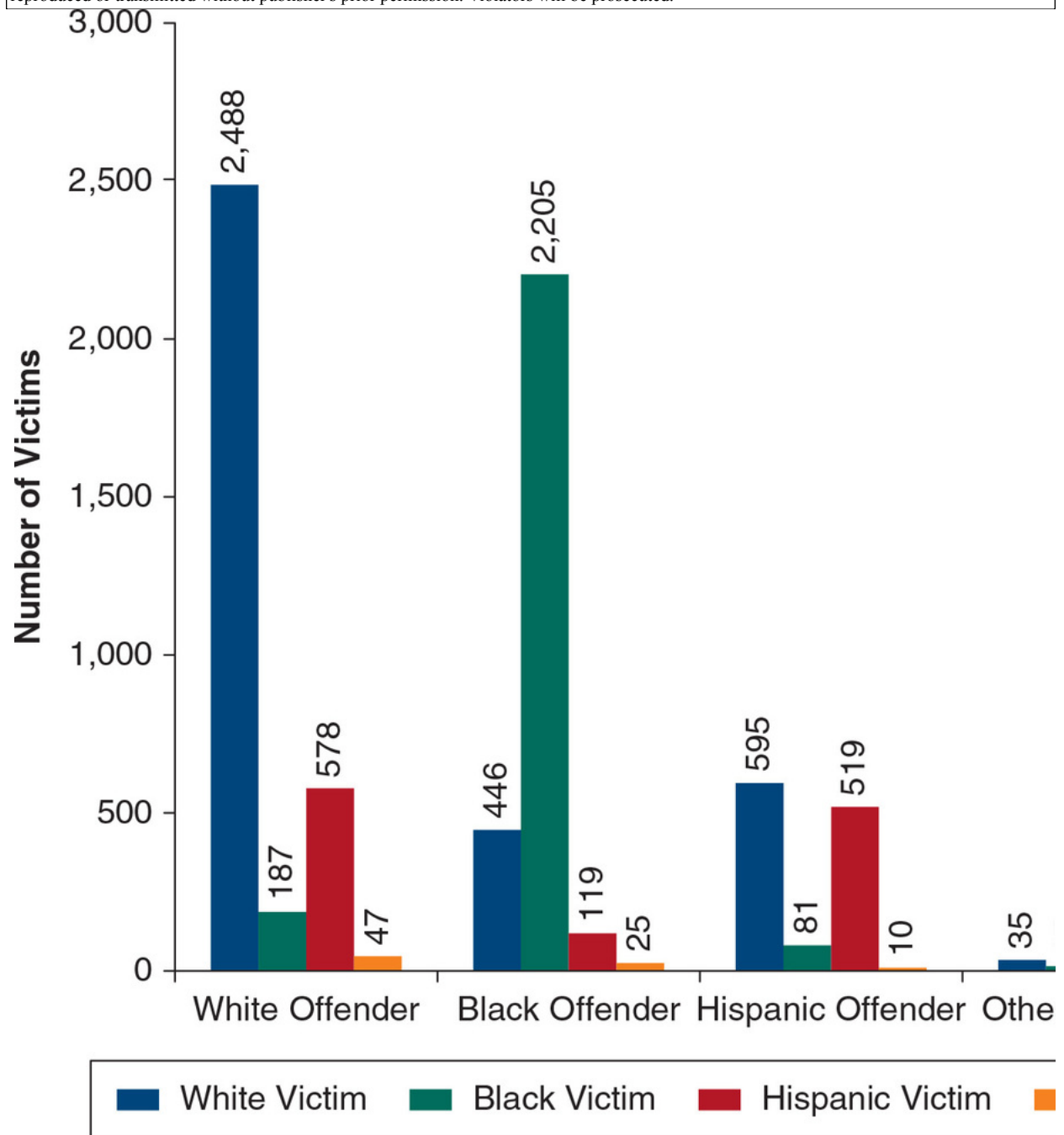
Incidence/Prevalence of Victimization

One of the most common misperceptions about rates of victimization involves the type of individual who is most likely to be victimized. Studies have shown that many people believe that the most likely individuals to be victims of violent crimes are elderly persons. Perhaps this is due to media coverage; when a grandmother gets raped or robbed, it makes the front page of every newspaper. In fact, however, older individuals are by far the least likely to be victimized by violence. The highest rates of violent victimization clearly occur among teenagers and young adults.⁷⁰ This is likely because young people are the ones who typically associate or "hang" with the most common offenders, namely young males.

The vast majority of victimization is intraracial, meaning that typically the offender is of the same race or ethnicity as the victim (see [Figure 1.4](#)). Research from the Department of Justice shows that this is true for homicide, for example. This makes sense because people of a given race or ethnicity tend to socialize with other people of the same race or ethnicity.⁷¹

The good news is that violent victimization has been falling drastically since the early 1990s. According to both the National Crime Victimization Survey and the Uniform Crime Reports (police reports summarized by the FBI), violent victimization has dropped by over 50% since 1993. The reasons for this huge decrease are still unknown, but both of these independent measures show it to be a fact. For example, New York City has seen a decrease from over 2,200 homicides per year in the early 1990s to fewer than 400 per year currently. Also, Los Angeles used to have well over 1,000 homicides per year in the early 1990s but is now averaging less than 500.

Figure 1.4 Homicide by Race of Victim and Offender



Note: "Other" includes American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander.

Source: Crime in the U.S. 2014. FBI. Expanded Homicide Data Table 6.

Child Abuse and Neglect

Rates of child abuse and neglect have decreased in the last few decades, probably due to more acknowledgment and awareness.⁷² It is well known that in traditional times, police and other law enforcement felt that domestic issues should be best handled at the home. It should be noted that any citizen can make an anonymous claim about child abuse or neglect; to do so, they should call their local child protection agency. However, individuals working in a professional capacity must reveal their identity and agency if they report such accusations of abuse or neglect.

Several agencies have been created at the national level to measure rates of child abuse and to provide helpful services in such cases. One of the most prominent is the Attorney General's Defending Childhood Initiative, which is administered by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), and its role is primarily to increase awareness about the long-term influence of children's exposure to violence and to seek solutions to address the problem. Additionally, the OJJDP's Internet Crimes Against Children (ICAC) task force program assists state and local enforcement in preventing and investigating technology-based sexual exploitation.⁷³ Also, the OJJDP works with the Office of Justice Programs to manage the AMBER Alert program, in which notices go out nationally to try to find abducted children; this program is credited with helping to rescue over 800 children.⁷⁴

The Law Code of Hammurabi was inscribed on a seven-foot basalt stele. It is now on display in the Louvre Museum in Paris, France.



Roman Milert / Alamy Stock Photo

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The Department of Justice has declared April to be National Child Abuse Prevention Month since 1983. Various agencies have been created to help children who are victims of crime and promote awareness of their rights and the services offered to them.

Compensation and Restitution

The main distinction between victim **compensation** and **restitution** is that the former is given by the state or government and the latter is given by the offender (typically as part of the sentence). New Zealand created the first victim compensation program in the world in 1963. California had the first state victim compensation program in the United States; it is still one of the largest and provides at least approximately \$70,000 for victims of violent crime. Property crimes are not included because victims usually have some type of insurance for most of them; one big exception is drunk driving, which the organization MADD [Mothers Against Drunk Driving] lobbied hard for and got, so that is actually allowed in most compensation programs. Now all states have victim compensation programs and receive federal funding from legislated programs, most of them enacted in the 1980s.

Interestingly, the first historical record about victims goes back to the Code of Hammurabi in 1754 BC. This code had many laws, but the most relevant for this course is a portion that called for a restoration of equity between the offender and the victim as well as encouraged victims to forgive their offenders.⁷⁵

Victim compensation programs are typically handled by the victims' services unit or department at local or county offices. Victims' services units are usually housed in the county district attorney's office, and they typically do a great job of helping victims, not just as first responders (where they counsel and give information about social services after a major crime) but also in helping victims fill out reports to apply for state compensation (for funeral services, medical expenses, etc.).

If an offender is required to pay *restitution* as part of his or her sentence, the victim will likely not fare well in actually receiving it. Most offenders are unemployed and/or moneyless and thus unable to pay their victims. There are cases in which victims do receive their court-mandated restitution (often because the offender is a juvenile and his or her parents pay the money), but these instances are the exception.

compensation: often paid to victims of violent acts; provided by crime that are provided by local, state, or federal governmental funds.

restitution: often ordered by the court to be paid to victims by the offender(s) as part of their sentence.

Here a woman is reading her victim impact statement during sentencing. Should the impact a crime has on a victim be given more consideration during a trial and sentencing?



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Victim Impact Statements

Victim impact statements are reports of a victim (often a family member) to the court about how an offender affected their life. The first victim impact statement given in a court in the United States was reported in California in 1976. The admittance of victim impact statements to courts was challenged, and a number of cases made it to the U.S. Supreme Court, which wavered on the decision for many cases over the course of many years. However, the most definitive case is that of *Payne v. Tennessee* (1991), in which the highest court ruled that victim impact statements were relevant during the sentencing hearings. Nothing has really changed since that case; victim impact statements are still accepted under the law following a guilty verdict during the sentencing phase presented to judges or juries.⁷⁶

It is important to note that victim impact statements can be given only during the sentencing phase of a trial, not when the jury is determining the verdict. Thus, in most trials only the judge actually hears and rules based on such victim impact statements, which is likely why most

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studies show that such impact statements do not have much impact on the sentencing outcome. The reason for this, according to the U.S. Supreme Court, is that it is believed that such victim impact statements would too strongly bias the jury at the verdict phase of the trial, preventing jurors from making an objective determination of guilt or innocence. However, the Court believes they are relevant at the sentencing phase of the trial, particularly in capital cases, that is, those in which the defendant is facing the death penalty.

Studies show that such victim impact statements have little effect despite the victims' families disclosing traumatic revelations of how the various crimes have affected their lives. Although some studies have found support for the influence of such victim impact statements on sentencing, most studies show no significant increase on the sentencing of the offender.⁷⁷ Still, such victim impact statements are largely deemed significant and important contributions to the judicial process, as the U.S. Supreme Court agrees, if only for providing a voice and some closure for victims and their families.

victim impact statements: formal statements given by victims in court about the incident in which they were offended, often in person but also in other ways (e.g., a video or written statement read by the court reporter); these statements can be considered in determining the offender's sentence.

Learning Check 1.4

1. Who is considered the Father of Victimology by most scholars?
 1. Lombroso
 2. Beccaria
 3. Sutherland
 4. Mendelsohn
2. When an individual does or does not do something that increases their risk of being victimized, this is referred to as victim
 1. anticipation.
 2. precipitation.
 3. expectation.
 4. consideration.
3. When an offender is ordered to pay money to the victim as part of sentencing, it is referred to as _____, whereas when the state or federal government provides funds to the victim for losses due to the crime, it is referred to as _____.
 1. compensation; restitution
 2. restitution; compensation
4. The U.S. Supreme Court has ruled that victim impact statements can be given during only what stage of a criminal trial?
 1. before the verdict but not after
 2. after the verdict and before the sentencing
 3. both before the verdict and before sentencing
 4. neither during the actual trial nor before sentencing; only after the sentence

Answers located at www.edge.sagepub.com/schram2e

Victim Rights Awareness

April has been designated by the U.S. Department of Justice as National Crime Victims Awareness Month. Although different months bring awareness to specific offenses (such as September as Campus Safety Awareness Month, because that is the beginning of the academic year at many schools, or October as Domestic Violence Awareness Month), April is the most important month because it brings awareness to all victims of crime. Thus, you will likely see many candlelight vigils and parades during the month of April. It was first declared Crime Victims' Rights/Awareness Month in 1981 by President Ronald Reagan and was a good representation of the increase in attention to victims in the 1970s and 1980s.

Other examples of this increased attention to victims in the 1980s include the formation in 1983 of the Office of Victims of Crime (OVC), which was created by the U.S. Department of Justice to implement recommendations from the President's Task force on Victims of Crime initiated by President Reagan in 1982. Also, the Victims of Crime Act (VOCA) was passed in 1984, which established the Federal Crime Victims Fund to support state compensation funds and local victim service units and programs. The fund comprises various fines, penalties, forfeitures, and so forth collected by federal agencies.

Overall, far more attention has been given to victims of crime since the early 1970s. It is surprising that it took until the last five decades before victims were given such interest in terms of study and rights, especially when one considers that there have always been victims since the beginning of human civilization. In contrast, extensive scientific studies and theories of offenders have been conducted and promulgated for centuries. It has been beneficial to the field of criminology to add such study of victims, especially considering that they are nearly always half the equation when trying to determine why offenders attack.

Conclusion

The purpose of this chapter was twofold. First, we wanted to provide a general understanding of different aspects related to the field. We started with key concepts in understanding criminology, such as *crime*, *criminal*, *deviant*, and *victim*. We explored the difference between criminology and criminal justice as well as consensus and conflict perspectives of crime. Next, we provided a broad overview of the major components of the criminal justice system: law enforcement, courts, and corrections. When discussing the juvenile justice system, we reviewed fundamental

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differences between the adult criminal justice system and the juvenile justice system. Next, we introduced criminological theory by discussing what criteria are considered when assessing whether a theory is deemed good. We also briefly discussed the three requirements to show that a given factor causes changes in another factor. Next, we noted how theory should inform policies and programs. It is essential to stress that theory is not to be thought of as some abstract or out-of-touch scientific endeavor. Rather, theory has an important purpose in terms of developing policies and programs. As Ronald Akers noted:

The question, then, is not whether policy can be or should be based on theory—it already is guided by theory—but rather, how well is policy guided by theory and how good is the theory on which the policy is predicated?⁷⁸

While you are learning and critiquing the various theories presented in this text, it is essential to ask that question continually!

Finally, we presented an overview of victimology, or the study of victims. We briefly discussed such topics as victim precipitation, the incidence and prevalence of victimization, child abuse and neglect, and victim impact statements.

Key Terms

comparative criminology, 12
compensation, 23
concurrent jurisdiction, 11
conflict perspective, 6
consensus perspective, 5
correlation *or* covariation, 17
crime, 3
criminal justice, 5
criminology, 5
deviance, 3
empirical validity, 16
highway patrol, 7
jail, 8
judicial waiver, 11
limited jurisdiction, 8
logical consistency, 16
mala in se, 3
mala prohibita, 3
parens patriae, 9
parsimony, 16
prison, 9
probation, 8
restitution, 23
scope, 16
spuriousness, 19
state police, 7
statutory exclusion, 11
temporal ordering, 17
testability, 16
victim impact statements, 24
victim precipitation, 21

Discussion Questions

1. How does criminology differ from other perspectives of crime?
2. Should criminologists emphasize only crimes made illegal by law, or should they also study acts that are deviant but not illegal? Explain why you feel this way.
3. Do you think the juvenile justice system procedures, as well as its philosophy, have changed since its inception in 1899? Why?
4. Would you consider the term *criminal justice system* an oxymoron? Explain your answer.
5. What characteristics of a good theory do you find most important? What are least important? Make sure to explain why you feel that way.
6. How much do you think an individual's behavior predicts their likelihood of being victimized? What types of circumstances do you think are most relevant?
7. If a member of your family was violently victimized, would you likely give a victim impact statement? Why or why not? Do you feel that such statements should be considered in the sentencing of offenders?

Web Resources

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The Office for Victims of Crime website is the official website of the U.S. Department of Justice. The Office for Victims of Crime oversees programs that have been designed to benefit and assist crime victims (e.g., victims' rights, public awareness).

<http://www.ovc.gov/>

The Office for Victims of Crime fact sheet summarizes the amount of monies that are deposited into this fund from such sources as criminal fines, forfeited bail bonds, and penalty fees.

https://www.ncjrs.gov/ovc_archives/factsheets/cvfca.htm

This website provides a general overview of the criminal justice system and a flowchart of events.

<http://bjs.ojp.usdoj.gov/content/justsys.cfm/>

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Justice Department to Move Away from Using Private Prisons



Proportion of Girls in Juvenile Justice System is Going Up, Studies Find



Neighborhood variation in police stops and searches: A test of consensus and conflict perspectives



Juvenile Justice: A system divided



The comparative method in globalized criminology



Why Study Criminology?



Introduction to U.S. Court System



They're not adults: NY seeks new approach to juvenile justice



Through Our Eyes: Children, Violence, and Trauma



Victimology and Motive: The Case of David Buller

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The Justice System



Solitary Confinement



Violence Against Women's Act Fact Sheet



National Center for Victims of Crime

PREMIUM VIDEO:

Check out the Interactive eBook for premium videos, including videos from author Stephen Tibbetts, who discusses real-world examples and strange crimes; and videos from former offenders, who share their stories from a first-person view, and touch on key theories and concepts from the chapter.