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CRIME

**Kathleen Currul-Dykeman
and Susan Guarino-Ghezzi**



AFP / Getty Images

Most "cop shows" on television tell stories that typically involve criminals, victims, and the police. Sociologists know that in addition to these three groups we must consider the communities in which crimes are committed. How would you depict the community in this wall painting?

Investigating Crime: Our Stories

Kathleen Currul-Dykeman

As a senior in college looking to take fewer classes and get into “the field,” I happened upon an internship for the first female district attorney in Massachusetts, Elizabeth Scheibel, in her Victim Witness Unit. I was surprised to find that I would be working with victims of violent crimes seeking restraining orders and help with the criminal court process. This experience molded my entire professional life. Throughout law school I worked for District Attorney John Conte, and upon passing the bar, I chose to prosecute domestic violence cases for the next five years. Later, at Northeastern University, I conducted my dissertation research on how courts handle domestic violence cases.



The social context of domestic violence spurred my passion to spread awareness of the unique challenges its victims face. Their cases are not easily won; thus few prosecutors wanted to handle them. Victims often recant, and courts do not take them very seriously. The quick dismissals that often result are a product of long-held norms and stereotypes.

Currently, I am teaching a class I created at Stonehill College in which students learn about crime victimization in the fall semester and work with crime victims in the spring semester in a practicum course. In this class, we debunk myths and stereotypes about domestic violence and educate ourselves about the barriers crime victims face.

Susan Guarino-Ghezzi

My understandings of crime began in New York City during the crime wave of the 1970s. Parents were less protective then, and I went to middle school and high school by public transportation, occasionally encountering people who acted threatening. Thus crime was never far from my mind, and by my college years, I perceived everything in relationship to crime. I pursued my obsession by going to Boston College for a Ph.D. in sociology.



Two prominent New York cases had a huge impact on me. While riding the subway, Bernhard Goetz shot a black teenager in the back after the youth robbed him of five dollars using a screwdriver as a weapon. The boy was permanently paralyzed, while Goetz became a folk hero of sorts and received a very light sentence. Later, a group of black teenagers were charged with the brutal rape of a young professional woman who had been jogging in Central Park. Police interrogators used intimidation techniques so cunning that the suspects turned on one another, each providing an account in which the others committed the rape. It was only years later, when DNA evidence implicated someone else in the crime, that the wrongly convicted young men were released.

These incidents of crime, race, and paranoia provided a social context for me as I went to graduate school and began to conduct research with juvenile offenders, judges, lawyers, and correctional workers. After working with the U.S. Department of Justice, I took a job as director of research at the Massachusetts Department of Youth Services and became an expert on what it takes to provide effective correctional programs. Later, when I started teaching, I served as consultant to several jurisdictions around the country.

LEARNING OBJECTIVES

- 11.1 Explain how crime is socially defined.
- 11.2 Discuss patterns and trends in crime and crime measurement.
- 11.3 Describe the U.S. criminal justice system and its stakeholders.
- 11.4 Apply the functionalist, conflict, and symbolic interactionist perspectives to the problem of crime.
- 11.5 Apply specialized theories of crime.
- 11.6 Identify steps toward social change concerning crime.

WHAT DO YOU THINK?



Questions about Crime from the
General Social Survey

1. Do you favor or oppose the death penalty for persons convicted of murder?
 FAVOR
 OPPOSE
2. In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?
 TOO HARSHLY
 ABOUT THE RIGHT AMOUNT
 NOT HARSHLY ENOUGH
3. Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?
 FAVOR
 OPPOSE
4. In the United States, do you think we're spending too much money on law enforcement, too little money, or about the right amount?
 TOO MUCH
 ABOUT THE RIGHT AMOUNT
 TOO LITTLE
5. Are there any situations you can imagine in which you would approve of a policeman striking an adult male citizen?
 YES
 NO
6. Are you ever afraid to walk at night in your neighborhood?
 YES
 NO

Turn to the end of the chapter to view the results for the total population.

SOURCE: National Opinion Research Center, University of Chicago.

IN A HOODED SWEATSHIRT

Suppose an African American friend of yours, a high school senior, is staying at a friend's house in a gated community. It's a chilly, rainy day and he's home taking care of his younger stepbrother. Bored, he decides to walk to a nearby convenience store. On his way back from the store, he notices a man following him, and, nervous, he calls his girlfriend on his cell phone. She tells him to run away, but a violent struggle between the men ensues.

This describes the case of Trayvon Martin and George Zimmerman. According to police, residents of Zimmerman's Florida neighborhood had reason to worry about crime. Home foreclosures had left many houses empty and made the neighborhood a target for thefts, so Zimmerman had formed a Neighborhood Watch group. On February 26, 2012, when he spotted Martin, a black youth in a hooded sweatshirt, he called 911. Even though the police dispatcher instructed him not to pursue Martin, he did so anyway (Blow 2012). In the confrontation that then took place, Martin was killed. Zimmerman was subsequently tried on charges of second-degree murder and manslaughter. The prosecutor in the case suggested that Martin had been racially profiled by Zimmerman, a civilian. Racial profiling occurs when police use race or ethnicity as a



Lucas Jackson / Reuters

LeTasha Brown stands with her arms around Anthony Dixon Jr. during a rally in front of the Sanford Police Department following the killing of Trayvon Martin in Sanford, Florida, in 2012. Martin was shot dead in a confrontation with George Zimmerman, a Hispanic Neighborhood Watch captain who believed the young black man looked suspicious as he walked through the gated community in a hooded sweatshirt.

factor in determining whether a particular individual is suspected of committing a crime.

Zimmerman's attorneys claimed he was defending himself against Martin and looked to Florida's controversial "stand your ground" law, which justifies an individual's using force if he or she reasonably believes it is necessary to prevent imminent death or great bodily harm. Since Martin's death, many have argued that this law needs to be repealed. However, staunch defenders of the law, including small retail businesses and the powerful National Rifle Association, will challenge any efforts to repeal. On July 13, 2013, after deliberating 16½ hours, a jury of six women, five of them white, found Zimmerman not guilty of the charges against him.

CRIMES ARE SOCIALLY DEFINED

11.1 Explain how crime is socially defined.

What is crime? While it exists in all societies, there is no *single* understanding of crime as a social problem. We can best understand it from a dynamic perspective, as criminologist Richard Quinney explains in his classic book *The Social Reality of Crime* (1970). The dynamic perspective does not view crime as wrong behavior in an absolute sense. Rather, in this view, wrong behavior and enforcement of the law are social problems that are subject to change. What we define as criminal thus changes over time as individuals or groups in positions of power change. For decades in parts of the United States, for example, black citizens were prohibited from using drinking fountains designated for whites only, and from sitting at "white" lunch counters. Definitions also change when new situations emerge; for example, terrorists' threats led to the criminalization of previously permissible behaviors, such as carrying ski poles onto airplanes. In the most basic sense, crimes are nothing more than deviant behaviors that violate society's norms. Individual U.S. state legislatures are responsible for writing criminal laws that formally define what each state deems "criminal" and the possible punishments for violating those laws.

***Mala in se* crimes:** Crimes that are illegal because they are bad in themselves or inherently wrong by nature.

***Mala prohibita* crimes:** Crimes that are illegal because they are prohibited by law.



Three demonstrators at a lunch counter in Jackson, Mississippi, are smeared with ketchup, mustard, and sugar by integration opponents in 1963. Jim Crow laws mandated racial segregation in all public facilities in southern U.S. states. Until 1965 these laws prohibited blacks from using restrooms, restaurants, and drinking fountains that were intended for whites only.

Crimes are grouped into two broad categories: *mala in se* and *mala prohibita*. ***Mala in se* crimes** are those that violate the moral conscience, such as murder, theft, and violent assault. These kinds of crimes tend to receive the most attention from politicians, civic and religious leaders, and the mainstream media. Despite support for "stand your ground" laws, for instance, there is universal consensus that murder is a problem society must control.

***Mala prohibita* crimes**, on the other hand, are acts that may not be commonly viewed as evil, and many people might not agree they are crimes at all. Tax fraud is prohibited to protect the public welfare, but many individuals who are otherwise law-abiding have no problem with cheating on their taxes. Other *mala prohibita* crimes are gambling and use of illicit drugs. The way the law treats those accused of these crimes depends on many factors, including social and political climate, socioeconomic factors, and geographic location. While most college students probably agree that finding a designated driver is far preferable to driving while drunk, this was not the prevalent attitude before the 1980s, when Mothers Against Drunk Driving (MADD) began to organize and influence lawmakers and social norms.

ASK YOURSELF: College students and office workers often set up pools in which they fill out brackets for the NCAA Basketball Championship tournament, a socially accepted form of gambling. Can you think of other *mala prohibita* crimes your peers commonly engage in? Do you think they are acceptable behaviors? Why or why not?

Subculture Norms on Philadelphia's Streets

What makes some street criminals feel that being tough is cool? Criminologist Elijah Anderson (1999) set out to explain the criminal behaviors of people in a mostly black, poor, and violent neighborhood in Pennsylvania. He discovered that a code governed interactions between neighborhood residents and sanctioned the use of violence to resolve conflict and show “nerve.” While most of the people he spoke to were more “decent” than “street,” all had to know the rules of the code for self-preservation.

The primary rule was to look and act tough, rejecting mainstream customs associated with white society. Young men wore untied sneakers, pants with waistbands hanging well below the waist, and hats turned backward. While these styles were later adopted by middle-class adolescents, at first they signified antagonism toward conventional styles. The appearance of

the young men gave the community a bad reputation, which also contributed to the stereotyping and demonizing of young black males. As Anderson observes:

Many ghetto males are caught in a bind because they are espousing their particular ways of dressing and acting simply to be self-respecting among their neighborhood peers. A boy may be completely decent, but to the extent that he takes on the *presentation* of “badness” to enhance his local public image, even as a form of self-defense, he further alienates himself in the eyes of the wider society, which has denounced people like him



This mural in a black district of Philadelphia lists the names of people killed by gang violence. A west Philly neighborhood is home turf of the 60th Street Posse, also known as Six-O, which controls organized criminal activity in the area. Today's gangs tend to be smaller and less regimented than gangs of the past.

as inclined to violate its norms, values, rules, and conventions—to threaten it. (112–13)

THINK ABOUT IT: Anderson describes the way a subculture's norms encouraged young people to become alienated from society, often leading to violence and crime. How do you think community leaders could reverse these patterns and encourage positive behaviors among youth in such communities?

PATTERNS AND TRENDS

11.2 Discuss patterns and trends in crime and crime measurement.

Official Crime Measurement

Each year since 1929, the Federal Bureau of Investigation's **Uniform Crime Reports (UCR)** have provided a national overview of arrests and selected violent and property crimes reported to police, known as *Part I index crimes*. This information is useful for understanding trends in crime, since it has been collected in essentially the same way for many years. There are two exceptions. Arson was not one of the original index crimes but was added much later, in 1979. In addition, a

new definition of rape took effect in 2013 that removed the requirement of “forcible” assault and the restriction that the attack must be on a woman. Table 11.1 provides the FBI's definitions of index crimes as of 2013.

Violent Crimes and Property Crimes

Reports of crimes are usually made as 911 calls or walk-in complaints. The UCR compiles reports in several categories of violent and property crimes. The FBI defines *violent crimes* as those offenses that involve force or threat of force against a person. They include murder, rape, robbery, and battery, among other things.

Uniform Crime Reports (UCR): An official source of data on crime collected by the Federal Bureau of Investigation from police departments nationwide.

TABLE 11.1 Serious Violent Crimes

Crime	Description
Murder and manslaughter	<i>Murder and nonnegligent manslaughter</i> : the willful killing of one person by another. <i>Manslaughter by negligence</i> : the killing of another person through gross negligence.
Forcible rape	Penetration, no matter how slight, of the vagina or anus of any body part or object, or oral penetration by a sex organ of another person without the consent of the victim.
Robbery	The taking or attempted taking of anything of value from the care, custody, and control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
Aggravated assault	An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
Burglary (breaking and entering)	The unlawful entry of a structure to commit a felony or a theft.
Larceny-theft (except motor vehicle theft)	The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
Motor vehicle theft	The theft or attempted theft of a motor vehicle.
Arson	Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

SOURCE: FBI Uniform Crime Report, 2012 and Criminal Justice Information Services (CJIS) Decision, Uniform Crime Reporting (UCR) Program, *Reporting Rape* in 2013.

Dark figure of crime: The amount of unreported or undiscovered crime, which calls into question the reliability of official crime statistics.

White-collar crime: Illegal acts, punishable by criminal sanctions, committed in the course of legitimate occupations or by corporations.

Property crimes are targeted at physical property rather than at persons. The FBI focuses on burglary, larceny, motor vehicle theft, and arson in its official data collection. Other crimes of dishonesty are also considered to be property crimes; these include embezzlement, forgery, shoplifting, and larceny.

As Table 11.2 shows, burglary and larceny are reported far more often than any of the violent crimes. But while the UCR provides the best official data for understanding crime patterns, it does not tell the whole story. In fact, because the sources of UCR data are local police agencies, which rely on citizens to report crime to them, the UCR significantly underestimates certain types of crime. The amount of unreported crimes is referred to as the **dark figure of crime**; many types of crimes are particularly likely to be unreported.

ASK YOURSELF: Crimes that take place within intimate relationships (spousal assault, child and elder abuse, date rape) are often not reported to police. Can you put yourself in the place of a victim or witness to such a crime and think of some reasons for this?

There are many reasons crimes do not come to the attention of police. Some crimes, such as intimate partner violence, are never reported because victims are too ashamed or fear repercussions from the offenders. Another common but often hidden crime is “wage law crime,” a **white-collar crime** committed by employers. This form of criminal exploitation alone has been estimated to victimize more people than all forms of street crime combined (Lynch 2011). According to Kim Bobo (2009), millions of U.S. workers are having their wages stolen. She asserts that 2 to 3 million are being paid below the minimum wage, and more than 3 million are misclassified by their employers as independent contractors when they are really employees—which mean their employers are not providing benefits or paying their share of payroll taxes. Millions more aren’t being paid overtime because their employers wrongly claim they are exempt from overtime laws. Several million aren’t paid for their breaks or are seeing illegal deductions from their paychecks. Bobo notes: “The Economic Policy Foundation, a business-funded think tank, estimated that companies annually steal \$19 billion from their employees in unpaid overtime. Labor lawyer colleagues suggest the number is far higher” (8).

ASK YOURSELF: What kinds of social problems are caused by white-collar crimes such as wage law crime? What kinds are caused by street crimes such as robbery? Do you think both types of crimes are equally serious? Why or why not?



TABLE 11.2 Violent and Property Crimes Reported to the Police in 2009

Violent crime	
Total	1,318,398
Murder and nonnegligent manslaughter	15,241
Forcible rape	88,097
Robbery	408,217
Aggravated assault	806,843
Property crime	
Total	9,320,971
Burglary	2,199,125
Larceny-theft	6,327,230
Motor vehicle theft	794,616

SOURCE: Compiled from FBI Uniform Crime Reports 1991-2010.

Clearance Rate

The FBI also provides data on the percentage of cases that are “cleared,” usually by arrests. Known as the **clearance rate**, these data indicate how successful police are in apprehending suspects. Certain types of crimes, property crimes in particular, are far less likely to result in arrests than others, such as murder and other violent offenses, as shown in Figure 11.1.

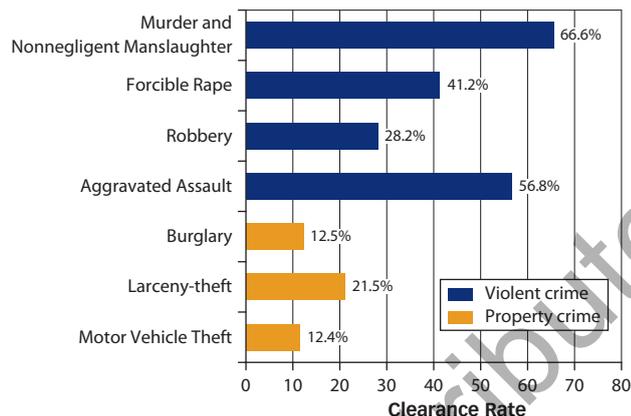
ASK YOURSELF: What explanations can you give for the difference in clearance rates between violent crimes and property crimes?

Arrest Profiles, Including Gender and Race

The UCR’s arrest data provide us with demographic profiles of persons arrested, including gender and race. As Table 11.3 shows, men are overwhelmingly more likely than women to be arrested for crime, with certain exceptions, such as larceny-theft.

ASK YOURSELF: Does it surprise you that criminal behavior is dominated by men? What might be some reasons for this?

FIGURE 11.1 Clearance Rates for Violent and Property Crimes, 2009



SOURCE: Compiled from FBI Uniform Crime Reports 1991-2010.

TABLE 11.3 Violent and Property Crime Arrests by Gender, 2009

Offense charged	Percentage male	Percentage female
Violent crime	81.2	18.8
Murder and nonnegligent manslaughter	89.6	10.4
Forcible rape	98.7	1.3
Robbery	88.2	11.8
Aggravated assault	78.0	22.0
Property crime	62.6	37.4
Burglary	85.1	14.9
Larceny-theft	56.3	43.7
Motor vehicle theft	82.2	17.8
Arson	83.0	17.0
Total	74.7	25.3

SOURCE: Compiled from FBI Uniform Crime Reports 1991-2010.

The male predisposition toward crime, among both offenders and victims, is well illustrated by the crime of homicide (see Figure 11.2). Two-thirds of homicides

Clearance rate: The ratio of reported cases of crime to cleared cases, calculated by dividing the number of crimes that result in arrests by the total number of crimes recorded.

involve male offenders and male victims. Men are twice as likely to murder women as women are to murder men. And women murdering other women makes up only 2% of all homicides.

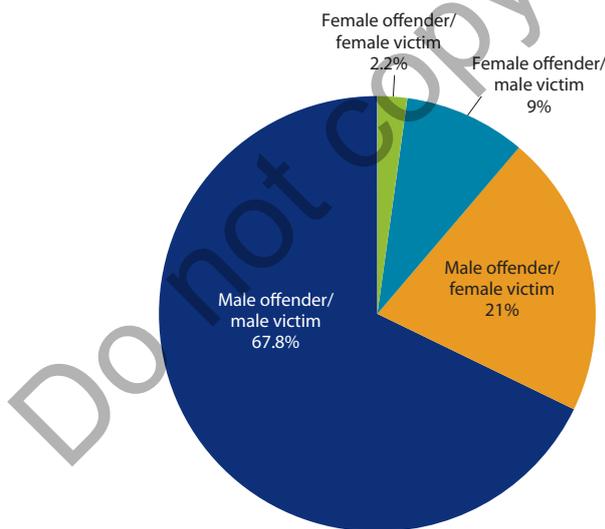
The UCR also looks at race. With a couple of important exceptions (murder and robbery), more white persons than black persons are arrested for each of the index crimes (see Table 11.4). We would expect this because white people make up 78% of the U.S. population, while black persons make up just 13%. But given their numbers in the population, blacks are overrepresented in arrest data for many crimes, both as offenders and as victims. For example, from 1980 through 2008, 84% of white victims were killed by whites, while 93% of black victims were killed by blacks (Cooper and Smith 2011).

ASK YOURSELF: What reasons might account for the overrepresentation of black persons found in arrest data, particularly for the crimes of murder and robbery?

Current Crime Trends

Nationwide, reported violent and property crime went down substantially between 1990 and 2009, as shown for the FBI's index crimes in Figures 11.3 and 11.4. Among violent crimes, murder declined by 47%, rape by 30.3%, and robbery by 48%. Aggravated assault went down by 38%. Of the property crimes, burglary declined by 42%, larceny-theft by 35%, and motor vehicle theft by 60%.

FIGURE 11.2 Homicide Offenders and Victims by Sex, 1980–2008



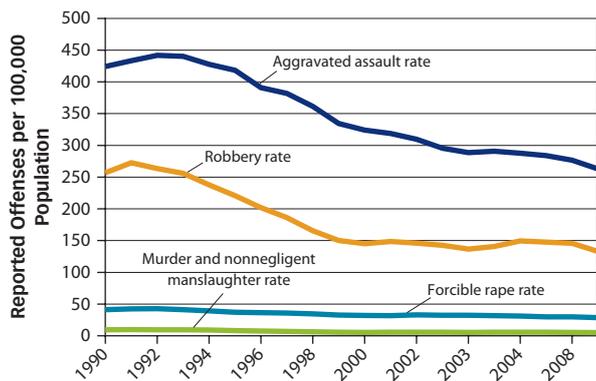
SOURCE: Data from Alexia Cooper and Erica L. Smith, *Homicide Trends in the United States, 1980–2008*. U.S. Department of Justice, Bureau of Justice Statistics, November, 2011.

TABLE 11.4 Arrests by Race, 2009

Offense charged	Percentage distribution	
	White	Black
Total crimes	69.1	28.3
Violent crime	58.7	38.9
Murder and nonnegligent manslaughter	48.7	49.3
Forcible rape	65.1	32.5
Robbery	42.8	55.5
Aggravated assault	63.5	33.9
Other assaults	65.2	32.2
Offenses against the family and children	66.6	30.8
Property crime	67.6	29.8
Burglary	66.5	31.7
Larceny-theft	68.1	29.0
Motor vehicle theft	61.1	36.3
Arson	74.8	22.8
Forgery and counterfeiting	66.7	31.7
Fraud	67.0	31.2
Embezzlement	66.0	31.7
Stolen property; buying, receiving, possessing	62.8	35.5
Vandalism	74.3	23.0
Weapons: carrying, possessing, etc.	57.4	41.0
Prostitution and commercialized vice	56.0	40.7
Sex offenses (except forcible rape and prostitution)	73.5	23.8
Drug abuse violations	65.0	33.6
Gambling	28.5	68.6
Driving under the influence	86.3	11.0
Liquor laws	84.0	11.4
Drunkenness	82.5	15.1
Disorderly conduct	63.3	34.2
Vagrancy	55.3	41.9
All other offenses (except traffic)	66.1	31.1
Suspicion	44.7	54.7
Curfew and loitering law violations	60.8	37.1
Runaways	65.7	26.7

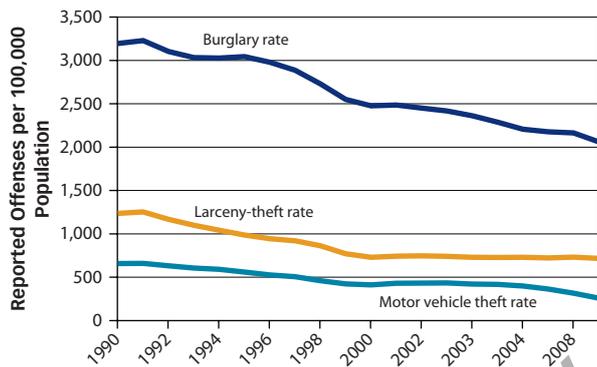
SOURCE: Compiled from FBI Uniform Crime Reports 1991–2010.

FIGURE 11.3 Reported Violent Crime, 1990–2009



SOURCE: Compiled from FBI Uniform Crime Reports 1991–2010.

FIGURE 11.4 Reported Property Crime, 1990–2009



SOURCE: Compiled from FBI Uniform Crime Reports 1991–2010.

ASK YOURSELF: Between 1990 and 2009, the national rate of violent crime was halved, while property crime dropped to 60% of its previous rate, according to the National Archive of Criminal Justice Data. But almost every year since 1989, surveys of American adults have shown that they believe crime is getting worse. Why might people perceive that crime is going up when the official data show otherwise?

Global Perspective

A global view of crime allows us to better understand the variety of definitions of crime, styles of enforcement, and methods of punishment around the world,

as well as the influence of globalization on crime itself. At present, however, social scientists have very poor comparative measures of crime around the globe. Trying to make cross-national comparisons about violent crime rates can be like comparing apples to oranges. Other challenges include disparities among nations' legal definitions of crimes and wide variations in enforcement of laws. For example, Haiti, Morocco, and Syria have "honor crimes" laws under which a man who kills his wife or daughter because she offended his honor, often in an adulterous situation, can present a legal defense that the killing was justified (MacKinnon 2008). The criminal justice system in India often fails to prosecute so-called dowry murders and the maiming of young brides (done so husbands can remarry for higher dowries), even though the dowry system was outlawed in 1961 (United Nations Office on Drugs and Crime 2006). The lack of worldwide consensus regarding definitions of criminal behavior extends to a host of different crimes.

Further complicating definitional differences are disparities in national data sources and the fact that data are not collected reliably in many developing countries. Even with accurate crime data, it would be very difficult to infer causation, or study relationships between social factors and crime, because there are simply too many factors to analyze. Social scientists would need a huge budget and staff, a massive database, and access to sensitive government data—so it's no wonder that studies of this nature are rarely performed.

To try to make sense of global crime patterns, the United Nations Office on Drugs and Crime (2011) took on the challenge of compiling data on several specific categories of crime from countries around the world. It found that relatively less economically and socially developed countries, and those with high income inequality, have homicide rates almost four times higher than those of more equal societies. In addition, countries in which the criminal justice systems had been strengthened over the past 15 years experienced declines in homicide rates (ChartsBin 2014).

One approach to conducting a comparative international study is to find two countries that are similar, which helps to rule out certain factors and pinpoint the degree of difference. Are you safer in England or in the United States, for example, and how would you know? U.S. conviction rates (per 1,000 population) have been observed to be six times higher for murder and three times higher for rape and robbery than the rates in England. Are more people in the United States committing murder, rape, and robbery? Or is the U.S. criminal

justice system better at catching and convicting murderers, rapists, and robbers?

To answer this question, the U.S. Department of Justice's Bureau of Justice Statistics compared the enforcement of criminal laws in the United States and England between 1981 and 1996 (Langan and Farrington 1998). The researchers found that not only murder conviction rates but also murder rates were higher in the United States than in England, and murderers were convicted accordingly. The study found the probability of rape in the two countries was about the same, but greater police professionalism in the United States led to more official recording of rapes. English laws concerning rape were also weaker during the time period of the study; they excluded marital victims, certain types of sexual intercourse, and offenders under the age of 14. Finally, when the researchers examined robbery, they found the likelihood of being a robbery victim was actually lower in the United States than in England. But the English criminal justice system was less successful at catching and convicting robbers and hence had a lower conviction rate.

Researchers have also compared criminal justice policies. For example, restorative justice models draw on the community to support the offender and ask him or her to repair the harm caused by the crime (Van Ness and Strong 2010). The concept and practice of restorative justice emerged in New Zealand in the late 1980s. Why there, and why then? The 1980s were a time of contentious debate in New Zealand about whether indigenous Maori cultural practices should play a broader part in the country's criminal justice system. The result was the Children, Young Persons and Their Families Act of 1989, which honored Maori values by permitting the victim of a crime, the offender, the families of both victim and offender, and a youth justice coordinator to meet as a way to achieve reconciliation between victim and offender and to restore social harmony and balance (MacRae and Zehr 2004). Under this system, the victim describes his or her experience of the crime, followed by a discussion by members of the group (Morris and Maxwell 2003). The offender and his or her family may express remorse and apologize to the victim. Together, participants develop plans and recommendations for reparations, such as fixing damaged property or creating opportunities for the offender to be reintegrated into the community (Karp 2001). Research has generally found positive outcomes for these practices,

Transnational crime: Crime that has effects across national borders.

including satisfaction of the offender and the victim and a reduction in future offense behaviors (Morris and Maxwell 2003; Van Ness and Strong 2010).

ASK YOURSELF: New Zealand's model of family group conference is used for most serious offenses, while the models of restorative justice found in Australia and parts of the United States apply only to nonserious offenses. What types of offenses do you believe are appropriate for restorative justice, as an alternative to formal processing by the courts? Why?

Much of what we know about crime comes from the study of patterns of crime and punishment in individual societies. Yet the fastest-growing area of crime is not confined to one country but is in fact *transnational* in scope. **Transnational crime** includes drug trafficking, cybercrime, and human trafficking, a lucrative form of modern-day slavery. The U.S. State Department estimates that 27 million people are victims of human trafficking worldwide, approximately 100,000 in the United States. A common scheme victimizes young women from "source" countries whose weak economies, natural disasters, or political oppression lead them to seek better lives elsewhere. They are lured by false job prospects to the United States, Japan, and many countries in Western Europe, but on arrival they are told they owe large debts for their transportation. They are then enslaved in brothels or forced into street prostitution.



Kacper Pempel / Reuters

In late 2013 and early 2014, millions of customers of retail stores Target and Neiman Marcus were the victims of cybercrime. Shoppers at these and other stores had their credit and debit card details stolen. It is believed that the cyberattacks were likely perpetrated by hackers living in Eastern Europe. Do events like these make you think twice before using a credit card?

Crime beyond Our Borders

Transnational Crime: An Interview with Criminologist Jay S. Albanese

In your book *Transnational Crime and the 21st Century (2011)*, you discuss the problem of human trafficking. What is human trafficking? Human trafficking takes different forms, but its essence is coerced servitude. The basic elements of human trafficking are three:

- Exploitative labor (sex, manual labor, servitude)
- The harboring of victims (through recruitment, transport, or receipt)
- Coercion (accomplished through deception, force, or threats)

Is human trafficking similar to other transnational crimes? The defining feature of transnational crime is violations of law that involve more than one country in their planning, execution, or impact. These offenses are distinguished from other crimes in their multinational nature and cross-border impact, which pose unique problems in understanding causation, developing prevention strategies, and mounting effective adjudication procedures.

What different elements contribute to human trafficking as a social

problem? We should not underestimate the seriousness of human trafficking as crime. Unlike most transnational crimes, which involve the buying and selling of consumable products, human trafficking entails the buying and selling of human beings who are exploited over and over again in an ongoing form of enslavement.

What is needed to combat the problem more effectively? A great deal remains to be done to better protect victims, understand the true nature and scope of trafficking enterprises, and increase the number of successful prosecutions in order to fulfill the promise of coordinated international action made by the United Nations' binding Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (enacted in 2003). Some progress has clearly



Oliver Burston / Ikon Images / Corbis

Sixteen juveniles, ranging in age from 13 to 17, were forced into working as prostitutes for the 2014 Super Bowl. They were rescued in the New York City area by the FBI in the weeks before the game. Police arrested more than 45 pimps in conjunction with the international sex trafficking operation.

been made, as suggested by the fact that 63% of 155 countries have passed laws against human trafficking pursuant to the U.N. Protocol. More than half of countries have developed a national action plan and an anti-human trafficking police unit. Nevertheless, progress has been slow, and we need to more effectively identify and uncover trafficking networks, protect victims, and prosecute traffickers.

► **THINK ABOUT IT:** What are the advantages to human traffickers of carrying out their crimes transnationally? What can be done to combat human trafficking?

THE U.S. CRIMINAL JUSTICE SYSTEM AND ITS STAKEHOLDERS

11.3 Describe the U.S. criminal justice system and its stakeholders.

The U.S. criminal justice system attempts to address the social problem of crime. The system is formal, sanctioned by the laws written by state and federal legislatures, and intended to operate on behalf of its citizens. It employs

stakeholders—including police, prosecutors, defense attorneys, and judges—who make decisions about arrests, prosecutions, and sentencing. The operation of the criminal justice system is an extremely discretionary process that can yield different versions of justice from one defendant to the next. Issues of intersectionality are present at every stage. Who is accused? What does he or

Stakeholders: All individuals who have an interest in and are affected by the workings of a given system; in the criminal justice system, stakeholders include those accused of crimes as well as those who process cases, including police, attorneys, and court and correctional staff.

she look like? What legal representation can the accused afford? What does the victim look like? The variables that affect outcomes are vast and complex.

While a system of criminal justice is essential to society, when such a system exceeds its legal boundaries new social problems are created. Boston, for example, like many American cities, implemented a controversial policy to fight gangs during the late 1980s known as “stop and frisk,” which allowed police to stop and pat down any black male wearing a hooded sweatshirt, check his mouth for drugs, and even drop his pants looking for guns. The policy was eventually blocked by the Massachusetts courts as an unlawful invasion of privacy based on racial bias. Forced to find new strategies, the police realized that stop and frisk had prevented them from developing effective relationships with youths and obtaining useful information that could have helped to reduce neighborhood crimes (Guarino-Ghezzi 1994). But the practice continues in other cities.

Below, we discuss in turn the various stakeholders in the criminal justice system.

Police

The first responders to a crime scene are usually the police. They have the challenging task of entering a sometimes dangerous crime scene, investigating its circumstances, and taking the appropriate action under the law. Protecting individual liberties while conducting their investigation is paramount.

The structure of police departments in the United States is grounded in English tradition (Walker and Katz 2008) and is characterized by local control and **decentralization of power**, meaning that unless the circumstances are extreme, police hold limited power and respond to calls only within their own geographic boundaries. Decentralization of power has social implications, too, in that enforcement varies from place to place according to local traditions and norms. Police in high-crime communities might prioritize crimes differently than police in suburban communities and overlook relatively low-level offenses, such as disorderly conduct.

While the English influence is still prevalent today (Manning 2005), some aspects of policing have changed over time in the United States. During the “political era” of law enforcement history, 1840–1920, politicians and police officers worked very closely together, a practice

Decentralization of power: The distribution of functions and responsibilities of police officers to different local authorities.

Hot-spot policing: A method employed by police departments to track the ordered spatial patterns of crime by monitoring when crimes occur disproportionately in particular geographic areas and responding to those areas.



Lucy Nicholson / Reuters

Among the major responsibilities of the police are to identify criminal offenders and criminal activity and, when appropriate, to apprehend offenders and participate in later court proceedings. Police officers in Britain typically do not carry firearms, while those in the United States, such as these officers in Los Angeles, California, are usually heavily armed. Which do you think is most effective in maintaining order and controlling crime?

that sometimes led to payoffs and other corruption of the force (Cole and Smith 2008). The “professional era,” 1920–1970, brought more training and education for police officers, more equal enforcement of laws, reduced political interference, merit-based employment procedures, and a focus on fighting crime. The current era, which began around 1970, has been called the “community policing era” because police work has expanded to include more proactive and community-oriented strategies. At first, police departments accomplished this by taking officers out of patrol cars and putting them on the streets, in schools, and in communities to increase cooperation and trust between private citizens and the police force (Walker and Katz 2008).

Since the 1970s many urban police departments have incorporated additional techniques, such as **hot-spot policing**, which uses cutting-edge data-mapping tools. Studies by crime scholars and police suggest that crime is not spread evenly across city neighborhoods. Instead, significant clusters, or hot spots, are the locations of half of all criminal events (Pierce 1989; Braga and Weisburd 2010). For example, New York City has had a remarkable and steady decline in crime over two decades. Police there discovered that when they mapped the locations of crimes, they could identify areas that produced the most calls. The hot spots for certain crimes also proved to be predictors of more serious crimes. For instance, clusters of robberies in particular locations tended to be followed by homicides. Many U.S. cities now use hot-spot policing. Figure 11.5 is an example of a hot-spot map showing that, in the period from January 2008 through February 2009, firearms incidents in Brockton, Massachusetts,

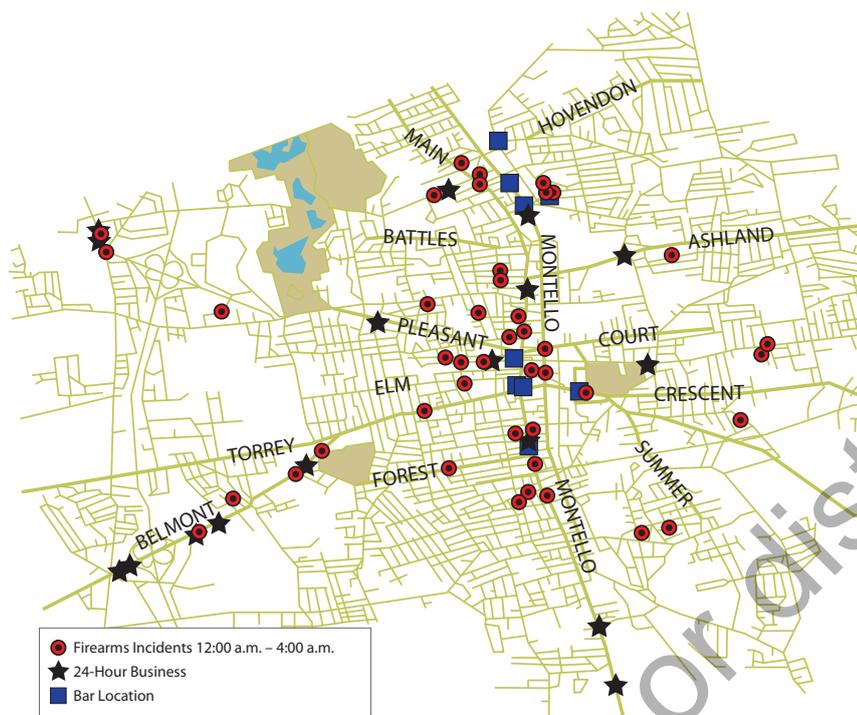


Fighting Crime



Cops and College

FIGURE 11.5 Firearms-Related Incidents, City of Brockton, Midnight to 4:00 a.m., January 1, 2008–February 28, 2009



SOURCE: Reprinted by permission of Pamela Kelley, Kelley Research Associates.

occurred near bar locations between midnight and 4:00 A.M. By focusing police resources on such hot spots, cities can prevent further crime.

Finally, the way the police operate and function can be influenced by societal changes. For example, after the terrorist attacks on New York City and Washington, D.C., on September 11, 2001, police departments all over the United States began to prioritize efforts to address domestic terrorism and strengthen homeland security, adding a new focus to the community policing model (Uchida 2010).

Gang-related crime has been a particularly difficult problem for urban communities, but recently, police have undertaken a number of creative solutions to this problem. In one approach, police used social networking software to target key gang members for arrest. “Operation Ceasefire” successfully reduced gang-related shootings in Cincinnati, Ohio, where, as in most places, a small number of criminals committed a disproportionately large number of violent crimes. Police and researchers at the University of Cincinnati uncovered 1,000 people—representing three-tenths of 1% of Cincinnati’s total population—who were connected, as victims or offenders, to nearly two-thirds of the city’s killings. In 2008, police and researchers focused on members of the most violent gang, called the

Taliband (which had no Islamic connection). They created a detailed database of the Taliband members’ arrest and court records, surveillance photos, and pages from social networking sites, from which they derived a short list of “impact players.” Police investigators pressed the gang for a full six months to uncover drugs, weapons, and other crimes and produced a 95-count indictment. Once the neighborhood residents understood that the police were having an effect, they started calling in tips. The combined efforts led to a 41% reduction in homicides in the city (Kennedy 2011).

Courts

Criminal courts work closely with the police and other stakeholders to investigate and process criminal matters until they are adjudicated. **Adjudication** occurs when a final decision is made on a criminal case. Every court is staffed by clerks, attorneys, and judges; prosecutors are attorneys who work for the government and on behalf of citizens to prosecute offenders. According to the law, all accused defendants are presumed innocent until proven

Adjudication: The process in which a final judicial decision or sentence is made in a criminal case.

guilty, even when there is a confession or overwhelming physical evidence. This principle is known as the **presumption of innocence**, and the prosecution is charged with proving every element of the case beyond a reasonable doubt, a legal standard established in the 1850 case of *Commonwealth v. Webster*. This standard requires a very high amount of certainty that the accused committed the acts; when there is doubt the verdict must be “not guilty.” In a small number of cases defendants will assert **affirmative defenses**, which can include insanity, self-defense, alibi, and mistake. An affirmative defense is different from mere reliance on the government to meet its burden of proof and often requires an additional showing by the defendant.

In the United States, any defendant whose crime could result in a jail or prison sentence is entitled to representation by a defense attorney, whose main goal is to protect the defendant’s rights and guide him or her through the sometimes confusing criminal justice process. A defense attorney may be appointed by the court (if the defendant is poor) or retained and compensated by the accused. Many defendants who have to rely on publicly appointed lawyers question the quality of the representation they receive (Feeney and Jackson 1990–1991).

ASK YOURSELF: In 2009, Amanda Knox, an American college student who had been living in Perugia, Italy, was convicted by an Italian court of murdering her roommate, a conviction later overturned when the DNA evidence presented was found to be inconclusive and unreliable. In Italy’s criminal justice system the judge is not an unbiased finder of law but rather an active participant in the investigation. Do you think Knox would have had a different experience in the U.S. adversarial system, in which two parties argue a case before a judge? Why or why not?

Ideally, the U.S. criminal justice system is adversarial, meaning there are two opposing sides. In reality, prosecutors and defense attorneys often work closely together to close cases through *plea bargaining*. This process requires both attorneys to weigh the strengths and weaknesses of their cases and come to a resolution short of trial.

Presumption of innocence: The principle that a criminal defendant is innocent until proven guilty, placing the burden on the government to establish proof of guilt beyond a reasonable doubt.

Affirmative defenses: Legal defenses in which new facts or sets of facts operate to defeat claims even if the facts supporting the claims are true.

Matters of law: The legal process issues that arise during court proceedings and that are in the exclusive jurisdiction of a judge to resolve.



Stinger / Reuters / Corbis

A courtroom sketch shows an attorney holding the handgun used in the killing of three members of singer Jennifer Hudson’s family while he questions Hudson’s sister Julia. The sketch was produced at the beginning of the murder trial of William Balfour at the Cook County criminal courthouse in Chicago in 2012. Balfour was convicted of the shootings and received three life sentences.

Sometimes the parties agree on what the resolution should be and sometimes they do not. In each case the judge makes the final sentencing decision. U.S. courts are bogged down by a heavy backlog of cases, and plea bargains are simply more efficient than trials. While every citizen has a constitutional right to a jury trial, if all persons accused of crimes were actually to claim that right, the court system would be overwhelmed. In 2002, about 95% of all felony convictions in state courts were the results of plea bargains (U.S. Bureau of Justice Statistics 2005). The rate was even higher in federal courts. Some have criticized “plea-bargain justice” as unethical because it values efficiency over effectiveness.

Judges hear both sides of the cases brought before them and rule on all **matters of law**, which are legal process issues such as admissibility of evidence. Sentencing decisions are also made by judges alone, within the confines of the law. The role and influence of judges within the court system is great (Hemmens, Brody, and Spohn 2010). Because they have so much power and discretion, different judges might handle the same offense in different ways, resulting in different outcomes. For example, studies have shown that the length of time domestic violence cases are held open (before they are resolved by the courts), the language used by court work group members in such cases, and the various mechanisms for dismissal of such cases all vary by court. When all else is equal, a convicted batterer might get jail time in one court, while in a nearby court a similar case would be dismissed, largely

due to the rules and norms established by the judge and maintained by the other members of the court (Currul-Dykeman 2014).

It is the jury's responsibility to be the **finder of fact** during a jury trial. In this role, jurors identify the evidence they believe to be true beyond a reasonable doubt and render a verdict. Traditional courts in the United States operate under an adjudicative model of justice. Typical steps in the process are arraignment (in which charges against the defendant are formally announced), pretrial hearings (in which discovery of evidence is held to determine the strength of the prosecutor's case), motion hearings, and disposition (trial, plea bargain, or dismissal). Cases are dealt with individually, efficiency is the goal, and outcomes can depend on a number of factors, both legal and extralegal. Legal factors include seriousness of the crime, length of the defendant's criminal record if any, and sufficiency of evidence. Extralegal factors include the defendant's gender, race, and socioeconomic status.

Traditional courts make no attempt to deal with the larger social problems affecting the community. Efforts to overcome this limitation have recently given rise to courts of limited jurisdiction, or **specialized courts**, which can be invaluable for defendants, victims, and their communities. Rather than using a case efficiency model of justice, specialized courts make problem solving their primary goal and orient their proceedings toward social justice. Many of these courts actually try to bring about social change for defendants (e.g., to end their drug abuse), for the community (e.g., to take guns off the street), and for victims (e.g., to end the cycle of violence in which they have been trapped).

Many different types of specialized courts have been adopted across the country, and their success has been measured both quantitatively (Banks and Gottfredson 2004) and qualitatively (Currul-Dykeman 2014). Specialized courts allow judges to play a larger role in overseeing defendants' progress toward change and/or recovery. The judges gather information from specialists and advocates in the community and consider advice from community agents and partners when making decisions.

Collaboration, nontraditional roles, and the participation of private agencies are the final three distinguishing features of specialized courts (Hemmens et al. 2010). Collaboration brings people together to devise a plan that addresses the causes of the problem, rather than relying on the formal adversarial approach of making adjudications with little or no input from the community. Drug courts, for example, typically work with defendants before their cases are resolved, with the aim of helping them end their drug abuse and assisting them in finding better lives for themselves. Drug offenders who do not

have histories of violence can choose to enter substance abuse treatment programs for counseling, therapy, and education; such programs might last 12 to 18 months. Such defendants are also subject to random urine tests for the presence of drugs and are required to appear before the drug court judge. A participant who does not comply is placed back into the traditional court system, and his or her case is disposed of with probation or jail time (Hemmens et al. 2010). Drug courts have been found to be very effective at reducing substance abuse and crime (Rossman et al. 2011).

Domestic violence courts focus on offender accountability, judicial monitoring, and rehabilitation. They seek input from community service providers (civilian advocates, local hospital staff, and members of the police department) who work together to assess the likelihood that offenders might attempt to kill their victims, to identify high-risk offenders, and to help improve victim safety and services. When resources allow, prosecutors working in this model can take on reduced and specialized case loads (Welsh and Harris 2012).

Teen courts, which are generally voluntary, offer young offenders the chance to make restitution or in some other manner repair the harm they have done in return for keeping their criminal records clear. Education is a central component of teen courts, as is rehabilitation. An example of a teen court can be found in Oakland, California, where young people with histories of getting into trouble find hope at Ralph J. Bunche High School, which runs a restorative justice program for expelled students who are entering the juvenile justice system. The program encourages them to make meaningful reparations for their wrongdoings while developing empathy with each other in "talking circles."

Oakland recently expanded this program when a report by the Urban Strategies Council showed that African American boys made up 17% of the student population but 42% of all school suspensions. They were also six times more likely than their white male classmates to be suspended, often for nonviolent infractions like swearing or texting in class. Research indicates that loss of class time from suspensions and expulsions results in alienation and early involvement in the juvenile justice system.

Damon Smith was expelled from school more than 15 times before attending Bunche. He said, "You start

Finder of fact: In a criminal prosecution, the individuals assigned to determine whether the facts have been proven. This role is most often assigned to the jury.

Specialized courts: Problem-solving courts set up within local district courts to deal with social problems affecting the surrounding communities.

thinking it's cool. You think you're going to come back and catch up, but unless you're a genius you won't. It made me want to mess up even more" (quoted in Wilson 2013). Damon said that the restorative justice sessions helped him view his behavior differently and taught him how to express his emotions more appropriately.

ASK YOURSELF: What are some advantages of specialized courts? Can you think of any disadvantages from the defendant's point of view? Can you think of any other kinds of specialized courts that could be beneficial?

Corrections

If a defendant is found guilty, he or she is sentenced by the presiding judge. In some U.S. states, judges can administer whatever punishment they see fit, while in others they are restricted by policy. For example, California's "three strikes" law states that if an offender is convicted for a third serious crime, a life sentence is mandatory.

The most prominent purposes of punishment are incapacitation, rehabilitation, retribution, and deterrence. **Incapacitation** involves the loss of individual freedom and liberty. Here the offender, sentenced to jail or prison time, cannot reoffend and victimize another person in the community. However, sentencing nonviolent and minor offenders to incarceration has led to prison overcrowding (Levitt 1996). **Rehabilitation** involves helping the offender with the root cause of the criminal behavior in the hope that this will prevent it from happening again. Educational programs, mental health counseling, treatment for drug and alcohol abuse, anger management, and other behavioral therapies have all been used in this vein.

Incapacitation: Loss of liberty due to incarceration.

Rehabilitation: A goal of punishment that seeks to restore the offender to a more law-abiding life, free of the encumbrances that may have caused him or her to commit a crime.

Retribution: Punishment that serves no purpose except to punish and communicate to the wrongdoer that his or her behavior is not tolerated.

Deterrence: A purpose of punishment that sets out to prevent rational people from committing crimes.

General deterrence: A law or policy written to stop a person from committing a crime in the first place.

Specific deterrence: A law or policy written to stop those who break laws from offending again.

Indeterminate sentencing: Sentencing for convicted offenders in which the length of incarceration is undetermined.



Cary Wolinsky / National Geographic Society

Capital punishment is a form of retribution and is based on the notion of a life for a life. In 2013, 32 U.S. states had the death penalty. Methods of execution include lethal injection, electrocution, hanging, firing squad, and the gas chamber. Arizona, California, Missouri, and Wyoming still use, or could use, the gas chamber as a method of capital punishment. What are the pros and cons of using the death penalty?

Retribution involves punishment for punishment's sake. It has no additional purpose but to punish and communicate to the wrongdoer that the criminal behavior is not tolerated. Finally, **deterrence** aims either to stop crime in the first place (**general deterrence**) or to stop an offender from offending again (**specific deterrence**). For example, strict laws against drunk driving have a general deterrent effect on the public at large, while the experience of losing his or her driver's license might specifically deter an individual from driving drunk again.

ASK YOURSELF: Studies have shown that courts in Florida deemed African American youths to be less amenable to rehabilitation than their white counterparts who had committed the same types of crimes and had similar records. Thus African American teenagers were transferred to adult courts for processing while white teenagers were kept in the rehabilitative juvenile justice model. Why do you think this occurred?

Corrections in the United States has a violent past. Before 1800, U.S. and European courts alike used harsh physical punishment as the primary criminal sanction (Cole and Smith 2008). Early in the 19th century, massive penitentiaries were created in Pennsylvania and New York to make punishment less vengeful. The isolation inmates underwent was actually thought to help them.

By the end of the 1800s, it was clear penitentiaries were having neither a rehabilitative nor a deterrent effect. This realization led to open-ended or **indeterminate sentencing** (in which sentences are not definite in length),



Death Penalty Debates



Rehab versus Prison

meaning that offenders remained incarcerated until they showed they could atone for their crimes and lead non-criminal lives. From the 1930s through the 1970s there was more focus on rehabilitation and less on incapacitation and retribution. The crime control model that took hold in the 1980s is punitive in nature and calls for longer prison sentences, but **recidivism** (or reoffending) remains high (Cole and Smith 2008).

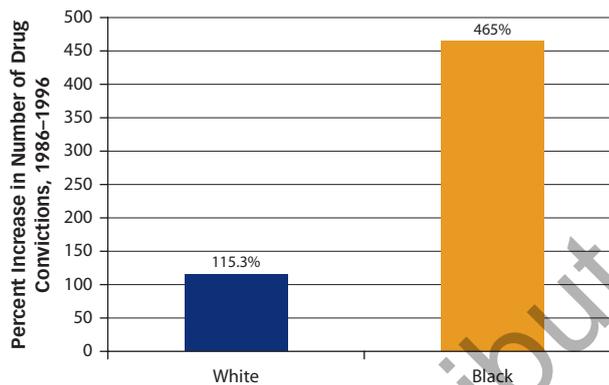
Probation and parole keep offenders in the community and out of prison. **Probation** allows a convicted individual to stay in the community under certain conditions such as supervision, counseling, drug-free status, and a clean record. If an offender fails to comply, probation can be revoked, resulting in incarceration. **Parole** allows an inmate to leave prison early and finish his or her sentence within the community, also under supervision and other conditions. The transition from prison back into the community can be difficult for many, and support is not always available, a situation that often leads to new offenses.

ASK YOURSELF: Why is the transition from prison back to the community a vulnerable time for ex-inmates?

The War on Drugs that began in the 1980s produced high incarceration rates and contributed to a highly skewed distribution of inmates based on race, as shown in Figure 11.6. While drug convictions for whites doubled from 1986 through 1996, for blacks they quintupled. Today, roughly 60% of prison inmates are black or Latino. As sociologist Loïc Wacquant has observed, the racial composition of prisons today is the reverse of what it was in the 1950s, when only 30% of inmates were persons of color. Here, laws to control behaviors have led to other complex social problems. Most notably, laws against the possession of quantities of crack cocaine, favored by urban drug users, established prison terms 100 times as long as those for possession of powdered cocaine, preferred by suburban users. Such laws disproportionately incarcerated blacks for two decades, and only in 2010 were sentences reduced from 100 to 18 times longer for crack than for powder, which many feel is still too wide a disparity. This long-term practice worsened the social problems experienced by minority families with incarcerated members.

Drug laws have had especially devastating effects on women. Two-thirds of women in prison are there for nonviolent offenses, many of them drug-related crimes. In the period from 1999 through 2008, arrests of women for drug violations increased 19%, compared to 10% for men, according to the UCR. Drug laws were also

FIGURE 11.6 Increase in Drug Convictions for U.S. Whites and Blacks, 1986–1996



SOURCE: Justice Policy Institute, 2000.

largely responsible for more than doubling the number of incarcerated mothers between 1991 and 2007. Nearly two-thirds of women in U.S. prisons are mothers. At mid-year 2007, approximately 65,600 women in federal and state custody reported being mothers; together, they had 147,400 minor children. Among incarcerated mothers, 77% reported that they provided most of the daily care for their children before incarceration (Glaze and Maruschak 2008).

Evidence suggests that maternal incarceration can be more damaging to a child than paternal incarceration. Courts can also terminate parental rights when children have been in foster care for 15 of the preceding 22 months. Loss of parental rights is of particular concern to mothers in prison, who are five times as likely as men to report having children placed in foster homes.

The disparate punishment of minorities and women for drug crimes relates to issues raised by the theories of crime we discuss next: economic and social disadvantages, negative environments, and opportunities to connect with both legitimate and illegitimate cultures within society.

Recidivism: The habit of reoffending.

Probation: An alternative to incarceration that offers an individual freedom if he or she can abide by the law and comply with the terms and conditions mandated by the court.

Parole: The release, under supervision, of a convicted criminal defendant after he or she has completed part of his or her sentence, based on the concept that the defendant will follow the law and become a part of society.

USING THEORY TO EXAMINE CRIME: THE VIEWS FROM THE FUNCTIONALIST, SYMBOLIC INTERACTIONIST, AND CONFLICT PERSPECTIVES

11.4 Apply the functionalist, conflict, and symbolic interactionist perspectives to the problem of crime.

Theoretical criminologists attempt to discover why people commit crimes. Do offenders feel the strain of not being able to support themselves and use criminal means to achieve economic success? Or perhaps crime is a product of the conflict that exists within society between the powerful and the weak? Perhaps there is a problem with the very structure of our criminal justice system and the way it criminalizes offenders before they have been proven guilty. Regardless of orientation, a vast number of scientifically supported criminological theories attempt to explain the true causes of crime and question the sociolegal orientation of the courts, the laws, and the way they operate and affect society.

Functionalism

The organization of society itself can cause or contribute to crime and its patterns. Structural functionalism takes a macro view of crime and looks at how a complex social system that stresses adherence to norms and values can actually cause certain people to engage in deviant conduct classified as criminal. Émile Durkheim (1842–1917), writing in 1893, focused mainly on anomie, or normlessness, to explain why people deviate from the norm. Broad changes in society, particularly in the roles of workers, resulted in ambiguous behavioral norms. While Durkheim studied these social phenomena as causes of suicide, criminologists have generalized his ideas to study anomie as a cause of criminal behavior.

Robert K. Merton (1913–2003) also believed crime is a product of society. In his **strain theory**, individuals

Strain theory: A theory of crime that posits individuals commit crimes because of the strains caused by the imbalance between societally accepted goals and the individuals' inadequate means to achieve those goals.

commit crimes because they cannot succeed within the boundaries society has created for them. Merton's theory assumes that the values of American society include financial success as a universal goal. Unfortunately, many cannot achieve this goal through legal means. They may choose to respond to the resulting strain in one of five ways, or *adaptations*.

Conformists accept the means and ends of society. They do not commit crimes or engage in any deviant behavior but rather accept their position in life. They may never achieve financial success but would not dream of using illegitimate means to achieve it either. *Innovators* do not accept that they cannot achieve the goal of financial success and devise illegal ways to reach conventional goals. Within this category are white-collar criminals, burglars, and drug dealers. *Ritualists* reject the ends but accept the means of society. They do not commit crime because they are not necessarily seeking to achieve the goal of economic success. *Retreatists* such as cultists and alcoholics reject society's goals and means and remove themselves from conventional society altogether. *Rebels*, such as terrorists, reject conventional goals and replace



Handout / Reuters

Dzhokhar Tsarnaev, pictured in this FBI photo, and his brother, Tamerlan, are suspected of setting off multiple bombs near the finish line of the Boston Marathon in 2013, killing three and wounding more than 250. It is believed that, motivated by extremist Islamic beliefs, the Tsarnaev brothers mounted the terrorist attacks in response to the U.S. military presence in Iraq and Afghanistan. Do you see the brothers as “rebels” wanting to change Muslim countries by driving out Western influences?



them with new ones, advocating for a new system and the destruction of the current one. Note that strain theory can explain only property and premeditated crimes, and not crimes of passion such as spontaneous violence motivated by jealousy or anger.

In 1960, Richard A. Cloward and Lloyd E. Ohlin expanded Merton's theory by proposing that crime is an expression of the types of illegitimate opportunities available. Their **opportunity theory** suggests people have different access to criminal opportunities. Whether they commit crimes, and what types, depends on their opportunities. Cloward and Ohlin use the term *gang* loosely to define any group of individuals who are joined together by some criminal purpose and further delineate them by the types of activities they engage in predominantly. When individuals have no legitimate or illegitimate opportunities, some, who make up what Cloward and Ohlin call the *retreatist gang*, may retreat into the world of sex, drugs, and alcohol. Others, the *conflict gang*, become both aggressive and violent due to lack of legitimate opportunities. Finally, *criminal gangs* have both legitimate and illegitimate opportunities but engage in criminal pursuits for financial gain. Organized crime is an example of this gang type.

Travis Hirschi (1969) believed that all people are capable of committing crime and that some do not because of their close bond to conventional society. Hirschi's **social control theory** says the stronger a person's bond to society, the less likely he or she will feel "free to deviate." This bond has four elements: attachment, commitment, involvement, and belief. *Attachment* is an emotional connection to others, starting with parents and extending to other family members and teachers. When temptation appears, an individual who is strongly attached to others will remain controlled by them even though they are not physically present. Those with weak attachments have less at stake and are more likely to deviate. *Commitment* describes individuals' long-term, socially approved goals. Fear of losing that job or scholarship may cause someone to refuse to deviate. *Involvement* in conventional activities leaves less free time to deviate; those with little structured time are more likely to commit crime. Finally, when young people *believe* they should obey the rules of society, they are less likely to violate them (Hirschi 1969, 26).

ASK YOURSELF: If you got into trouble on campus, whom would you be afraid of disappointing? Does the potential for disappointing someone make you think twice about doing something prohibited?

When any of the elements of a person's bond to society are weakened, the individual's connection to society

becomes unreliable, and he or she is more likely to commit crimes. Terrance Graham was only 17 when he was sentenced to life in prison without the possibility of parole. His childhood had been riddled with trouble. While his mother loved him dearly, she struggled to raise him by herself. Addicted to crack cocaine, she would disappear for weeks, leaving Terrance to care for his three younger siblings. He committed his first criminal act at 16 when he helped some other youths rob a restaurant and spent a year in a juvenile detention center as a result. Shortly after his release, he was apprehended for committing a similar crime and sentenced to life without parole for armed burglary and attempted armed robbery. In the 2010 case of *Graham v. Florida*, however, the U.S. Supreme Court held that a sentence of life without parole for a nonhomicide offense committed by someone under the age of 18 violates the U.S. Constitution's prohibition against "cruel and unusual punishment." Terrance had already served 7 years in prison when the case was decided. His life sentence was reduced to 25 years.

ASK YOURSELF: How would social control theory explain why Terrance Graham was "free to deviate"? Specifically apply the facts of his life to the elements of the social bond.

Policy Implications of Structural Functionalism

Anomie and strain theories lend themselves to broad, macro-level structural policy recommendations to alleviate the sources of the strain or normlessness that causes people to commit crimes. Programs and policies aimed at ending poverty and racism, such as affirmative action and the Job Corps, emerged from these theories as efforts to increase opportunities for those traditionally denied them because of their race and gender. Other programs aim to help parents achieve goals like flexible work options that keep them employed and earning while caring for their children (Messner and Rosenfeld 2013).

Hirschi's social control theory lends itself to more practical solutions for crime. In the absence of strong parental figures, for instance, mentoring programs might help children develop attachments with law-abiding adults that can help improve commitment. Basic after-school recreational programs, social groups, and sports

Opportunity theory: A theory of crime that says people will chose to commit crimes based on the criminal opportunities they have.

Social control theory: A theory of crime that assumes all people are capable of committing crimes and that some are stopped by their strong bonds to society.

teams can keep young people busy, involved, and thus less free to deviate. Finally, affiliation with groups that promote positive values and respect for authority can help strengthen the final element of the bond. Boys and Girls Clubs and YMCA programs have been successful and are compatible with the goals of social control theories (Mortenson and Relin 2006).

Conflict Theory

Conflict theory stresses the inherent struggle that exists between groups within our society. The social inequities that exist among classes, races, and genders are all sources of conflict that lead to crime. In general, the weak are made to suffer at the hands of the powerful: the poor held down by the rich, ethnic minorities kept down by the white majority, and women exploited and demeaned by men. Conflict theorists also examine how the powerful write and use the laws to their own advantage and to the detriment of weaker groups. We have seen in this chapter that punishments for possession of crack cocaine, weak enforcement of wage laws, and stop-and-frisk policies all contribute to the disproportionate incarceration of people of color—and all could be explored through a conflict lens. We next explore the injustices that exist between classes and genders through the same lens.

Karl Marx was a German philosopher in the 1800s. While he said very little about crime or criminals, many conflict criminologists have used his general view of society to explain crime in a model known as **Marxist criminology**. Marx believed that limited resources and their uneven distribution among the population were the cause of much conflict within society. He described two dominant classes: the **bourgeoisie**, or the wealthy class, who own the means of production; and the **proletariat**, or the working class, who contribute their labor.

Marxist criminologists believe the struggles between classes affect crime in many ways. For instance, **bourgeoisie**

Marxist criminology: A view based on the writings of Karl Marx that sees the law as the mechanism by which the ruling class keeps the members of the surplus population in their disadvantaged position.

Bourgeoisie: In Marxist theory, the wealthy class that owns and controls the means of production and is at odds with the lower class.

Proletariat: In Marxist theory, the working class, which is at odds with the bourgeoisie.

Bourgeoisie legality: The theory that members of the upper class make the laws to serve and protect their own interests to the detriment of the lower class.

legality allows the members of the wealthy class—through their connections to officials and lawmakers—to write and use the law as a tool of oppression. The “deviant” behaviors of the poor are viewed as “street crimes,” while similar behaviors by the ruling class are largely ignored. Further, members of the working class are excluded from many higher-paying jobs, from receiving better employee benefits, and from achieving a more comfortable lifestyle; this exclusion causes them to behave in a criminal manner.

Many of these issues are currently at play at Walmart. Although the company is ranked by *Forbes* magazine as one of the top 100 organizations to work for, most of its full-time employees with families earn \$6.00 to \$7.50 an hour, keeping them below the poverty line (Kim 2012). Few employees can afford the company’s expensive health benefits; one-third are not eligible for benefits whatsoever. While Walmart employs many people of color nationwide, only two Hispanic women sit on its board, and only one woman holds an executive officer position in the entire company. From a conflict perspective, any crimes committed by members of the working class could be related to the stress caused by such unjust treatment.

ASK YOURSELF: Do you think it is a crime for corporations to impose unfavorable working conditions on employees? Why or why not?

Conflict theory also speaks to the U.S. economic crisis that began in 2007. As housing prices declined following reckless lending by banks, many financial institutions suffered huge losses and faced bankruptcy. The government bailed out the largest of these even as many U.S. workers faced job loss, home foreclosure, and rising food and fuel



Lucy Nicholson / Reuters

Employees take part in a protest for better wages outside a Walmart store in Los Angeles. Can these employees use current laws to obtain higher wages? Do laws always advantage the rich?

prices. Seeing how the bourgeoisie lawmakers stepped in to serve their own class members, the Occupy Wall Street movement took flight nationwide.

ASK YOURSELF: Do you think Occupy Wall Street is a modern example of the proletariat rising up against the bourgeoisie? Has it been an effective approach to gaining more equality and power for “the 99%”? Explain your reasoning. Would you ever join such a movement? Why or why not?

Feminist criminology is often viewed as a part of the conflict perspective because it questions the inequities between the genders that permeate the criminal justice system in myriad ways. Some feminist criminologists believe that **paternalism**—that is, the practice of treating or governing women in a fatherly manner, especially by providing for their needs without giving them rights or responsibilities—explains why women are more likely than men to be victims of crimes at the hands of men they know and have relationships with (Belknap 2007). Others criticize the way the criminal justice system treats male and female offenders differentially. Kathleen Daly and Meda Chesney-Lind (1988) found that female juvenile delinquents are punished more harshly than boys for minor offenses because their behaviors are contrary to beliefs about how girls should behave.

Even the laws themselves can be criticized under a feminist/conflict orientation. Did you know that for hundreds of years it was not illegal for a man to rape his wife? The marital rape exemption stated that when a woman agreed to marriage, she gave free consent to her husband to have sex with her at all times as part of the contract. Today many U.S. states have modified their rape laws to eliminate this exemption, and feminist scholars still question and challenge its existence in some states’ laws.

The feminist/conflict perspective finds that other aspects of the criminal justice system have also had disproportionately negative impacts on women. For example, under marital privilege, an individual cannot be compelled to testify against his or her spouse; abusive husbands sometimes use a poor understanding of the privilege to threaten their wives with harm if they plan to testify voluntarily against the husbands. Feminist criminologists have also studied chivalry, or a tendency to overprotect women and girls. Some researchers have found that a chivalrous attitude toward women leads to leniency for female defendants in criminal cases (Mallioat 2007), while others have found that women who violate gendered expectations are treated more harshly (MacDonald & Chesney-Lind 2001). Regardless of case outcomes, feminist criminologists find that gender is

an important variable that causes difference due to an imbalance of power between men and women.

Policy Implications of the Conflict Perspective

Policies that strive to resolve economic and social inequalities by creating better working conditions, eliminating race and gender discrimination in the workplace, providing health care for all, and offering equal opportunity in housing and education can all stem from the conflict perspective, along with the elimination of race and gender discrimination within the criminal justice system itself. Conflict theorists who have looked into the impacts of race and gender on charging and sentencing decisions have suggested that possible solutions to current inequities include an increase in the numbers of minorities and women in positions in the criminal justice system and changes in laws to eliminate criminalization of the behavior of the disenfranchised (Amster 2004; Ferrell 2013). Feminist criminologists also question the androcentric nature of the laws and continue to challenge laws that place women in a disadvantaged position relative to men (Chesney-Lind and Morash 2013).

Symbolic Interactionism

Symbolic interactionism is a microsociological theory that focuses on individuals rather than on society. This theory says the way we define and view ourselves is always changing; it depends on our interactions with others and how we think others view us. Thus when others see us or treat us as criminals, we may be more likely to see ourselves in a similar light. If we are consistently exposed to crime and the benefits of or rationalizations for it, we may learn to behave in a criminal manner, because all behavior—criminal and noncriminal—is learned.

Edwin H. Sutherland and Donald R. Cressey (1974) address this learning process in their **differential association theory**. Throughout life we have different associations with others, and we learn behavior when we interact with others. Some interactions control our behavior more strongly than others. How early in life these associations present themselves, how important they are to us, how often they occur, and how long they continue—all of these affect what we

Feminist criminology: A theory of crime that includes gender in its analysis.

Paternalism: The system, principle, or practice of managing or governing individuals in the manner of a father dealing with his children.

Differential association theory: A theory of crime that asserts that all behavior is learned, both criminal and noncriminal.

Experiencing Crime

Fighting Stereotypes with Hate Crime Legislation

What does a victim look like? An offender? When we consider crime as the intersection of victim and offender, how often do we use racial, gender, and social class stereotypes?

Matthew Shepard was a student at the University of Wyoming in 1998. One night he met two individuals at a bar who agreed to give him a ride home, but they drove him to a remote area, beat and tortured him, and finally tied him to a fence to die. Alive but in a coma, Shepard was discovered 18 hours later by a bicyclist who initially mistook him for a scarecrow. He had suffered fractures to his skull and severe brain damage, and he died without regaining consciousness.

On June 7, 1998, in Jasper, Texas, three white men (known white supremacists) tied a black man named James Byrd Jr. to the back of their pickup truck and dragged him along an asphalt road. Byrd did not die until he smashed into a pipe

at the side of the road that severed his head and arm. The defendants then dumped his remains in a cemetery.

Social statuses like race, gender, and social class all factor into the development of hate crime legislation. The attack on Matthew Shepard was motivated by the defendants' perceptions of his sexual orientation, but Wyoming did not include this category in its hate crime law at the time. Texas did not have any hate crime law in place at the time of James Byrd's murder, but after his death it was finally passed.

Today 45 U.S. states have adopted some form of hate crime legislation, making it a crime to victimize a person simply because of his or her identity or beliefs. These laws allow courts to impose stiff punishments and send



Pat Sullivan / Associated Press

Stella and James Byrd Sr. arrange flowers around the headstone of their son, James Byrd Jr., in Jasper, Texas.

a message of intolerance of hate crime. Originally, only acts committed on the basis of a person's race, religion, ethnicity, or nationality were prosecuted under federal law, but in 2009 President Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, expanding the law to include crimes motivated by victims' gender, sexual orientation, gender identity, or disability.

► **THINK ABOUT IT:** Do you think that James Byrd Jr.'s murder was especially heinous not only because he was black but also because he was male?

SOURCES: Matthew Shepard Foundation (2014) and Wong (2009).

learn and what we discard as unimportant. Sutherland and Cressey propose that a person becomes criminal because he or she has more criminal than noncriminal associations.

Societal reaction theory: A theory of crime that argues that people become criminals based on how others respond to their actions.

Primary deviance: In societal reaction theory, this refers to individuals' engagement in low-level offending, like speeding or experimenting with alcohol.

Secondary deviance: In societal reaction theory, this refers to individuals' engagement in more serious forms of crime after they have been labeled and treated as criminals.

Edwin M. Lemert's **societal reaction theory** (1951, 1972) explores how individuals base their self-identities on the ways others label or respond to them. Lemert believes many people engage in **primary deviance**, or low-level, nonserious offending, such as speeding or experimenting with alcohol. If they are caught, society's response will affect the way they view and handle themselves in the future. Those who are labeled delinquent, criminal, and deviant and treated poorly or ostracized are more likely to engage in more serious forms of deviance—**secondary deviance**—in the future. Those who are not caught or not labeled criminal will not start to identify as such and will discontinue deviant behavior.



Sometimes it is not the actions that make a crime but rather the actor. Social context greatly influences the way we, as a society, respond to an incident. While binge drinking in college is not ideal or productive behavior, it is hardly seen as deviant, let alone criminal. However, a binge-drinking stay-at-home mom or professor would be labeled and treated much more harshly, even though a national survey found that 70% of binge-drinking episodes involve adults over 26 years old. A criminologist from the labeling perspective (a subset of symbolic interactionism) might ask: How does society decide which acts are deviant and criminal depending on the perpetrator, and not on the act alone? What impact does being labeled a drunk have on a person's future criminal choices? (For more information on this topic, see Naimi et al. 2003; Centers for Disease Control and Prevention 2012a.)

Policy Implications of Symbolic Interactionism

Policies that stem from differential association theory aim at reducing the amount of a person's exposure to criminal or delinquent individuals, such as by making sure young people have positive friends and role models (for example, through mentoring programs). Theorists such as Edwin M. Schur have called for "radical nonintervention," believing it is better not to criminalize the delinquent behaviors of juveniles. They argue that programs that divert juveniles from the formal court process and instead offer social and educational support will better assist them in avoiding a criminal life.

Symbolic interaction theories also apply to convicted criminals. By restricting their interactions with other criminals through the terms and conditions of parole, for example, we could reduce their exposure to criminal influences and encourage them to associate with law-abiding individuals within their communities. Employment, education, or community service could satisfy that need.

SPECIALIZED THEORIES ABOUT CRIME

11.5 Apply specialized theories of crime.

Sociological theories of crime identify characteristics of societies, communities, social groups, and social processes that determine criminal behavior. According to **rational choice theory**, offenders are rational beings who exercise free will in deciding on their course of action.

Their involvement in offending includes decisions and choices, however rudimentary. For example, a friend pulls up in a car and asks you to hop in. Knowing the friend is a gang member who carries weapons, you are aware you're taking a risk, but nevertheless you jump in, only to learn he is in search of a rival gang member. If he shoots the rival while you're with him, you could be convicted as a codefendant—even though you weren't involved in the plan.

Most criminologists believe in a concept known as **bounded rationality**, which means we make choices but they are restricted by our position in life, including background, need for money or status, opportunities available, and situational factors. In our example, while most people know better than to get into a car with a gang member, some might take the risk anyway, perhaps because the friend has protected them from harm in the past and they don't want to run the more dangerous risk of saying no to him.

Rational choice theory helps explain crimes for profit, where the rewards clearly outweigh the risks. For example, art theft is one of the fastest-growing crimes globally. While it sounds relatively harmless, in fact most art thieves know nothing about art and are primarily engaged in other illicit activities, like drug trafficking. They fund these destructive endeavors through the sale of stolen art. The usual targets of art crimes—museums, churches, galleries, and private homes—are relatively unguarded, so the risk of detection and apprehension is low. The growth of art theft appears closely tied to the low risks combined with high rewards, suggesting that a rational decision process is a factor in this crime.

ASK YOURSELF: When is rational choice "bounded," and how might these bounds affect someone's decision to commit crimes? Consider a corporation's chief financial officer who steals from the corporation and the same CFO with a drug habit; a juvenile who robs a convenience store and the same juvenile with a learning disability; a woman who decides to continue living with her abuser despite repeated beatings and the same woman with a history of childhood abuse.

We saw above that disproportionate amounts of crime and disorder tend to cluster in hot spots, a fact

Rational choice theory: A theory of crime that says humans are reasoning actors who weigh costs and benefits and make rational choices to commit crimes.

Bounded rationality: The idea that an individual's thought processes are deemed to be rational even when they are constrained by low intelligence, chemical dependence, or mental illness.



Criminal Records and Employment

the three major sociological theories do not account for. **Routine activities theory**, however, suggests that crime occurs when a motivated offender, a suitable target, and the lack of a capable guardian converge in the same place at the same time. This theory suggests we have a never-ending supply of motivated offenders ready and willing to commit crimes in the course of their routine activities, and how and when they do so largely depends on how “soft” the targets appear. If a car is unlocked on a dark and deserted street, chances are it will become a target for crime.

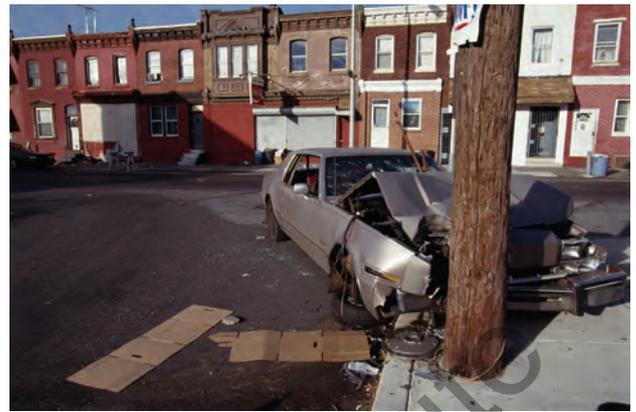
Policy makers are quick to respond to such a concrete theory. Installing lights, increasing police presence, and ensuring that individuals make other efforts to protect themselves and their property are easy solutions to the crime problem. Critics have argued that a weakness of routine activities theory is *crime displacement*, meaning that once potential victims alter their behavior, motivated offenders simply move on to “softer” targets.

Broken windows theory, introduced by George L. Kelling and James Q. Wilson (1982), explains how lesser crimes, untended areas, blight, graffiti, and signs of disorder increase willingness to commit minor crimes, which in turn leads to more serious crimes. The theory suggests that if a community agrees to “fix its broken windows,” and the police target minor transgressions, serious crimes may be prevented.

Routine activities theory: The theory that crimes occur when motivated offenders come across suitable targets and a lack of capable guardians.

Broken windows theory: The theory that maintaining an urban environment in an orderly manner will deter both low-level and serious offending.

Social disorganization theory: A theory that links crime rates to neighborhood ecological characteristics: poverty, residential mobility, and racial heterogeneity.



Patrick Chauvel / Sygma / Corbis

Many poor neighborhoods have conditions of urban decay, with abandoned and severely neglected buildings, streets, and lots. Do you think that these physical conditions of disrepair and decrepitude (“broken windows”) lead to crime? Or is it poverty and the lack of money that lead to crime?

Social disorganization theory suggests that crime occurs when community relationships and local institutions fail or are absent. Clifford R. Shaw and Henry D. McKay (1942) found that many social problems, like infant mortality and juvenile delinquency, decrease with increasing distance from the inner city. They attributed this to the poverty, residential mobility, and racial heterogeneity of inner cities. *Residential mobility* is a problem because families are not invested in where they live and are working to move out of their current situation. They have no reason to clean up their streets or form relationships with others. According to Shaw and McKay, *racial heterogeneity*, in which diverse populations live in close proximity, means people do not form community with one another due to language or cultural differences. This, too, significantly correlates to increases in crime. Shaw and McKay concluded that it is not the makeup of a community that causes crime, but the ecological conditions in which the members of the community live.

SOCIAL CHANGE: WHAT CAN YOU DO?

11.6 Identify steps toward social change concerning crime.

Action to address the problem of crime must include all interested stakeholders—offenders, victims, vulnerable populations, the criminal justice system—and society at large. Fortunately, there are many ways for students to participate in social change, often by helping one person at a time and learning valuable skills along the way. One of our students established a program called Stonehill Servings, in which students deliver meals to nearby residents with debilitating diseases by networking with a similar program in Boston. Other students have made a difference by assisting in our research on crime, courts, policing, and juvenile justice, and by working as advocates for both victims and offenders in the community. Here are some other opportunities for effecting social change.

▶ Take Back the Night

In October 1975, Susan Speeth was stabbed to death by a stranger just a block from her home. At the time, the 911 emergency system had only recently been implemented, and other crime prevention measures we now take for granted—lighting, cameras, building design features—were nonexistent. Moreover, violence against women was not considered a social problem; rather, it was often dismissed as the “fault” of the victims for being out at night. Speeth’s murder inspired women and men to rally on campuses to raise awareness about crimes against women, and to call upon those in control to make public areas safe. Thus Take Back the Night, a national foundation, was born, and public events during April and October became established features on many campuses.

Is Take Back the Night relevant today? In 2010, fraternity pledges for the Delta Kappa Epsilon fraternity at Yale University surrounded the campus Women’s Center, chanting, “No means yes” and “Yes means anal,” and “My name is Jack, I am a necrophiliac, I f**k dead women.” Although measures were taken to suspend the fraternity, its message fed the old myth that crimes against women are somehow the victims’ fault. Take Back the Night continues to be an important organization that welcomes participation from both women and men and drives home the message that women have the right to walk safely in their communities. Are crimes against women a problem on your campus or in your community? Take Back the Night provides planning support to help



Michael Perez / AP Images

Mentors for Big Brothers Big Sisters volunteer a few hours of their time each month to help children realize their potential through one-to-one relationships built on trust and friendship. The children, called “Littles,” are, as the result of mentoring, less likely to begin using illegal drugs and alcohol compared to other children not in the program. What is it about having a close relationship with a mentor that makes the difference?

you promote your own Shine Your Light Walk at <http://www.takebackthenight.org/TBTNfoundation.html>.

▶ Big Brothers Big Sisters

Taking social action often means partnering with established community organizations. Big Brothers Big Sisters (BBBS; <http://www.bbbs.org>) is a 100-year-old international organization that matches adult mentors to children of single parents in every U.S. state and a dozen other countries. Mentoring is one of the most effective strategies for delinquency prevention. In the largest evaluation of BBBS to date, researchers found that even though the organization provides neither tutoring nor antidrug counseling, participating young people achieve substantial improvements in school performance and reductions in antisocial behavior (Grossman and Garry 1997).

Many chapters of BBBS are in dire need of mentors, especially males. College students can be excellent mentors. Training is provided, and the commitment period is one year. Most BBBS chapters accept volunteers as young as 18.

Here’s a story of one of our students who made a difference through mentoring. He had been mentored as

a teenager after the death of his father, and then later, as a college student, he served as a mentor at the local BBBS. After graduation, he was hired by our college as an assistant football coach. In that capacity, he and the coaching staff and most of the players partnered with BBBS to start a program called SportsMENship, which mentored middle school boys. The program later expanded to include the college's baseball team, ensuring a yearlong experience for the "littles," who tend to be drawn to sports rather than academics and are excited to be around college athletes. Moreover, they learn to recognize the importance of being a student-athlete, rather than just an athlete. Through their relationships with the mentors, they see that they need academic success in order to pursue their interests in athletics, and that their role models are serious about getting their college degrees and plan to pursue careers outside sports.

▶ Operation Swordphish

Students at the University of Alabama–Birmingham are assisting police in fighting computer-based fraud and theft in a program called Operation Swordphish, which began in 2010. Nearly 7,000 cybercrimes in Alabama went uninvestigated each year, because individually they were too small for federal agencies to intervene. Students now help to build a database of reported cybercrimes, such as "phishing" e-mails. As savvy users of Facebook and other social media are probably aware, phishing is a computer-based method for acquiring confidential information, including user names, passwords, and credit card details, by masquerading as a trustworthy source.

Operation Swordphish is essentially an information center for accumulating data in such a way as to build cases against scam artists. The program is designed to encourage victims to volunteer details about how they were fooled. Through collaboration with the law enforcement community, the program can measure the incidence of specific scams and the damage caused in order to calculate the statewide impact of each. This information in turn can support a federal investigation. Public education campaigns make residents aware of what to do if they believe they have been victims of financial-based cybercrime. Students help to gather and analyze the information received from victims. The program's directors hope it will be a model for other jurisdictions.

▶ College-Led Initiatives

A college course called Arts Outreach is part of a nationally recognized program that partners Stonehill College (near Brockton, Massachusetts) with the local district attorney's office and local arts programs. The course provides positive role models for fourth-, fifth-, and sixth-grade children by matching them with college students and high school student leaders for weekly painting, dance, and photography classes taught by faculty. The children are drawn from a Brockton census tract with high rates of juvenile court arraignment, weapons in school, poverty, school dropout, teen pregnancy, foster care, domestic and child abuse, and drug and alcohol abuse. Since 1998, Arts Outreach has provided a safe learning environment where children are taught new artistic skills, build healthy friendships, and develop individual and group problem-solving skills. In the classes, elementary school children are paired with college mentors, and high school students act as co-mentors. All student mentors attend three to four days of training in conflict resolution techniques, responsibilities, and expectations; take a guided tour of the school and neighborhood; and are briefed about the selected children. The program culminates in a collaborative project at a local museum. For more information, visit <http://www.afhboston.org>.

At Mercer University in Macon, Georgia, what began as a first-year seminar called Engaging the World grew into a coalition of students, faculty, and local human rights experts who formed the campus-wide Sex Trafficking Opposition Project (STOP; <http://www.mercer.edu/stop>). Following reports of police raids on local massage parlors, student STOP members spoke out in conventional and alternative news media to express concern that potentially trafficked women were being arrested and then released to their traffickers. They helped bring antitrafficking training to the Macon police force and members of the Macon Crisis Line and Safe House. The Macon police chief credited STOP's community activism with helping to transform traditional police raids into potential rescues, to free one child sex trafficking victim, and to shut down five massage parlors. More than 900 people from around the region heard from national experts on human trafficking at a campus conference organized by STOP.



WHAT DOES AMERICA THINK?

Questions about Crime from the General Social Survey



Turn to the beginning of the chapter to compare your answers to the total population.

1. Do you favor or oppose the death penalty for persons convicted of murder?

FAVOR: 64.9%

OPPOSE: 35.1%

2. In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?

TOO HARSHLY: 15.1%

ABOUT THE RIGHT AMOUNT: 21.4%

NOT HARSHLY ENOUGH: 63.5%

3. Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?

FAVOR: 73.6%

OPPOSE: 26.4%

4. In the United States, do you think we're spending too much money on law enforcement, too little money, or about the right amount?

TOO MUCH: 11.2%

ABOUT THE RIGHT AMOUNT: 40.2%

TOO LITTLE: 48.6%

5. Are there any situations you can imagine in which you would approve of a policeman striking an adult male citizen?

YES: 68.8%

NO: 31.2%

6. Are you ever afraid to walk at night in your neighborhood?

YES: 34.2%

NO: 65.8%



LOOK BEHIND THE NUMBERS

Go to edge.sagepub.com/trevino for a breakdown of these data across time and by race, sex, age, income, and other statuses.

1. What is the relationship between level of education and support for the death penalty? Why do you think the data follow this pattern?
2. Examine the responses to the questions about crime by white and nonwhite respondents. How would you explain the differences?
3. What factors are likely to make one person more afraid than another of walking at night in his or her neighborhood?
4. Only about a quarter of Americans believe that gun ownership should not require a police permit. Does that surprise you? Why or why not?
5. Examine the General Social Survey data about crime from 1974 through the present. Is crime increasing or decreasing as a social problem? Why do you think so?

SOURCE: National Opinion Research Center, University of Chicago.

CHAPTER SUMMARY

11.1 Explain how crime is socially defined.

Crime is a social problem with negative effects on every aspect of society. Our reactions to many crimes are shaped not by an absolute consensus of which are the most important or serious, but by socially constructed definitions that change over time and place.

11.2 Discuss patterns and trends in crime and crime measurement.

In the United States, street crimes such as burglary and robbery have generally been on the decline as law enforcement resources have become more strategic. However, enforcement of laws against white-collar crimes—illegal acts, punishable by criminal sanctions, committed in the course of legitimate occupations or by corporations—lags, despite the fact that such crimes have far-reaching impacts. As a society we are more concerned with crimes committed by low-income minority individuals than with crimes committed by mid- to high-income white people. Our stereotypes regarding what is “criminal” affect the way we perceive and fear crime and possibly how we allocate precious resources. We rely on official data sources like the UCR for information on the prevalence of crime, but they can be inaccurate because so many crimes go unreported and/or do not result in arrest (the dark figure of crime). Having a global view of crime allows us to learn from our differences and similarities about topics such as definitions of crime, styles of enforcement, methods of punishment, and the influence of globalization on crime itself.

11.3 Describe the U.S. criminal justice system and its stakeholders.

The criminal justice system is made up of stakeholders (police, attorneys, and court and correctional staff) whose job is to work within the law and ideally achieve justice. A reliance on plea bargains and an emphasis on case efficiency lead to high incarceration rates, along with high recidivism. Specialized courts have been created to target crimes that pose extreme hardships on communities; they aim for collaboration and problem solving, not merely case processing.

11.4 Apply the functionalist, conflict, and symbolic interactionist perspectives to the problem of crime.

Theories from a structural functionalist view include strain and control theories. These theories question individuals’ experiences with society and seek explanations for why they commit crimes, such as failure to achieve financial success or weak bonds to society. They call for policies that can alleviate strain or strengthen individuals’ bonds to society. The conflict perspective is a macro view of crime that blames criminal behavior on the imbalance of power among members of society. According to this model, economic, racial, and gender injustices can lead individuals to commit crime. Thus feminist criminology falls under the conflict perspective. Policy implications are macro in nature and call for radical social change. Symbolic interactionist theories include differential association theory and societal reaction theories. The policy implications of these theories are micro in nature and look to influence young people’s social choices and the way we respond as a society when they commit crime.

11.5 Apply specialized theories of crime.

Specialized theories seek to understand offenders’ choices and the socioecological conditions that support crime. They include rational choice theory, routine activities theory, broken windows theory, and social disorganization theory.

11.6 Identify steps toward social change concerning crime.

Crime affects not only those who engage in it and those who are victimized by it but also members of society at large who want to create peaceful and safe communities. By taking part in crime awareness programs, you can raise the public’s consciousness about crime. By agreeing to mentor children at risk for crime, you can serve as a positive role model and help prevent future criminalization or victimization. By being active in your community and seeking out opportunities to help, you can become an agent of social justice and be part of the solution.

DISCUSSION QUESTIONS

1. How and why do definitions of crimes vary over time and from society to society? What additional information does one need to compare crime rates from one place to another effectively? How do societal differences factor into individuals' likelihood of arrest or prosecution for crimes?
2. How does what is defined as a crime reflect the norms of a society as a whole? For example, while murder is nearly universally illegal, why do some countries have exceptions such as "honor crimes" laws or "stand your ground" laws that allow individuals to kill others under specific circumstances?
3. Which crimes does the UCR provide data about? What further information would one need to fully understand crime in our society? How could one get the data needed to gain a fuller understanding of crime?
4. What trends can be seen in the commission of crimes by race, gender, age, and type of crime? What similarities and differences are there between crimes committed and the arrest rates for the various crimes? By race, gender, and age?
5. How has the criminal justice system changed over time? What factors have influenced the changes that have taken place at each level of the system?
6. What is meant by the assertion that there are different versions of justice? Compare how these different versions of justice play out with the police, in the courts, and in the corrections system. Are there patterns or trends with regard to which types of people encounter difficulty or ease as they navigate each component seeking justice?
7. How are the inequalities that conflict theorists focus on found in the criminal justice system? What does the feminist perspective add to this discussion about power? How do the differences that occur in sentencing for the same crimes by different people support the conflict and feminist perspectives?
8. According to rational choice theory, what explains why someone commits a crime? What role does society play in individuals' choices about engaging in criminal behavior?
9. What does social disorganization theory point to as an explanation for crime in society? How could one begin to address the problem of crime from this perspective? What would need to change at the societal level? The community level? What role can individuals play in reducing crime from this perspective?
10. What can individuals do to reduce crime in their community? Can mentoring programs effectively draw young people away from crime and toward more normative choices? How do group movements such as Take Back the Night reduce crime? What connections exist between smaller groups striving to intervene or make change and the evolution of official policies and laws over time to better define what constitutes a crime, such as with intimate partner violence, or to address problems with the corrections system, such as offering mentoring for those who are preparing to leave the system?

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