

# CHAPTER 1

## INTRODUCTION TO CRIMINOLOGY

---

Often, crimes such as the mass shooting in Las Vegas, Nevada, in 2017, lead people to ask, "Why do they do it?"



# LEARNING OBJECTIVES

After reading this chapter, you will be able to:

- 1.1 Identify key concepts in understanding criminology.
- 1.2 Summarize the general structure and organization of the criminal justice system.
- 1.3 Identify and characterize a good theory.
- 1.4 Identify key concepts and issues associated with victimology.

## Case Study

### The “Confidence Man”

On July 8, 1849, *The New York Herald*, in its “Police Intelligence” section, reported the arrest of William Thompson. The *Herald* wrote that Thompson had been scamming men he met on the streets of New York City. He had a “genteel appearance” and was very personable. After a brief conversation with the target of his scam (i.e., the “mark”), Thompson would ask, “Have you confidence in me to trust me with your watch until tomorrow?” The target, possibly thinking that Thompson was a forgotten acquaintance, would give him his watch.<sup>1</sup>

The *Herald* thus disdainfully labeled Thompson a “confidence man,” and the term soon became part of the American vernacular. It is unclear as to why the “Confidence Man” article drew so much attention. However, it gave birth to varying phrases such as “confidence game” and “con man.”<sup>2</sup>

In November 2018, it was reported that numerous grandparents in Kentucky were victims of what Kentucky’s attorney general, Andy Beshear, called the “grandparent scam.”<sup>3</sup> Essentially, the victims reported that they had received a call from someone claiming to be their grandchild. The “grandchild” had said that he or she was in jail in another state following his or her arrest for driving under the influence and causing an automobile accident. Then, a

second person had gotten in on the conversation, claiming to be an attorney or a law enforcement officer. This person had confirmed the scammer’s story. Afterward, the grandparent had been asked to wire money or send cash to pay for the “grandchild’s” bail. The scammer also had asked the grandparent not to tell anyone of this situation, including his or her parents.

Generally, the “grandparent scam” follows this type of pattern:

- A grandparent gets a call from someone posing as his or her grandchild.
- The caller explains that he or she is in trouble, with a story such as “There’s been an accident and I’m \_\_\_\_ (in jail, in the hospital, stuck in a foreign country). I need your help.”
- The caller provides just enough detail to make the story seem believable.
- Next, the caller informs the grandparent that a third person, such as a lawyer, doctor, or police officer, will explain all of this if the grandparent will call that person.
- The caller asks the grandparent to send or wire money but “Don’t tell Mom and Dad.”<sup>4</sup>

According to the Federal Trade Commission, in 2018 one in four people 70 years or older sent money to an imposter whom they believed to be a family member or friend. The median individual loss for these victims of fraud was \$9,000.<sup>5</sup>

The “Confidence Man” and the “grandparent scam” are separated by more than 170 years; the technological expertise needed to carry out these crimes significantly changed during this time. However, what links these two cases is motive—monetary gain. This is one of the most fascinating questions in the study of crime—although technology has changed how certain crimes are committed (e.g., internet fraud), have the explanations (i.e., “why they do it”) changed?

## Introduction

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

## What Is a Crime?

There are various definitions of **crime**. Many scholars have disagreed as to what should be considered a crime. For instance, if one takes a legalistic approach, then crime is that which violates the law. But should one consider, also, whether certain actions cause serious harm? If governments violate the basic human rights of their citizens, for example, are they engaging in criminal behavior?<sup>6</sup>

As illustrated by these questions, the issue with defining crime from a legalistic approach is that one jurisdiction may designate an action as a crime while another does not. Some acts, such as murder, are against the law in most countries as well as in all jurisdictions of the United States. These are referred to as acts of *mala in se* (Latin, “evil in itself”), meaning the act is “inherently and essentially evil, that is immoral in its nature and injurious in its consequence, without any regard to the fact of its being noticed or punished by the law of the state.”<sup>7</sup>

Other crimes are known as acts of *mala prohibita*, which means “a wrong prohibited; an act which is not inherently immoral, but becomes so because its commission is expressly forbidden by positive law.”<sup>8</sup> For instance, in the last few years there has been considerable decriminalization of marijuana. Some states have legalized medical marijuana, while others have legalized *both* recreational and medical marijuana.

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

Other acts of deviance are not necessarily seen as immoral but are considered strange and violate social norms. One example of such acts is purposely belching at a formal dinner. These types of deviant acts are relevant even if not considered criminal under the legal definition, because individuals engaging in these types of activities reveal a disposition toward anti-social behavior often linked to criminal behavior. Further, acts that are frowned upon by most people (e.g., using a cell phone while driving or smoking cigarettes in public) are subject to being declared illegal. Many jurisdictions are attempting to have these behaviors made illegal and have been quite successful, especially in New York and California.

While most *mala in se* activities are also considered highly deviant, this is not necessarily the case for *mala prohibita* acts. For instance, speeding on a highway (a *mala prohibita* act)—although it is illegal—is not technically deviant, because many people do it.

This book presents theories for all these types of activities, even those that do not violate the law.<sup>9</sup>

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

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

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

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

## What Are Criminology and Criminal Justice?

The term **criminology** was coined by Italian law professor Raffaele Garofalo in 1885 (in Italian, *criminologia*). In 1887, anthropologist Paul Topinard invented its French cognate (*criminologie*).<sup>10</sup> In 1934, American criminologist Edwin Sutherland defined criminology as

the body of knowledge regarding crime as a social phenomenon. It includes within its scope the process of making laws, of breaking laws, and of reacting toward the breaking of laws. . . . The objective of criminology is the development of a body of general and verified principles and of other types of knowledge regarding this process of law, crime, and treatment or prevention.<sup>11</sup>

Criminology is the scientific study of crime, especially the reasons for engaging in criminal behavior. While other textbooks may provide a more complex definition of crime, the word “scientific” distinguishes our definition from other perspectives and examinations of crime.<sup>12</sup> Philosophical and legal examinations of crime are based on logic and deductive reasoning—for example, by developing what makes logical sense. Journalists play a key role in examining crime by exploring what is happening in criminal justice and revealing injustices as well as new forms of crime. However, the philosophical, legal, and journalistic perspectives of crime are not scientific, because they do not involve the use of the scientific method.

**Criminal justice** often refers to the various criminal justice agencies and institutions (e.g., police, courts, and corrections) that are interrelated and work together toward common goals. Interestingly, many scholars who have referred to criminal justice as a “system” have done so only as a way to collectively refer to those agencies and organizations, rather than to imply that they are interrelated.<sup>13</sup> Some individuals argue that *criminal justice system* is an oxymoron. For instance, Joanne Belknap noted that she preferred to use the terms *crime processing*, *criminal processing*, and *criminal legal system*, given that “the processing of victims and offenders [is] anything but ‘just.’”<sup>14</sup>

## The Consensus and Conflict Perspectives of Crime

A **consensus perspective** of crime views the formal system of laws, as well as the enforcement of those laws, as incorporating societal norms for which there is a broad normative consensus.<sup>15</sup> The consensus perspective developed from the writings of late-19th- and early-20th-century sociologists such as Durkheim, Weber, Ross, and Sumner.<sup>16</sup> This perspective assumes that individuals, for the most part, agree on what is right and wrong, as well as on how those norms have been implemented in laws and the ways in which those laws are enforced. Thus, people obey laws not for fear of punishment but rather because they have internalized societal norms and values and perceive these laws as appropriate.<sup>17</sup> The consensus perspective was dominant during the early part of the 20th century. Since the 1950s, however, no major theorist has considered this to be the best perspective of law. Further, “to the extent that assumptions or hypotheses about consensus theory are still given credence in current theories of law, they are most apt to be found in ‘mutualist’ models.”<sup>18</sup>

Around the 1950s, the **conflict perspective** began challenging the consensus approach.<sup>19</sup> The conflict perspective maintains that there is conflict between various societal groups with different interests. This conflict is often resolved when the group in power achieves control.

Several criminologists, such as Richard Quinney, William Chambliss, and Austin Turk, maintained that criminological theory has placed too much emphasis on explaining criminal behavior, and it needs to shift its focus toward explaining criminal law. That is, the emphasis

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

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

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

**conflict perspective:** theories of criminal behavior that assume that most people disagree on what the law should be and that law is a means by which those in power maintain their advantage.

should not be on understanding the causes of criminal behavior; rather, it should be on understanding the process by which certain behaviors and individuals are formally designated as criminal. From this perspective, instead of asking, “Why do some people commit crimes while others do not?” one would ask, “Why are some behaviors defined as criminal while others are not?” Asking these types of questions raises the issue of whether the formulation and the enforcement of laws equally serve the good of all, not just the interests of those with the power to influence such matters.<sup>20</sup>

### LEARNING CHECK 1.1

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

Answers at [www.edge.sagepub.com/schram3e](http://www.edge.sagepub.com/schram3e)

## The Criminal Justice System

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

any criminal justice system is an apparatus society uses to enforce the standards of conduct necessary to protect individuals and the community. It operates by apprehending, prosecuting, convicting, and sentencing those members of the community who violate the basic rules of group existence.<sup>21</sup>

This general purpose of the criminal justice system can be further simplified into three goals: to control crime, to prevent crime, and to provide and maintain justice. The structure and organization of the criminal justice system has evolved in an effort to meet these goals. There are three typically recognized components: law enforcement, courts, and corrections.<sup>22</sup>

### Law Enforcement

Law enforcement includes various organizational levels (i.e., federal, state, and local). One of the key features distinguishing federal law enforcement agencies from state or local agencies is that they have often been established to enforce specific statutes. Thus, their units are highly specialized and often associated with specialized training and resources.<sup>23</sup> Federal law enforcement agencies include the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Secret Service, the Marshals Service, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Further, almost all federal agencies, including the Postal Service and the Forest Service, have some police power. In 2002, President George W. Bush restructured the federal agencies, resulting in the establishment of the Department of Homeland Security (DHS) in 2003. The DHS was created in an effort to protect and defend the United States from terrorist threats following the September 11, 2001, attacks on New York and Washington, DC.<sup>24</sup>

The earliest form of state police agency to emerge in the present-day United States was the Texas Rangers, founded by Stephen Austin in 1823. By 1925, formal state police departments existed throughout most of the country. While some organizational variations exist among

the different states, two models generally characterize the structure of these state police departments.

The first model can be designated as **state police**. Michigan, New York, Pennsylvania, Delaware, Vermont, and Arkansas are states that have a state police structure. These agencies have general police powers and enforce state laws as well as perform routine patrols and traffic regulation. They have specialized units to investigate major crimes, intelligence units, drug-trafficking units, juvenile units, and crime laboratories.

The second model can be designated as **highway patrol**. California, Ohio, Georgia, Florida, and the Carolinas are states that have a highway patrol model. For these agencies, the primary focus is to enforce the laws that govern the operation of motor vehicles on public roads and highways. In some instances, this includes not just enforcing traffic laws but investigating crimes that occur in specific locations or under certain circumstances, such as on state highways or state property.<sup>25</sup>

Agencies on the local level are divided into counties and municipalities. The primary law enforcement office for most counties is that of county sheriff. In most instances, the sheriff is an elected position. The majority of local police officers are employed by municipalities. Most of these agencies comprise fewer than 10 officers. Local police agencies are responsible for the “nuts and bolts” of law-enforcement responsibilities. For instance, they engage in crime prevention activities such as patrol their districts and investigate most crimes. Further, these officers are often responsible for providing social services, such as responding to incidents of domestic violence and child abuse.<sup>26</sup>

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

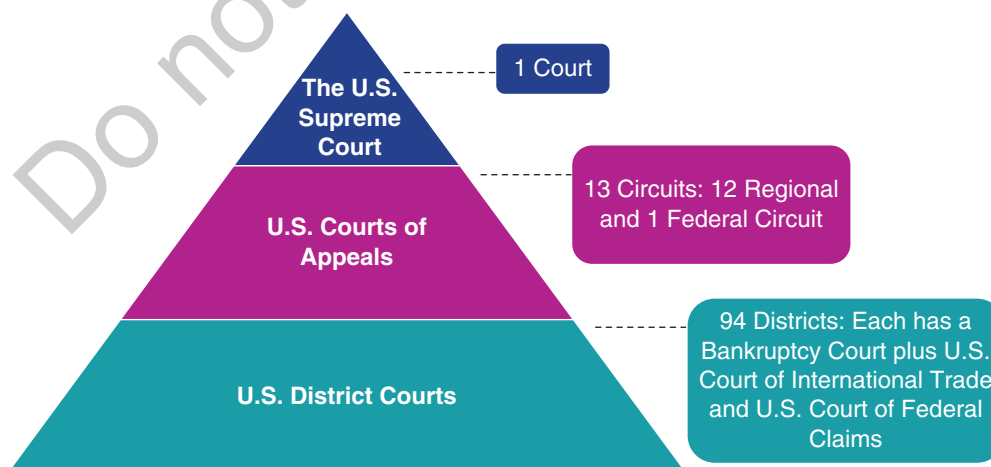
**highway patrol:** one type of model characterizing statewide police departments. The primary focus is to enforce the laws that govern the operation of motor vehicles on public roads and highways.

## Courts

The United States does not have just one judicial system. Rather, the judicial system is quite complex. There are 52 different systems: one for each state, one for the District of Columbia, and one for the federal government. Given this complexity, however, one can characterize the United States as having a *dual court system*. This dual court system consists of separate yet interrelated systems: the federal courts and the state courts. While there are variations among the states in terms of judicial structure, usually a state court system consists of different levels or tiers, such as lower courts, trial courts, appellate courts, and the state’s highest court. The federal court system is a three-tiered model: district courts (i.e., trial courts) and other specialized courts, courts of appeals, and the Supreme Court (see Figure 1.1).<sup>27</sup>

▼ FIGURE 1.1

### Three-Tiered Model of the Federal Court System



Source: Adapted from <https://judiciallearningcenter.org/levels-of-the-federal-courts>.

Before any case can be brought to a court, that court must have *jurisdiction* over those individuals involved in the case. Jurisdiction is the authority of a court to hear and decide cases within an area of the law (i.e., subject matter such as serious felonies, civil cases, or misdemeanors) or a geographic territory.<sup>28</sup> Essentially, jurisdiction is categorized as *limited*, *general*, or *appellate*:

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

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

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

*Courts of appellate jurisdiction.* These are also designated as “appeals courts.” They are limited in their jurisdiction decisions on matters of appeal from lower courts and trial courts.<sup>29</sup>

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



The U.S. Supreme Court in 2019. *Front, left to right:* Associate Justice Stephen Breyer, Associate Justice Clarence Thomas, Chief Justice John Roberts, Associate Justice Ruth Bader Ginsburg, Associate Justice Samuel Alito, Jr. *Back, left to right:* Associate Justice Neil Gorsuch, Associate Justice Sonia Sotomayor, Associate Justice Elena Kagan, and Associate Justice Brett Kavanaugh.

Chip Somodevilla/Getty Images North America/Getty Images

## Corrections

After an offender is convicted and sentenced, he or she is processed in the corrections system. An offender can be placed on probation, incarcerated, or transferred to some type of community-based corrections facility. **Probation** is essentially an *arrangement* between the sentencing authorities and the offender. While under supervision, the offender must comply with certain terms for a specified amount of time to return to the community. These terms are often referred to as *conditions of probation*.<sup>30</sup> *General conditions* may include a requirement

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

to regularly report to one's supervising officer, submit to searches, and not be in possession of firearms or use drugs. *Specific conditions* can also be imposed, such as participating in methadone maintenance, urine testing, house arrest, vocational training, or psychological or psychiatric treatment.<sup>31</sup> There are also variations to probation. For instance, a judge can combine probation with incarceration, such as in *shock incarceration*, which involves sentencing the offender to a certain amount of time each week (often over the weekend) in jail or another institution; in the interim periods (e.g., Monday–Friday), the offender is on probation.

Some offenders are required to serve their sentences in a corrections facility. One type of corrections facility is **jail**. Jails are often designated for individuals convicted of minor crimes. Jails are also used to house individuals awaiting trial; these people have not been convicted but are incarcerated for various reasons, such as preventative detention. Another type of corrections facility is **prison**. People sentenced to prison are often those who have been convicted of more serious crimes with longer sentences. There are different types of prisons based on security concerns, such as supermax, maximum-security, medium-security, and minimum-security. Generally, counties and municipalities operate jails, while prisons are operated by federal and state governments.<sup>32</sup>

Given the rising jail and prison populations, there has been increased use of alternatives to traditional incarceration. Residential sanctions, for example, include halfway houses as well as work-release and study-release. Nonresidential sanctions include house arrest, electronic monitoring, and day reporting centers.<sup>33</sup>

## The Juvenile Justice System

In America prior to the 19th century, children were treated the same as adults in terms of criminal processing. Children were considered as “imperfect” adults or “adults in miniature.” They were held to the same standards of behavior as adults. The American colonists brought with them the common law doctrine from England, which held that juveniles seven years or older could be treated the same as adult offenders. Thus, they were incarcerated with adults and could receive similarly harsh punishments, including the death penalty. It should be noted, however, that youths rarely received such harsh and severe punishments.<sup>34</sup>

Beginning in the early 19th century, many recognized the need for a separate system for juveniles.<sup>35</sup> For instance, Johann Heinrich Pestalozzi, a Swiss educator, maintained that children are distinct from adults, both physically and psychologically.

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

During the 1960s, there was a dramatic increase in juvenile crime. The existing juvenile justice system came under severe criticism, including questions concerning the informal procedures of the juvenile courts. Eventually, numerous U.S. Supreme Court decisions challenged these procedures, and some maintained that these decisions would radically change

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

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

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



▼ TABLE 1.1

### Juvenile Versus Criminal Justice System Terminology

Juvenile Justice System	Criminal Justice System
Adjudicated delinquent – Found to have engaged in delinquent conduct	Convict
Adjudication hearing – A hearing to determine whether there is evidence beyond a reasonable doubt to support the allegations against the juvenile	Trial
Aftercare – Supervision of a juvenile after release from an institution	Parole
Commitment – Decision by a juvenile court judge to send the adjudicated juvenile to an institution	Sentence to prison
Delinquent act – A behavior committed by a juvenile that would have been a crime if committed by an adult	Crime
Delinquent – A juvenile who has been adjudicated of a delinquent act in juvenile court	Criminal
Detention – Short-term secure confinement of a juvenile for the protection of the juvenile or for the protection of society	Confinement in jail
Detention center – A facility designed for short-term secure confinement of a juvenile prior to court disposition or execution of a court order	Jail
Disposition – The sanction imposed on a juvenile who has been adjudicated in juvenile court	Sentence
Disposition hearing – A hearing held after a juvenile has been adjudicated	Sentencing hearing
Institution – A facility designed for long-term secure confinement of a juvenile after adjudication (also referred to as a training school)	Prison
Petition – A document that states the allegations against a juvenile and requests a juvenile court to adjudicate the juvenile	Indictment
Taken into custody – The action on the part of a police officer to obtain custody of a juvenile accused of committing a delinquent act	Arrested

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

the nature of processing juveniles. For instance, in the case *In re Gault* (1967), the U.S. Supreme Court ruled that a juvenile is entitled to certain due-process protections constitutionally guaranteed to adults, such as a right to notice of the charges, right to counsel, right to confront and cross-examine witnesses, and right against self-incrimination. The case *In re Winship* (1970) decided that the standard of proof in juvenile delinquency proceedings is proof beyond a reasonable doubt. The first U.S. Supreme Court case to address juvenile court procedures was *Kent v. United States* (1966). The court ruled that juveniles who are facing a waiver to adult court (see below) are entitled to some essential due-process rights.

Although the major impetus for establishing the juvenile justice system was to emphasize rehabilitation, since the 1980s, there has been a trend toward a more punitive approach to juveniles. This trend is due to various converging developments, such as broadening due-process protections for both adults and juveniles, the resurgence of retribution, and societal changes in perceptions about children's responsibility and accountability.<sup>36</sup> Another aspect of this more punitive trend is in reference to transfer provisions—waiving a juvenile offender from the juvenile justice system to the adult criminal justice system. The reasons for waivers have often been that the juvenile justice system cannot provide the needed treatment or

protect the community from the offender. In reality, however, the reason for waivers is an immediate increase in the severity of response to the juvenile.<sup>37</sup>

## LEARNING CHECK 1.2

1. Law enforcement agencies on the state level that have general police powers as well as additional functions, such as investigating major crimes, are designated as the \_\_\_\_\_ model.
2. Law enforcement agencies on the state level whose primary focus is to enforce laws concerning public roads and highways are designated as the \_\_\_\_\_ model.
3. Every court, including the U.S. Supreme Court, is limited in terms of \_\_\_\_\_.
4. Recognizing that the state has both the right and an obligation to protect juveniles is referred to as \_\_\_\_\_.

Answers at [www.edge.sagepub.com/schram3e](http://www.edge.sagepub.com/schram3e)

Some states have had transfer provisions since the 1920s; other states have had such provisions since the 1940s.<sup>38</sup> Transfer provisions can be categorized into three types: judicial waiver, concurrent jurisdiction, and statutory exclusion.

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

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

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

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

**Statutory exclusion:** State statute excludes certain juvenile offenders from juvenile court jurisdiction. Under statutory exclusion provisions, cases originate in criminal rather than juvenile court. Statutory exclusion is also known as *legislative exclusion*.<sup>39</sup>

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

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

## Criminological Theory

Respected scientific theories in all fields of study, whether chemistry, physics, or criminology, tend to have the same characteristics. This is further illustrated by the scientific review process (i.e., blind peer review by experts) used in all fields to assess which studies and theoretical frameworks are of high quality. The criteria that characterize a good theory in chemistry are the same ones used to assess what makes a good criminological theory. These characteristics include parsimony, scope, logical consistency, testability, empirical validity, and policy implications.<sup>40</sup> Each of these characteristics is examined in the next section.<sup>41</sup>



## MOTOR-VEHICLE THEFT

A motor-vehicle theft is defined as “the theft or attempted theft of a motor vehicle. A motor vehicle is defined . . . as a self-propelled vehicle that runs on land surfaces and not on rails.”<sup>42</sup> Motor vehicles include sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, all-terrain vehicles, and snowmobiles. They do not, however, include farm equipment, bulldozers, airplanes, construction equipment, or watercraft. In 2017, about 773,139 motor-vehicle thefts were reported in the United States. In that time, close to \$6 billion was lost as a result of motor-vehicle thefts; the average dollar loss per stolen vehicle was \$7,708.

Slightly over 75% of all motor-vehicle thefts were automobile thefts. According to the National Insurance Crime Bureau (NICB), in 2016 the Honda Accord (1997 model more than any other) was stolen more often than any other car in the United States. This was followed by the Honda Civic (1998), Ford pickup (full-size) (2006), Chevrolet pickup (full-size) (2004), Toyota Camry (2016), Nissan Altima (2015), Dodge Ram pickup (full-size) (2001), Toyota Corolla (2015), Chevrolet Impala (2008), and Jeep Cherokee/Grand Cherokee (2000).<sup>43</sup> Further, the NICB noted that one should also consider vehicle theft fraud. In the past, vehicle thieves focused on stealing cars and trucks the “old-fashioned way,” such as by forced entry and circumventing ignitions. Today, there are new scams for stealing vehicles that involve fraud:

- Owner give-ups: The owner falsely claims that the vehicle has been stolen, to collect insurance money. He or she attempts destruction of the evidence—by driving the vehicle to a secluded area and setting it on fire, by submerging it in a lake, or, in extreme cases, burying it underground.
- Thirty-day specials: Owners whose vehicles need extensive repairs sometimes perpetrate the 30-day-special scam. They will report the vehicle stolen and hide it for 30 days—just long enough for the insurance company to settle the claim. Once the claim is paid, the vehicle is often found abandoned.
- Export fraud: After securing a bank loan for a new vehicle, an owner obtains an insurance policy for it. The owner reports the vehicle stolen to a U.S. law enforcement agency but, in reality, has shipped it overseas to be sold on the black market. The owner then collects on the insurance policy, as well as any illegal profits earned through overseas conspirators who sell the vehicle.

- Phantom vehicles: An individual creates a phony title or registration to secure insurance on a nonexistent vehicle. The insured then reports the vehicle stolen before filing a fraudulent insurance claim. Often, antique or luxury vehicles are used in this scam, since these valuable vehicles produce larger insurance settlements.<sup>44</sup>

In January 2019, two employees of Tri-County Ambulance in Cleveland, Ohio, were dispatched to TriPoint Medical Center to pick up a patient.<sup>45</sup> These two employees left the ambulance running to keep it warm, given the Ohio winter temperature; they also left the door unlocked. While the employees were inside the medical center, Jennette Askew was leaving the hospital. Ms. Askew was quite upset because she could not get a ride home. So, upon leaving the hospital, when she noticed the ambulance with the motor running, she climbed in and drove away. Tri-County Ambulance was able to track the vehicle through GPS. They forwarded this information to the Willoughby Hills police, who eventually caught up with the ambulance. At the time, Ms. Askew was traveling at about 90 mph. She did eventually pull over; she was arrested for theft of a motor vehicle.

After reading about Ms. Askew, you might ask, “Why would she do that?” Perhaps, in her agitated state, she lacked any type of self-control at that moment. Or she reasoned that because no one was able to give her a ride home, it was upon her to find one.

When we read about this type of behavior in a newspaper or hear about it on the news, we may want some kind of explanation. This is what theory attempts to do, but in a more rigorous, scientific manner. Throughout this text, as we discuss various theories, we attempt to apply key points of those theories to either a real or hypothetical situation in boxes labeled “Applying Theory to Crime.” For each of these special boxes, we begin with a brief discussion of a particular crime, such as motor-vehicle theft, robbery, or murder. Subsequently, we apply the relevant theory or theories in that chapter to that particular crime. With this approach, you will obtain general information about particular offenses as well as apply key features of various theories to those crimes.

### Think About It

1. Why did Ms. Askew steal the ambulance?
2. Are there any mitigating factors that you would consider in this situation?

## Five Characteristics of Good Theories

**Parsimony** is attained by explaining a phenomenon, such as criminal activity, in the simplest way possible. Other characteristics being equal, the simpler the theory, the better. The challenge with criminal behavior is that it is highly complex; however, some criminologists have attempted to explain this complex phenomenon using rather simplistic approaches. For instance, the theory of low self-control maintains that one personality factor—low self-control—is responsible for all criminal activity. As will be discussed in Chapter 10, the originators of this theory, Michael Gottfredson and Travis Hirschi, contend that every act of crime and deviance is caused by this same factor: low self-control.<sup>46</sup>

A simple theory is better than a more complex one. Given the complex nature of criminal behavior, however, it is likely that a simple explanation, such as identifying one factor to explain all types of criminal and deviant behavior, will not be adequate.

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

**Logical consistency** is the extent to which a theory makes sense in terms of its concepts and propositions. Sometimes it is easier to illustrate this point with an example. Some theories do not make sense simply because of the face value of their propositions. For instance, Cesare Lombroso maintained that the most serious offenders are *born criminals*; they are biological throwbacks to an earlier stage of evolutionary development and can be identified by their physical features.<sup>47</sup> Lombroso, who is discussed later in this book, maintained that tattoos were one of the physical features that distinguished these born criminals. This does not make sense, or lacks logical consistency, because tattoos are not biological physical features (i.e., no baby has been born with a tattoo).

**Testability** is the extent to which a theory can be empirically and scientifically tested. Some theories simply cannot be tested. A good example of such a theory is Freud's theory of the psyche, discussed in more detail later in this book. Freud described three domains of the psyche—the conscious ego, the subconscious id, and the superego. None of these domains, however, can be observed or tested.<sup>48</sup> While some theories can be quite influential without being testable (e.g., Freud's theory), a theoretical model that is untestable and unobservable is at a considerable disadvantage. Fortunately, most established criminological theories can be examined through empirical testing.

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



How would Lombroso classify this person?  
RAUL ARBOLEDA/AFP/Getty Images

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

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

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

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

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

For instance, deterrence theory proposes in part that offenders will not repeat their crimes if they have been caught and given severe legal punishment. If research finds that this is true for only a small minority of offenders or that punished offenders are only slightly less likely to repeat crimes than are unpunished offenders, then the theory has little empirical validity.<sup>49</sup>

Thus, questions of empirical validity include these: “What degree of empirical support does the theory have?” “Do the findings of research provide weak or strong support?” “Does the preponderance of evidence support or undermine the theory?”<sup>50</sup>

### LEARNING CHECK 1.3

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

Answers at [www.edge.sagepub.com/schram3e](http://www.edge.sagepub.com/schram3e)

### Three Requirements for Determining Causality

Various criteria are involved in determining whether a certain variable causes another variable to change—in other words, causality. For this discussion, we will refer to the commonly used scientific notation of a predictor variable—called  $x$ —as causing an explanatory variable—called  $y$ . These variables are often referred to as an *independent* or *predictor* variable ( $x$ ) and a *dependent* or *explanatory* variable ( $y$ ). These criteria are used for all scientific disciplines, whether chemistry, physics, biology, or criminology. The three criteria required to determine causality are (1) temporal ordering, (2) covariation or correlation, and (3) accounting for spuriousness.

**temporal ordering:** the criterion for determining causality; requires that the predictor variable ( $x$ ) precede the explanatory variable ( $y$ ) in time.

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

**correlation or covariation:** a criterion of causality that requires a change in a predictor variable ( $x$ ) to be consistently associated with some change in the explanatory variable ( $y$ ).

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

However, correlation alone does not mean that  $x$  causes  $y$ . For example, ice cream sales ( $x$ ) tend to be highly associated with crime rates ( $y$ ). This does not mean that ice cream sales cause higher crime rates. Instead, other factors, such as warm weather, lead to an increase

## DAVID AND LOUISE TURPIN



Parents Louise and David Turpin following their 2018 arrest.  
AP Photo/Riverside County Sheriff's Department via AP

In January 2018, a 17-year-old girl escaped from her home in Perris, California. She took a cell phone from the home and dialed 911. When officers arrived, they thought that the girl was much younger; this was due to her being severely malnourished. Inside the home, according to a police statement, the officers found “several children shackled to their beds with chains and padlocks in dark and foul-smelling surroundings.” In addition to the 17-year-old who had called police, there were 12 siblings in the home, ranging in age from 2 to 29 years.<sup>51</sup>

For many years, the Turpin children endured severe abuse. Initially the parents tied their children with ropes as punishment. However, when one of the children, who was hogtied, escaped from the ropes, the parents used chains and padlocks. Often the children were shackled to their beds for weeks. There was some evidence that they were not always released to go to the bathroom. Further investigation revealed that the children were allowed to shower once a year. They could wash their hands but if they washed above the wrist area, their parents accused them of playing in the water.

David and Louise Turpin rarely fed their children on any type of schedule. They did buy food for themselves, but the children were not allowed to eat. It was reported that when the parents bought food, including pies, they would leave them on the counter. The children could look at the pies but not eat any of the food.

This abhorrent treatment of children went unrecognized by the community because the Turpins were very isolated from other families. The children were not allowed to play with toys; any toys they received were kept in a closet—unopened. The parents did allow the children to write in journals.<sup>52</sup> The children were taught to memorize long passages from the Bible. However, the children lacked basic “life skills”:

Many of the children did not know what a police officer was, for example, and the 17-year-old who called to report the abuse did not know what pills or medications were upon police questioning.<sup>53</sup>

David and Louise Turpin are currently in custody, charged with several counts of child abuse, torture, and false imprisonment. They have pleaded “not guilty” to all. If convicted, however, they may receive life sentences.<sup>54</sup>

### Think About It

1. Why were both parents involved in the severe abuse and torture of their children?
2. If the 17-year-old-daughter had not escaped, how long would the abuse have continued?

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

in both sales of ice cream and the number of people who are outdoors in public areas, which could lead to greater opportunities and tendencies to engage in criminal activity. This example leads to the final criterion for determining causality.

Considering for **spuriousness** is a complicated way of saying, to determine that  $x$  causes  $y$ , other factors (typically called  $z$  factors) that could be causing the observed association must be accounted for before we can be sure that  $x$  is actually causing  $y$ . In other words, these other  $z$  factors may account for the observed association between  $x$  and  $y$ . What often happens is that a third factor ( $z$ ) causes two events to occur together in time and place. Referring back to Lombroso, tattoos may have predicted criminality at the time he wrote. However,

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



What aspects of this neighborhood would cause it to be classified as “disorganized”?  
© iStockphoto.com/Pawel Gual

Lombroso did not account for an important  $z$  factor—namely, associates or friends who also had tattoos. This  $z$  factor caused the simultaneous occurrence of both other factors.

Researchers in criminology are fairly good at determining the first two criteria of causality—temporal ordering and covariance or correlation. Most scientists can perform classical experiments that randomly assign participants either to receive or not to receive the experimental manipulation to examine the effect on outcomes. The problem for criminologists, however, is that the factors that appear to be important (according to police officers, parole agents, or corrections officers) are family variables, personality traits, employment variables, intelligence, and other similar characteristics that cannot be experimentally manipulated to control for possible  $z$  factors.

Thus, as criminologists, we may never be able to meet all the criteria for causality. Rather, we are often restricted to building a case for the factors we think are causing crime by amassing as much support as we can regarding temporal ordering and covariance or correlation, and perhaps accounting for other factors in advanced statistical models. Ultimately, social science, particularly criminology, is a difficult field in terms of establishing causality, and, as we shall see, empirical validity of various criminological theories is hindered by such issues.

### Theory Informs Policies and Programs

An essential aspect of a good theory is that it can help inform and guide policies that attempt to reduce crime. After all, a criminological theory is truly useful in the real world only if it helps reduce criminal offending. For instance, referring to the Turpin case, one could argue that Donald and Louise Turpin were able to inflict such severe abuse on their children because of their isolation from others in the community; this abuse was undetected particularly by those deemed mandatory reporters (e.g., school teachers). Thus, these situations could be avoided if there was some oversight regarding homeschooling. In fact, after learning of the Turpin case, California assembly members Jose Medina and Susan Talamantes Eggman introduced two bills that would give the state of California more oversight of homeschools.<sup>55</sup> Many theories have been used as the basis of such changes in policy.

All major criminological theories have implications for, and have indeed been utilized in, criminal justice policy and practice. Every therapy method, treatment program, prison regimen, police policy, or criminal justice practice is based, either explicitly or implicitly, on some explanation of human nature in general or criminal behavior in particular.<sup>56</sup> In each chapter, we will present examples of how the theories of crime discussed have guided policymaking.

One theoretical perspective we will be discussing is *differential association*. A central tenet of this theory is the influence of close peer groups or other role models. The major implication of this theory is that to reduce crime, we should replace negative, antisocial role models with more positive, prosocial role models. The influence of this position is reflected in the conditions of probation or parole; offenders are required to stay away from convicted felons. Programs that bring juvenile offenders together for positive purposes and positive interaction with others will face obstacles because “the lure of ‘the streets’ and of the friends they have grown up with remains a powerful countervailing force regarding rehabilitation.”<sup>57</sup>

Another theoretical perspective we will be presenting focuses on social structure. If individuals live in an environment that is considered *disorganized*, such as one characterized by high unemployment and transiency, this could be deemed the *root cause* of crime. The challenge with implementing policies and programs with this perspective is that it does not necessarily focus on the individual. Clifford Shaw argued that rather than treating individual offenders, one needs to focus on the community. Subsequently, he developed the Chicago Area Project. Shaw, along with his staff, organized programs aimed at establishing or enhancing a sense of community with neighborhoods. He also obtained the assistance and cooperation of schools, churches, recreational clubs, trade unions, and businesses.<sup>58</sup>

## Victimology

*Victimology* can be defined as the scientific study of victims.<sup>59</sup> Although this definition is quite simple, the range of specific topics and the depth to which they are examined can be complex. Specifically, the study of victims includes such widely varied topics as theoretical reasons that some individuals are more likely to be victimized, the legal rights of victims, and the incidence/spatial distribution of victimization in a given geographic area. These are just some of the many topics that fall under the general umbrella of victimology, and even these three topics can be broken into many categories of study. Before we discuss some of those areas, it is important to understand the evolution of the study of victims.

Victimology is a relatively new area of criminology, which is strange because there have been victims since the very beginning of human civilization. The earliest use of the term *victimology* is attributed to two scholars, Fredric Wertham in his book *The Show of Violence* (1949)<sup>60</sup> and Benjamin Mendelsohn, generally considered the father of victimology, in his 1956 article titled “Victimology.”<sup>61</sup> This may not seem that recent, but it is when you consider that crime has been studied for hundreds of years. Another indication that the science of victimology is very young is that the word “victimology” was not recognized by spell checkers in the most commonly used word-processing programs until the last few years.

However, the study of victims provides much insight into crime. After all, for most crimes there is a victim, so to only try to understand the offender is to miss half the equation. As Wertham wrote:

The murder victim is the forgotten man. With sensational discussions on the abnormal psychology of the murderer, we have failed to emphasize the unprotectedness of the victim and the complacency of the authorities. One cannot understand the psychology of the murderer if one does not understand the sociology of the victim. What we need is a science of victimology.<sup>62</sup>

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

## Victim Precipitation

One of the most basic underlying concepts of virtually all theoretical perspectives of victimology is that of **victim precipitation**.<sup>63</sup> Victim precipitation is when an individual somehow increases the risk that he or she will be victimized. For example, if someone does not lock their car and it gets stolen, this is known as *passive victim precipitation*, because the crime

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



was facilitated by an action the victim *did not* take. *Active victim precipitation*, on the other hand, involves actually doing something that increases the probability of being victimized. For example, if John yells a racial slur at Ron and then Ron attacks John, what Ron did is not justified, but John clearly increased his likelihood of being attacked, which is why it was an active form of precipitation. The concept of victim precipitation is not about assigning blame; it is simply about raising the odds or risk of being victimized. To be clear, victims should not be blamed, but often what they did or didn't do made them more prone to being targeted.

Marvin Wolfgang conducted one of the first major studies of victim precipitation in the late 1940s and early 1950s, in which he found that a substantial percentage of homicides in Philadelphia involved situations in which the victim was the first to use force against the person(s) who killed them.<sup>64</sup> At the time, this was a key insight, because previously most researchers had assumed that most victims were completely innocent. Wolfgang's study showed that many victims of homicide were actually active precipitators of the crime. Many other theorists have expanded on this theory of victim precipitation, but none have really added to the original model and data provided by Wolfgang. Recent studies have consistently supported the importance of victim precipitation in increasing the likelihood of victimization for a variety of criminal offenses.<sup>65</sup>

### The Incidence/Prevalence of Victimization

One of the most common misperceptions about rates of victimization involves the type of individual who is most likely to be victimized. Studies have shown that many people believe that the most likely individuals to be victims of violent crimes are elderly persons. Perhaps this is due to media coverage; when a grandmother gets raped or robbed, it makes the front page of every newspaper. In fact, however, older individuals are by far the least likely to be victimized by violence. The highest rates of violent victimization clearly occur among teenagers and young adults.<sup>66</sup> This is likely because young people are the ones who typically associate or "hang" with the most common offenders, namely young males.

The vast majority of victimization is intraracial, meaning that typically the offender is of the same race or ethnicity as the victim (see Figure 1.2). Data from the Department of Justice show that this is true for homicide, for example. This makes sense, because people of a given race or ethnicity tend to socialize with other people of the same race or ethnicity.<sup>67</sup>

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

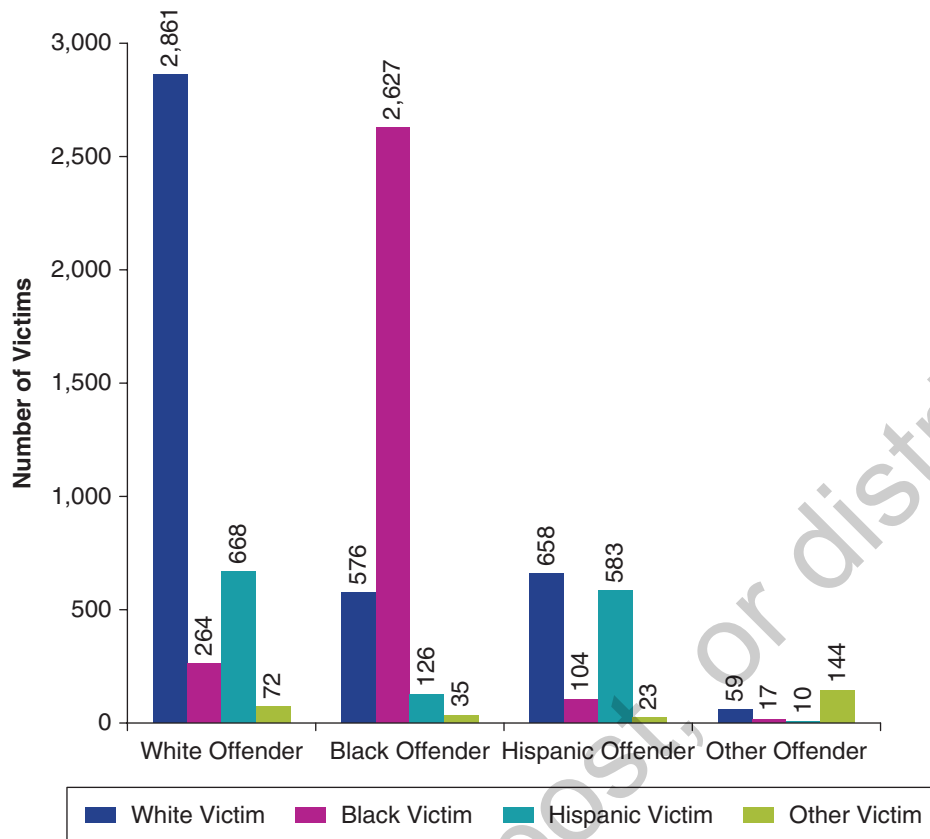
### Child Abuse and Neglect

Rates of child abuse and neglect have decreased in the last few decades, probably due to more acknowledgment and awareness of these issues.<sup>68</sup> It is well known that in traditional times, police and other law enforcement felt that domestic issues were best handled at home. It should be noted that any citizen can make an anonymous claim about child abuse or neglect; to do so, they should call their local child protection agency. However, individuals working in a professional capacity must reveal their identity and agency if they report such accusations of abuse or neglect.

Several agencies have been created at the national level to measure rates of child abuse and to provide helpful services in such cases. One of the most prominent is the Attorney General's

▼ FIGURE 1.2

### Homicide by Race of Victim and Offender, United States, 2017



Source: Crime in the U.S. 2017. FBI. Expanded Homicide Data Table 6.

Note: "Other" includes American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander. Most recent data available at time of publication.

Defending Childhood Initiative, which is administered by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), and its role is primarily to increase awareness about the long-term influence of children’s exposure to violence and to seek ways of addressing the problem. Additionally, the OJJDP’s Internet Crimes Against Children (ICAC) task force program helps state and local law enforcement prevent and investigate technology-based sexual exploitation.<sup>69</sup> Also, the OJJDP works with the Office of Justice Programs to manage the AMBER Alert program, in which notices go out nationally in efforts to locate abducted children; this program is credited with helping to rescue nearly a thousand children since its launch in 2013.<sup>70</sup>

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

### Compensation and Restitution

The main distinction between victim **compensation** and **restitution** is that the former is given by the state or government and the latter is given by the offender (typically as part of his or her sentence). New Zealand created the world’s first victim compensation program in 1963. California had the first victim compensation program in the United States; it is still one of the largest and provides at least approximately \$70,000 for victims of violent crime.

**compensation:** often paid to victims of violent acts; funds are provided to victims through local, state, or federal governmental agencies.

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



The Code of Hammurabi was inscribed on a seven-foot basalt stele. It is now on display in the Louvre in Paris, France.  
Roman Milert/Alamy Stock Photo

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

unemployed and/or moneyless and thus unable to pay their victims. There are cases in which victims do receive their court-mandated restitution (often because the offender is a juvenile and his or her parents pay the money), but these instances are the exception.

## Victim Impact Statements

A **victim impact statement** is the report of a victim (often a family member) to the court about how an offender affected his or her life. The first victim impact statement delivered in the United States was reported in California in 1976. The admittance of victim impact statements to courts was challenged, and a number of cases made it to the U.S. Supreme Court, which wavered on the decision for many cases over the course of many years. However, the most definitive case is that of *Payne v. Tennessee* (1991), in which the highest court ruled that victim impact statements were relevant during the sentencing hearings. Nothing has really changed since that case; victim impact statements may still be presented to judges or juries following a guilty verdict, during the sentencing phase.<sup>72</sup>

It is important to note that victim impact statements cannot be given when the jury is determining the verdict. The reason for this rule, according to the U.S. Supreme Court, is that it is believed that such statements would too strongly bias the jury, preventing jurors from making an objective determination of guilt or innocence. (However, the Court believes they are relevant at the sentencing phase of the trial, particularly in capital cases—that is, those in which the defendant is facing the death penalty.) Thus, in most trials only the judge actually hears and rules based on victim impact statements, which is likely why most studies show that such statements do not have much influence on the sentencing outcome.<sup>73,74</sup> Nevertheless,

Property crimes are not included, because victims usually have some type of insurance; one big exception is drunk driving, which the organization MADD [Mothers Against Drunk Driving] lobbied hard for and got, so that is actually allowed in most compensation programs. Now all states have victim compensation programs and receive federal funding from legislated programs, most of them enacted in the 1980s.

Interestingly, the first historical record about victims goes back to the Code of Hammurabi in 1754 B.C. This code had many laws, a portion of which called for a restoration of equity between the offender and the victim, as well as encouraged victims to forgive their offenders.<sup>71</sup>

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

If an offender is required to pay *restitution* as part of his or her sentence, the victim will likely not fare well in actually receiving it. Most offenders are

victim impact statements are largely deemed significant and important contributions to the judicial process (as the U.S. Supreme Court agrees), if only to provide a voice and some closure for victims and their families.



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

ZUMA Press, Inc./Alamy Stock Photo

#### LEARNING CHECK 1.4

1. Who is considered the father of victimology by most scholars?
  - a. Lombroso
  - b. Beccaria
  - c. Sutherland
  - d. Mendelsohn
2. When an individual does or does not do something that increases his or her risk of being victimized, this is referred to as victim \_\_\_\_\_.
  - a. anticipation
  - b. precipitation
  - c. expectation
  - d. consideration
3. When an offender is ordered to pay money to the victim as part of sentencing, it is referred to as \_\_\_\_\_; when the state or federal government provides funds to the victim for losses due to the crime, it is referred to as \_\_\_\_\_.
  - a. compensation; restitution
  - b. restitution; compensation

4. The U.S. Supreme Court has ruled that victim impact statements can be given during what stage(s) of a criminal trial?
  - a. Before the verdict but not after
  - b. After the verdict and before the sentencing
  - c. Both before the verdict and before sentencing
  - d. Only after the sentence

Answers at [www.edge.sagepub.com/schram3e](http://www.edge.sagepub.com/schram3e)

## Victim Rights Awareness

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

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

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

## CONCLUSION

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

enforcement, courts, and corrections. When discussing the juvenile justice system, we reviewed fundamental differences between the adult criminal justice system and the juvenile justice system. Next, we introduced criminological theory by discussing what criteria to consider when assessing the strength of a particular theory. We also briefly discussed the three requirements to show that a given factor causes changes in another factor. Next, we noted how theory

should inform policies and programs. It is essential to stress that theory is not to be thought of as some abstract or out-of-touch scientific endeavor. Rather, theory has an important purpose in terms of developing policies and programs. As Ronald Akers noted:

The question, then, is not whether policy can be or should be based on theory—it already is guided by theory—but rather, how well is policy guided by theory and how good is the theory on which the policy is predicated?<sup>75</sup>

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

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

## KEY TERMS

---

compensation, 17	highway patrol, 5	probation, 6
concurrent jurisdiction, 9	jail, 7	restitution, 17
conflict perspective, 3	judicial waiver, 9	scope, 11
consensus perspective, 3	limited jurisdiction, 6	spuriousness, 13
correlation <i>or</i> covariation, 12	logical consistency, 11	state police, 5
crime, 2	<i>mala in se</i> , 2	statutory exclusion, 9
criminal justice, 3	<i>mala prohibita</i> , 2	temporal ordering, 12
criminology, 3	<i>parens patriae</i> , 7	testability, 11
deviance, 2	parsimony, 11	victim impact statements, 18
empirical validity, 11	prison, 7	victim precipitation, 15

## DISCUSSION QUESTIONS

---

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

## RESOURCES

---

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

<http://www.ovc.gov>

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

<https://ojp.gov/ovc/pubs/crimevictimsfundfs/intro.html>

**The Bureau of Justice Statistics** provides a general overview of the criminal justice system and a flowchart of events.

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

<https://www.bjs.gov/>

## STUDENT STUDY SITE

---



Get the tools you need to sharpen your study skills. SAGE edge offers a robust online environment featuring an impressive array of free tools and resources.

Access practice quizzes, eFlashcards, video, and multimedia at [edge.sagepub.com/schram3e](https://edge.sagepub.com/schram3e).

## MEDIA LIBRARY

---

For further exploration and application, take a look at the interactive eBook for these premium resources:

▶ **Author Video**

1.1: Criminology

▶ **Theory in Action Video**

1.1: Juvenile Delinquency

1.2: Probation

▶ **What Were They Thinking?! Video**

1.1: Cannibalism

Do not copy, post, or distribute

# PRACTICE AND APPLY WHAT YOU'VE LEARNED

▶ [edge.sagepub.com/schram3e](https://edge.sagepub.com/schram3e)



## WANT A BETTER GRADE ON YOUR NEXT TEST?

Head to the study site where you'll find:

- **eFlashcards** to strengthen your understanding of key terms.
- **Practice quizzes** to test your comprehension of key concepts.
- **Videos and multimedia content** to enhance your exploration of key topics