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1

AN INTRODUCTION TO CRIME AND THE CRIMINAL JUSTICE SYSTEM

LEARNING OBJECTIVES

After finishing this chapter, you should be able to:

- 1.1 Explain the role of the criminal justice system.
- 1.2 List the three primary components of the criminal justice system.
- 1.3 Identify how a crime may be handled in the criminal justice system.
- 1.4 Summarize why consensus for an exact definition of crime is difficult.
- 1.5 Explain why crime definitions may change over time.
- 1.6 Define the five perspectives of the criminal justice system.
- 1.7 Critique how the consensus and conflict models help and hinder public policy.
- 1.8 Identify key elements in the relationship between crime and the media.
- 1.9 Contrast criminal justice and criminology.

INTRODUCTION: MAKING OUR WAY THROUGH THE CRIMINAL JUSTICE SYSTEM

The criminal justice system encompasses institutions, policies, and practices with the goal of maintaining social control and deterring crime through sanctions and rehabilitation. The criminal justice system is explored in numerous books. Many of these books present the cold, hard facts in chapters that make it difficult for students to *really* understand the system and its ties to ethics, policy, people, and our everyday lives. Many students have firsthand experience with the criminal justice system. At a minimum, most have been exposed to elements of the criminal justice system (not all accurate) through the media. Or perhaps you were convicted of driving while intoxicated or received a speeding ticket. Possibly, a family member was incarcerated or served a community corrections sentence. It may be that a family member was deported, or your Deferred Action for Childhood Arrivals (DACA) status has you living in a place of limbo. Maybe you were a victim of violent crime. Perhaps you committed a violent crime. Maybe your credit card numbers were stolen and used to make purchases online. Or your bank account was hacked and your life savings taken. Perhaps your car was stolen, or your home was burglarized. Many people grieve after the homicide of a family member or friend. As unpleasant as any of these scenarios are, each provides a glimpse into the complexities of the huge industrial nature of the criminal justice system. Students in criminology, criminal justice, and sociology courses often comment that the material they read in textbooks seems unconnected to the real world. It is not unusual to learn from those who become involved in the criminal justice system through direct or indirect means that their experiences are different from the material and stories frequently portrayed in other textbooks, general books, and the media.

Crime and the criminal justice system are commonly sensationalized in the books we read, the television shows we watch, and the gruesome headline news stories we view daily. The real stories in the criminal justice system can be complex, and each case touches individuals in far-reaching ways. The goal of this book is to demonstrate how the system works in reality and to familiarize you with the complicated path from first contact with the criminal justice system—whether as witnesses, victims, or offenders—to exiting the system (for those who do exit). To demonstrate how this happens, we introduce four real people and describe their actual experiences with the criminal justice system throughout the book. None of them wanted to be involved with the system, but for years, and even decades, their lives have been intertwined and entangled with law enforcement, courts, and corrections. For some, if not each one of our case studies, involvement with the system will continue until their deaths. The true stories related to their cases and experiences are used to enhance and inform the contextual material presented in each chapter. This chapter introduces those case studies: Jennifer Schuett, Esther Lucero, Joshua Paul Benjamin, and Danny Madrid, as well as foundational elements of the criminal justice system.

WHAT IS THE CRIMINAL JUSTICE SYSTEM?

Laws that define crime represent a small portion of the legal field and create a large web of entanglements. Society needs a way to deal with individuals who violate these laws and those who are victims of crime, hence the development of the **criminal justice** system. The criminal justice system comprises three primary components: law enforcement, courts, and corrections.¹ **Law enforcement** is charged with investigating crime and apprehending individuals alleged to have committed crimes. **Courts** are responsible for interpreting and applying the law. The correctional component protects society from criminals through housing, monitoring, and other community-based programs. In some instances, **corrections** involve incarceration in jails or prisons, while in other cases, it consists of supervision in the community, parole, or probation. In the most extreme cases, it means putting someone convicted of a crime to death.

CASE STUDY

Jennifer Schuett: A Case of Attempted Murder and Rape

On August 10, 1990, 8-year-old Jennifer was abducted from her bedroom through a window at 2:30 a.m. The offender, a complete stranger, covered her mouth, assuring her that she was safe because he was a police officer. He told her this while running down the sidewalk with her in his arms. He placed Jennifer in his vehicle and sped away from the apartment complex where she lived with her mother. The man later stopped the car and brutally raped Jennifer. In an effort to remove the only witness to his heinous, violent crimes, he slashed her throat from ear to ear and left her in a vacant field, thinking she was dead.²

The Jennifer Schuett case reminds us that crime involves victims. Too often, accounts of crime—whether in textbooks or in the general media—fail to acknowledge the individuals harmed in incidents. Historically, work in criminology and criminal justice overlooked victims, rendering them little more than witnesses at a trial (if a trial occurred). In some cases, when a victim was acknowledged, it was to blame them for part of or the entire incident.³ The past several decades have witnessed an emphasis on the role of the victim in the criminal justice system. Victims now have increased resources and assistance to help in recovery, and policy and research efforts provide a greater understanding of victimization. Throughout this text, we follow Jennifer and her forced introduction to the criminal justice system.



Eight-year-old Jennifer Schuett. What type of person would harm a little girl? How should the criminal justice system handle such an offender?

Jennifer Schuett

Esther Lucero: A Case of Plea Bargains, Incarcerations, and Reentry

Esther Lucero's life involved unforeseen pathways that resulted in happiness and hardship. She grew up in a tightly bonded family, which changed after her parents divorced when she was 7 years old. She lived in a primarily Hispanic neighborhood and now self-identifies as a Spanish, Mestizo Indian, or Chicana Lesbian. Esther was the middle child with an older brother and younger sister. Esther's parents protected and nurtured their children. They also provided opportunities to travel. Her father was a producer and often took the family on trips to see concerts in places like Telluride, Colorado, an elite, well-known



Esther Lucero. How did an arrest after a violent fight affect the life of this young woman? Did the criminal justice system go too far, sentencing her to prison by ignoring that her actions may have been self-defense?

Esther Lucero

music festival and skiing area. Esther grew up in Denver, Colorado, and attended Catholic school, which likely shielded her from many of the challenging experiences associated with public education. Her education was extensive and of high quality, but by her admission, her worldview was somewhat limited. Esther's early voyage to self-awareness was turbulent, like many young adults who face personal and societal challenges as they attempt to determine their place in the world. Esther, however, faced greater marginalization to establish herself as she struggled with being a Chicana gay woman. Eventually, her social identification would also include that of a felon.

Joshua Paul Benjamin: A Case of Sexual Assault



Tragedy struck Joshua Paul Benjamin when he was a toddler. He was hit by a car while crossing the street. Could anyone have known that the resulting injury would ultimately lead to his entanglement in the criminal justice system?

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Joshua was rushed to the hospital in critical condition, where doctors informed his parents that he would either die or have brain damage as a result of his injuries. After about 10 days, Joshua emerged from a coma unable to communicate, with a paralyzed left side. At home following discharge, Joshua dragged himself through the house on the floor. His life changed dramatically after charges of sexual assault against a child emerged, and the ensuing events, as described in later chapters, resulted in Joshua's lifetime involvement in the criminal justice system.



Danny Madrid found himself a member of a gang at a young age. Not surprisingly, this led to several interactions with law enforcement. How did such a young person become involved in this life?

Danny Madrid

Danny Madrid: A Case of a Gang Member and Attempted Murder

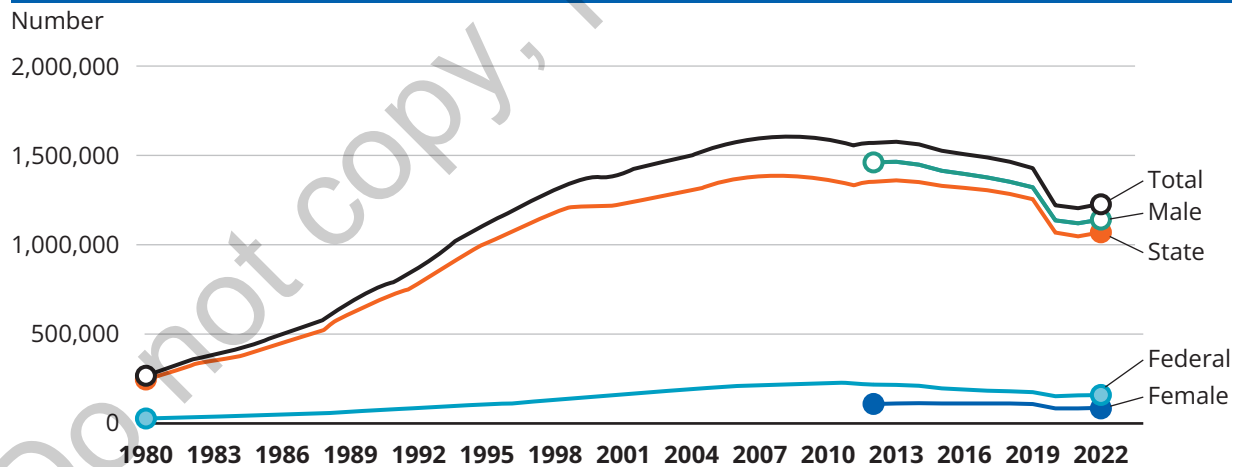
As a young boy growing up in a predominantly Latino and Black neighborhood in South Los Angeles, Danny Madrid dreamed of one day becoming an astronaut. Danny's dreams as a small child faded when he became involved with a gang at the age of 13. The older boys in the neighborhood asked him to join the gang, and because he had known the gang members' younger siblings since early childhood, life on the streets with these boys seemed natural. With his new peer group, Danny engaged in graffiti, drug crimes, and other street-level crimes in the Los Angeles area. Not surprisingly, given these offenses, Danny's clashes with law enforcement increased substantially. In addition, violent conflicts with rival gangs were common. Eventually, Danny was assaulted, or "packed," by a group of rival gang members. In retaliation, he and a friend got in a car with a gun to seek revenge against the rivals. That day in 1990, Danny's life took a turn for the worse.

The death penalty is a controversial issue and is addressed more fully in the discussion of courts and sentencing later in the text. Part of the debate over capital cases focuses on issues of retribution and the chance of executing an innocent person. Another important aspect of the criminal justice system—one that has received increased and much-deserved attention in recent years—is the victim. Now, more emphasis is placed on incorporating victims into the system, and paying attention to their needs and wishes is more apparent in law enforcement, courts, and corrections.

Size of the System

The criminal justice system is enormous and costly even in light of decreases in violent and property crimes beginning in the early 1990s. Through 2007, annual growth in the system was dramatic. From 2007 to 2022, it has remained more stable, with some rate increases and decreases from year to year. According to the most recent data, violent crime rates in the United States increased from 2021 to 2022. However, the violent crime rate in 2022 is lower than that observed in 2012.⁵ Why is the criminal justice system in the United States so immense and expensive? It is large because a large proportion of the juvenile and adult population is under the control of the criminal justice system. By the end of 2022, in the United States (the most recent data available), more than 1.23 million people were in state or federal prisons. This increase was 2.1% more prisoners than recorded the year before. In total, by the end of 2021, more than 5.4 million individuals were being supervised in the adult correctional system, including incarceration in local jails and prisons and parole or probation (see Figure 1.1). This level corresponds to 1 in every 48 adults, the lowest rate measured since 1994. While fewer people are under the control of the correctional system than years before, a large number of individuals continue to be under the control of the criminal justice system. At the end of 2021, the majority of these adults were being supervised in the community (nearly 3.0 million on probation and 803,200 on parole). In addition, more than 1.8 million adults were incarcerated at the end of 2021 (636,000 in local jails and 1.2 million in prisons).⁶ Though decreasing since 2007, the prison and jail populations are so enormous that the United States has been described as “addicted to incarceration.”

FIGURE 1.1 ■ Individuals Incarcerated Under State and Federal Jurisdiction, 1980–2021



Source: Bureau of Justice Statistics, National Prisoner Statistics, 1980–2021.

Gender, Race, and Hispanic Origin in the System

The adult imprisonment rate differs greatly by the offender’s gender, race, and Hispanic origin. At the end of 2022, men were imprisoned at a rate of 666 per 100,000, which is more than 13 times greater than the 49 per 100,000 rate for women (see Infographic 1.1 later in the chapter).⁸ Black non-Hispanic men were imprisoned at a rate of 1,826 per 100,000, which is almost five and a half times the rate of

337 per 100,000 that characterizes White non-Hispanic men.⁹ During the same period, differences in the imprisonment rate were apparent for women by race and Hispanic origin as well. Black non-Hispanic women were imprisoned at a rate of 642 per 100,000, while their White non-Hispanic and Hispanic counterparts were imprisoned at much lower rates: 40 per 100,000 and 49 per 100,000, respectively.¹⁰

Not all the differences in imprisonment rates are based solely on variation in criminal behavior. Research indicates that some personal characteristics are associated with a greater likelihood of harsher punishment.¹¹ In other words, a White woman and a Black man committing the same criminal act may be treated differently in the criminal justice system. The White woman may never be arrested, while the Black man may find himself incarcerated. This lack of equity in justice is reflected in the quotation by Judge Sturgess: “Justice is open to everyone in the same way as the Ritz Hotel.” In other words, powerful citizens who are wealthy and in the majority may receive lenient treatment, while people living in poverty and people of color are treated harshly. Given the serious consequences of being incarcerated, this inequity is essential to recognize.

Differences in the likelihood of being sanctioned in the community or incarcerated are also associated with the victim’s characteristics. One example where this is evident is capital punishment. In theory, we reserve capital punishment for our most extreme criminals. But is this the reality? A look at statistics demonstrates that less than 2% of murderers were given death sentences. What accounts for why such a small percentage of offenders were sentenced to death when 98% of murderers were not? Some research points to specific factors associated with a greater likelihood of getting the death penalty. These aspects include murders committed with torture, grave risk of death to others, being a Black offender, and committing a murder with another felony. Furthermore, research shows that a Black defendant who kills a non-Black victim has the highest likelihood of being sentenced to death compared with Black-on-Black, non-Black–on–non-Black, and non-Black–on–Black homicide. These findings hold true even when other characteristics, such as torture, risk to others, and additional felonies, are considered.

The Cost of the Criminal Justice System

The enormous size of the criminal justice system, particularly in corrections, stems partly from the public’s desire for longer and harsher sentences. Policymakers who wanted to be “tough on crime” and gain favor with voters implemented legislation such as three-strikes, habitual offending, and mandatory sentencing laws. The result was a massive expansion of the criminal justice population, a large number of people working in the system, and an equally dramatic increase in the cost of the system. In 2017, the Bureau of Justice Statistics estimated that the U.S. criminal justice system employed 2.5 million people at an annual cost of almost \$305 billion.¹² To put this in perspective, regardless of age, each person in the United States paid \$938 in 2017 to support the criminal justice system.¹³ Costs differ by location. The cost of state incarceration (a part of the overall criminal justice system), for example, varies greatly. Research by Mai and Subramanian found that in 2015, the total cost per inmate averaged \$33,274 and ranged from a low of \$14,780 in Alabama to a high of \$69,355 in New York. Eight states—Alaska, California, Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Vermont—had a cost per inmate above \$50,000. Eighteen, mostly southern, states had costs less than \$25,000, while 19 states had costs between \$25,000 and \$50,000.¹⁴

COMMON MISCONCEPTIONS

THE DIFFERENCE BETWEEN PRISON, JAIL, PAROLE, AND PROBATION

Students, citizens, and the media often confuse the terms *prison* and *jail*. As is presented in greater detail in subsequent chapters, these terms designate different institutions and are not synonymous. Jails are local facilities managed by cities and counties with a somewhat overlapping but distinct purpose from prisons and penitentiaries. While prisons hold individuals convicted of crimes, jails hold both those convicted of crimes and individuals who have not been

convicted. Jails, for example, detain people who have not been offered bail and those who cannot make bail prior to a trial. Prisons hold persons convicted of more serious offenses serving longer sentences; jails typically detain individuals convicted of misdemeanors serving sentences of less than 1 year (in some jurisdictions jails may hold people for more extended periods of time). Another exception is the case of prison overcrowding—jails may then incarcerate people who have committed felonies in state and federal prisons who are serving longer sentences (for a fee). Knowing this, you should recognize that someone sentenced to 15 years of incarceration will likely spend most of that time in prison, not in jail.

Two other commonly confused terms are *probation* and *parole*. These are not synonyms but refer to two different situations. Probation and parole are types of sentences. Probation is a sentence that suspends or delays a term of full-time incarceration in prison or jail. In return for the suspended or delayed sentence, the judge orders the offender to return to the community, where they must abide by specific rules and conditions. Since its inception, probation (and other intermediate sanctions) has become the most common form of sanction administered in the United States. Typically, a person given probation has not served time in jail or prison for that particular offense. A person just released from prison may be placed on parole as part of their sentence. Parole operates like probation in that the offender is released from prison back into the community, where they must abide by certain rules and conditions. Failure to comply with those rules often means returning to prison.

Think About It

1. Do jails hold *only* those convicted of minor crimes for which a sentence of less than 1 year is given? Explain.
2. Under what circumstances might a local jail hold people who would typically be incarcerated in a federal prison? Explain.
3. If someone is on parole, does this mean they have never served time in prison? Why or why not?

While estimating the cost of the criminal justice system is challenging, and even following declines in the number of people incarcerated in states in response to the 2008 recession, it is clear that when considering only state incarceration, the criminal justice system is expensive for everyone—including taxpayers.

In some locales, scarce economic resources, as well as massive overcrowding, have highlighted the need to consider options other than incarceration. Since 2009, California has been under a federal court order to reduce overcrowding in the state-owned and operated prison system. They were ordered to limit the number of people incarcerated, which limits the number of people to 137.5% of the designed capacity, and massive overcrowding has highlighted the need to consider alternatives to prison.

The 2009 court order was finally met in early 2015 after the implementation of Proposition 47, which lowered the punishment for six common nonviolent property and drug crimes from felonies to misdemeanors. Crimes such as forging checks, shoplifting, and possessing small amounts of illegal drugs were affected. Incidents involving more than \$950, including violence (e.g., murder) or certain sexual offenses, were excluded. In 2015, a Stanford University report found that Proposition 47 dropped the state's prison population by about 13,000, resulting in an estimated state savings of approximately \$150 million in 2015 alone. Changes due to Proposition 47 more proportionally impacted women compared to men who are incarcerated, because 8% of the people released were women.¹⁵

Changes like these reflect a backing away from previously enacted *get tough on crime* policies. Politicians throughout the nation are increasingly fans of releasing people convicted of nonviolent crimes or using punishment that incorporates more parole and probation versus incarceration to save money. Yet public safety continues to be an important concern, and policymakers are vying for public approval. Consequently, legislation in the United States continues to lean toward harsh punishment despite the financial costs. As stated by the Sentencing Project: “Our criminal justice system today is like a bicycle stuck in one gear: the prison gear.”¹⁶ It should not surprise the reader that currently, in 2023 in California,

there is an initiative being circulated focused on increasing penalties for drug and theft crimes as an effort to reverse parts of Proposition 47.

HOW DOES THE CRIMINAL JUSTICE SYSTEM WORK?

The criminal justice system is large, varied, complex, and encompasses many systems and services found among governments at the local, state, and federal levels. For this reason, no single description or illustration can accurately describe *the* criminal justice system because no single component acts in isolation. The entire system requires that particular steps be taken to offer citizens due process and minimize undue governmental intervention. Figure 1.2, developed by the Department of Justice's Bureau of Justice Statistics, illustrates the most common steps found in the criminal justice system. While this depiction offers the most common linear pathways, in reality, each section of the criminal justice system overlaps and functions with feedback from others. Conventional wisdom suggests that police officers, for example, arrest a suspect following an investigation. Then, they present the suspect and information from the investigation to the prosecutor for consideration of charges. In reality, law enforcement officers may or may not arrest a suspect based on input from a district attorney during the investigation. Some research indicates, for example, that arrest for rape and sexual assault is more likely if the prosecutor feels that the case can be won at trial based on whether there is evidence that the offender committed the crime. These circumstances result in instances in which some evidence that a rape occurred can be associated with an alleged offender's evading arrest and remaining free to re-offend.

A Road Map

The criminal justice system process begins when a crime becomes known to law enforcement. However, in many instances, crimes fail to come to the attention of law enforcement. In 2022, for example, only about 41.5% of violent crimes and 31.8% of property crimes were reported to the police. In other words, about 6 in 10 of all violent and 7 in 10 of all property crimes are never reported to law enforcement. The degree to which crime is reported to the police varies by the type of crime considered. In 2022, about 64% of robberies were reported, while only about 26% of property theft became known to law enforcement. Motor vehicle theft is the most likely of personal and property crimes to be reported; about 81% of these crimes are brought to the attention of law enforcement. In contrast, rape and sexual assault are least likely to be reported; only 21% of this violence is brought to the attention of the police.¹⁷

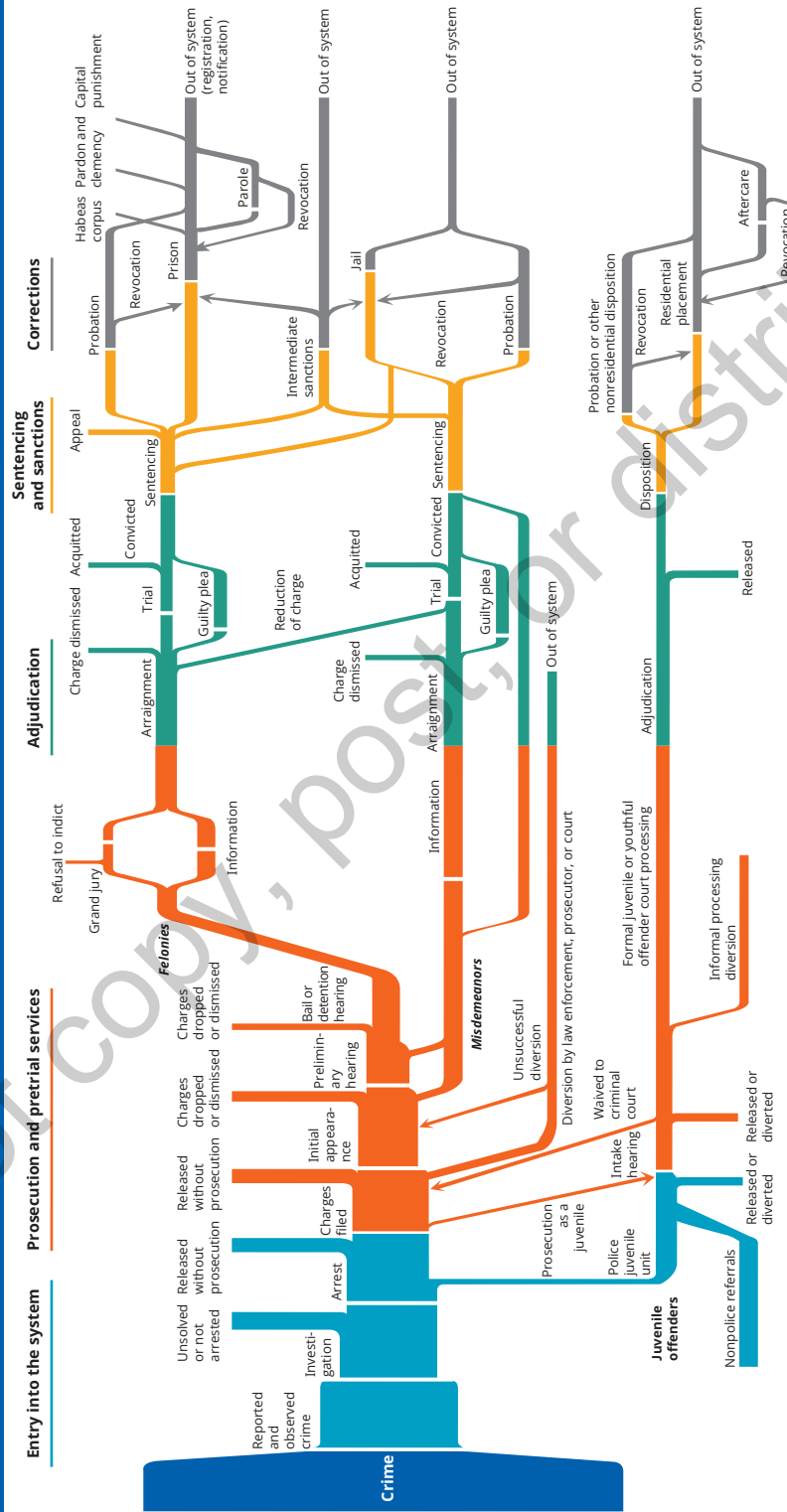
Once alerted, law enforcement agents investigate whether a crime has occurred. If a determination is made that a crime occurred, attempts to identify and apprehend the offender(s) are made. Evidence gathered from the investigation is presented to prosecutors, who, using their discretion, determine whether formal charges will be filed. If no charges are filed, the accused is released from their involvement in the system. If charges are filed, prosecutors may proceed toward plea bargaining or trial or may decide to drop charges in an act known as **nolle prosequi**.

If charged, the accused appears before a judge or magistrate in person or via video and is informed of the charges against them. Several other things may happen at this point, depending on the jurisdiction and elements of the crime. First, the determination of guilt and punishment may be dispensed. Or the defendant may be assigned a public defender if the charges are serious enough and the accused lacks sufficient resources to retain an attorney independently. Also, the judge or magistrate may determine if bail is warranted.

In some jurisdictions a grand jury may be convened to investigate and issue an indictment or no bill. Grand juries, in some respects, are tasked with determining if the prosecutor has sufficient evidence to proceed with charges. A **no bill** indicates that insufficient evidence is present to proceed with the case, and the accused is released if they are in jail.

The next step is generally an arraignment. At the arraignment the charges are read, the defendant is informed of their rights, and the defendant enters a plea of guilty, not guilty, or **nolo contendere** (i.e., accepting penalty without admitting guilt). The judge may or may not accept the plea, and the

FIGURE 1.2 ■ A Road Map of the Criminal Justice System



Source: Bureau of Justice Statistics. (2014). *Criminal justice system flowchart*. Retrieved from <https://bjs.ojp.gov/media/image/45506>.

defendant may or may not be sentenced immediately. Some defendants opt for trials by jury, while others request trials by judge.

At trial, the prosecution and defense present evidence and question witnesses while the judge rules on legal issues. At the conclusion of the trial, a conviction or acquittal on the charges is levied. Following this verdict, the judge imposes the sentence either immediately or in a second hearing. For some capital cases, a jury may determine the sentence. Some defendants may appeal the case based on procedural or constitutional errors—not on the basis of an alleged “wrong” outcome.

Punishment differs greatly. Those sentenced to a year or less incarceration generally spend that time in jail. Offenders sentenced to longer terms of incarceration are usually sent to prison. The length of the punishment may be indeterminate (i.e., not based on a fixed number of years) or determinate (i.e., based on a fixed number of years). In most cases, the judge sentences the offender to an **indeterminate sentence** in the form of a range of years to be served (e.g., 7 to 10 years). Often, parole boards determine when the convicted individual is released following any mandatory time in prison. Parole boards also set conditions for the release. Violation of parole conditions may mean that the offender is returned to prison to complete their sentence.

In some cases, those accused avoid jail or prison. These individuals may be sentenced to house arrest, boot camps, intensive supervision, drug treatment, and/or electronic monitoring. In community corrections, the development and use of continually improving technology play a greater role.

The Victim

Missing from this classic road map of the criminal justice system is the victim or survivor. Opinions differ about whether an individual who experienced a crime should be called a victim or a survivor. We believe that each person should identify in a way they are comfortable with. For purposes of this text, we primarily use the term *victim* because we are generally describing a group of individuals that includes those who survived the victimization and those who did not.

Victim interaction with the criminal justice system takes many forms. Victims (or their family members in the case of homicide) have numerous things to attend to, some of which are outside the scope of the criminal justice system. They may need medical care, emotional and/or psychological support, and/or assistance from insurance agencies. One action they or others around them may take is to alert the police about the crime. If the police become involved, then the victim becomes a crucial *witness* to the crime. Victims are questioned, often repeatedly, about the crime. They may feel that they are losing control as the machinations of the criminal justice system churn ahead regardless of their desires or input. Victims report great variation in playing a role or being informed about the investigation and criminal justice proceedings. Increasingly, victims are paired with advocates. **Victim advocates**, also referred to as victim service providers, victim/witness coordinators, or victim/witness specialists, are trained professionals who support crime victims throughout the process. Working to support victims, advocates provide information about available options. These resources may help educate victims about criminal justice system proceedings and offer options for needed emotional, psychological, or financial support that is available. Advocates educate victims about their rights and, in some cases, attend court proceedings with the victims. If you or someone you know becomes a victim of a crime, it is strongly advised that you become informed about your rights and consider seeking out a victim advocate to assist in navigating the process.¹⁸

Crime and the Importance of Personal Liberties

Crime affects the lives of everyone. For some people, this means being a victim of violence, having property stolen, having a home burglarized, or losing money to unscrupulous businesses or identity thieves. For other individuals, it means losing a family member to homicide or watching a loved one suffer devastating personal and property losses because of the criminal acts of others. Or, for some, it may mean being deprived of personal liberties as a consequence of criminal conduct. For us all, crime means funding a massive criminal justice system with taxpayer money and dealing with the aftermath of large proportions of our population being confined or monitored by the correctional system. With large sums of money flowing into the criminal justice system, fewer resources are available for other social institutions, such as community centers, prevention programs, transportation, and education.

These consequences are clearly felt by students who are forced to pay higher tuition or forgo an education altogether as state funding for education is diverted elsewhere.

The consequences of crime also affect us all in terms of personal liberties. A strong relationship exists between increased criminalization of behavior and greater loss of personal freedoms. On one hand, to ensure the greatest good for the greatest number (also referred to as *utilitarianism*), legislation is required to prohibit certain behaviors. Constitutional freedoms, on the other hand, ensure certain **inalienable rights**. Legal controversies over the rights afforded by the U.S. Constitution are common and often depend on whether a strict interpretation of the language is applied. In contrast, some legal experts believe that changes in contemporary society require a broader interpretation. **Judicial activism** is said to occur when decisions are influenced by personal or political underpinnings. Balancing personal freedoms and public safety concerns can present difficult policy challenges.

Some commentators and scholars argue the 2001 **USA PATRIOT Act** (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism), signed into law by President George W. Bush, is one example of how citizens are losing personal freedoms.¹⁹ The September 11, 2001, terrorist attacks in New York, Virginia, and Pennsylvania, arguably the greatest contemporary tragedies of this type to occur on U.S. soil, changed domestic and foreign policies and law enforcement in ways that have affected the entire populace. The USA PATRIOT Act, among other things, reduced restrictions on intelligence collection and broadened discretion in detaining and deporting immigrants suspected of terrorist activities. In May 2011, President Barack Obama signed a 4-year extension of the provisions for roving wiretaps, searches of business records, and surveillance of individuals with no connection to a particular terrorist group. Opponents of the act argue that the provisions overextend the powers of the Federal Bureau of Investigation (FBI) and allow monitoring of telephone calls, e-mails, and financial records without the added safeguard of a search warrant.²⁰ Contemporary evidence and the information revealed by Edward Snowden, a former Central Intelligence Agency and National Security Agency (NSA) employee who copied and leaked classified NSA information in 2013, supported the notion that records of individual U.S. citizens are being collected. Many portions of the PATRIOT Act that lacked congressional approval expired in 2015. During the same year, the **USA Freedom Act** was passed. It continued many elements found in the USA PATRIOT Act but stopped the NSA from gathering a massive amount of phone data on citizens. Instead, the USA Freedom Act allows phone companies to retain consumer data that can be accessed by the NSA once federal court permission is obtained. In August 2019, the outgoing director of national intelligence sent a letter to Congress indicating the Trump administration's intention to permanently extend several provisions of the Foreign Intelligence Surveillance Act (FISA) in the USA Freedom Act, which expired in December 2019. Authority for reauthorization of these provisions is shared by the Judiciary and Intelligence Committees in the U.S. Senate and the U.S. House of Representatives. In 2018, President Donald Trump signed a 6-year extension of FISA (Section 702), despite his earlier claims that it had been used to spy on his campaign. It remains in effect.

WHAT IS CRIME?

Sometimes, the most difficult questions to answer are the simplest ones. For example: What is **crime**? The most commonly accepted answer is that crime is the breaking of a law for which the criminal justice system or some other governing authority prescribes punishment. Crimes are defined differently across geographic regions such as localities, states, and nations. Further, different places may apply different names to the exact same criminal acts. Additionally, what constitutes a crime may be contingent on the characteristics of the person committing the act or the person being victimized. For instance, some acts by minors are illegal (i.e., status offenses), whereas the same actions by adults are legal. Definitions of crime are not static; they change over time. Certain actions once illegal are now legal, and new restrictions on behavior may have been unthinkable years ago.

Street Crimes

When asked to identify a crime, most people will respond by listing offenses regularly portrayed in the media: murder, rape, or robbery. But these responses represent an incomplete set of crimes. These acts are

commonly referred to as street crimes. **Street crimes** are considered those that are relatively common and serious, involving a victim and an offender who come together in space and time. These events include crimes such as homicide, rape, sexual assault, robbery, and physical assault. Some people view street or violent crimes only as those involving a stranger who commits a crime. Although this happens, a large proportion of violent crime occurs between people known to each other. In 2022, for example, 53% of male victims and 39% of female victims of nonfatal violence reported that the offender was a stranger.²¹ People generally perceive violent or street crimes as involving deadly weapons such as firearms, knives, or clubs. In reality, most street crimes rarely involve weapons. The public frequently views street crimes with great fear, believing that offenses will inevitably lead to injury or even death. In reality, street crime is relatively unlikely to lead to serious physical injury or death, though it can and does happen.

Property Crimes

The public also is familiar with **property crime**, which includes motor vehicle theft, burglary/trespassing, and property theft. Regardless of the year considered, property crimes are far more common than violent street crimes, much to the surprise of those who are influenced by media accounts of unlawful incidents (see Infographic 1.1). A consistent finding is that motor vehicle theft is the least common form of property crime, and property theft is the most common form of property crime in the United States. Additional information on property crime is presented in Chapter 2.

Victimless Crimes

Some crimes are historically referred to as **victimless crimes** and involve illegal behavior that does not (in theory) directly affect another individual.²² Commonly cited examples of victimless crimes include prostitution, drug use, public drunkenness, homelessness, loitering, recreational drug use, and gambling. While some people indicate that there are no victims of these crimes, others disagree. Drug use, for example, may increase rates of burglary as users attempt to gain more resources to continue their habit. Prostitution may increase violence because sex workers are frequently assaulted as a result of their status. Prostitution may also be directly responsible for the trafficking of minors because meeting the demand of clients (criminal offenders) requires the control of younger and younger people forced into the sex trade/sex trafficking. Gambling may lead to financial ruin, requiring families to be supported through governmental programs. Are these really victimless crimes? Which crimes mentioned do you feel are victimless crimes? Which are not? Many scholars argue that the term *victimless crime* is antiquated and inaccurate. What do you think?

White-Collar Crimes

As noted, when people think about criminals and the criminal justice system, they tend to focus on street or property crimes, those who commit those offenses, and how law enforcement, courts, and corrections handle them. Rarely do people envision white-collar crimes, which affect far more people than street or property crimes. Edwin Sutherland, in his presidential address to the American Sociological Society, first recognized white-collar crime as a serious problem in 1939.²³ (The name of this organization was later changed to the American Sociological Association to avoid the embarrassing acronym.) Sutherland described white-collar crime as a “crime committed by a person of respectability and high social status in the course of his occupation.”²⁴ White-collar crime is ill-defined but generally conceived of as lying, cheating, and stealing by occupational, corporate, and government actors using a wide range of frauds. While there is no consensus, the following crimes often are considered white-collar crimes:

- bribery
- securities fraud
- Ponzi schemes
- mortgage fraud

- misuse of pension funds
- bank fraud
- unsafe products
- violations of public trust
- medical fraud
- insider trading
- price fixing
- toxic dumping
- fiduciary fraud
- religious fraud

POLICY ISSUES

CRIMINAL OFFENDING AND UNDOCUMENTED IMMIGRATION

Criminal offending is an issue that concerns almost everyone. For some, criminal offending by undocumented immigrants is especially troubling. Some high-profile cases of immigrants committing violence include the 2015 murder of Kathryn “Kate” Steinle, who was walking on Pier 14 in San Francisco’s Embarcadero (the eastern shoreline in San Francisco that is a popular tourist destination with many restaurants, shops, and an iconic clock tower) when she was shot by Jose Ines Garcia Zarate. Garcia Zarate had just completed almost 4 years in federal prison, had seven prior felony convictions, and had been deported five times. He admitted to shooting Steinle but claimed that when handling the firearm, it accidentally discharged. In contrast, the prosecution argued that Garcia Zarate intentionally fired the gun when he shot and killed Steinle. Ultimately, the jury acquitted Garcia Zarate of murder, manslaughter, and assault. He was convicted of being a felon in possession of a firearm, which carries a sentence of 16 months to 3 years in prison. As a result of this case, the U.S. House of Representatives passed “Kate’s Law” in honor of Steinle. This bill—which is an amendment to the Immigration and Nationality Act—calls for an increase in penalties for undocumented immigrants who return to the United States and commit crimes. To date, the bill has not cleared the U.S. Senate.

Cases like this raise the question: How many crimes do undocumented and documented immigrants commit? Findings show that immigrants commit crimes and are incarcerated at rates lower than people born in the United States. A 2015 National Academy of Sciences report, for example, indicates that immigrants commit fewer crimes and at lower rates than those born in the United States. The same conclusion was reached by the Libertarian Cato Institute, which demonstrated that “illegal immigrants are 44 percent less likely to be incarcerated than natives” and that “legal and illegal immigrants are underrepresented in the incarcerated population while natives are overrepresented.” More research, focused on Texas—because it is the only state to record the immigration status of those entering the criminal justice system—finds similar outcomes.²⁵ Bersani’s research indicates that immigrants are less crime-prone than those who were born in the United States.²⁶ Similarly, Nowrasteh and colleagues in 2018 found that in Texas, immigrants entering the United States both illegally and legally commit a lower rate of crime compared to citizens (782, 535, and 1,422 criminal convictions, respectively). This accounts for a conviction rate that is 45% less than that of native-born Americans in Texas.²⁷ Additional research finds that children of immigrants commit crimes at rates mirroring the native-born. What about crimes committed by undocumented immigrants? Many people argue that every undocumented person has committed a crime because they are in the country without documentation. But what of violent and property crimes? Unfortunately, quality data on the degree to which undocumented immigrants commit crimes is challenging to obtain. Yet researchers Ousey and Kubrin found in a meta-analysis of students that the association between immigration and crime is negative and weak overall.²⁸ The authors reiterate the challenge of finding quality data and acknowledge that without better data, understanding the degree to which undocumented immigrants commit crimes (aside from undocumented entry into the county) remains a mystery.

Think About It

1. Should we be gathering data specifically on undocumented immigrants and the crimes they commit? Would you, as a taxpayer, be willing to fund this massive undertaking? What would you do with the findings of this research? What policies would come of it if, as research now shows, citizens are more criminally active?
2. What are some explanations for repeated research findings that immigrants are less likely to commit crimes compared to native-born individuals in the United States? Why might the level of criminality of those born to immigrants be greater than those not born here?
3. Do you agree with the premise behind the proposed “Kate’s Law”? Should those in the country without documentation be given harsher sentences than others? Should taxpayers shoulder the cost of these penalties, or should the individuals be deported? What are the advantages and disadvantages of your proposal for handling these individuals?

Contrary to the belief of some, a strong argument can be made that white-collar crimes are *not* victimless crimes. A single fraud or scam can destroy a corporation, bankrupt families through lost savings and pensions, lead to home foreclosures, introduce toxic elements in the environment, and ultimately cost investors and taxpayers billions of dollars. Though rarely thought of and often given brief mention in criminal justice texts, white-collar crime affects more people than street and property crime combined. According to the U.S. Department of Justice report, the estimated average annual cost of white-collar crime ranges from \$426 billion to \$1.7 trillion. Some estimates suggest that the yearly cost of white-collar crime at \$1 trillion far exceeds street crime at \$15 billion.²⁹ Major corporate scandals like the collapse of Enron have focused more attention on white-collar criminals. Enron CEO Kenneth Lay was indicted on 11 counts of securities fraud and other charges and later found guilty of 10 of those. Lay was sentenced to just over 24 years in prison (but died before he began serving his sentence). Xuyen Thi-Kim Nguyen, another white-collar criminal, was convicted of one count of conspiracy, two counts of mail fraud, and seven counts of wire fraud in conjunction with mortgage fraud. She disappeared in 2005 before sentencing. She is currently a fugitive and is wanted by the FBI.³⁰ And more recently, Elizabeth Holmes, founder and CEO of Theranos, Inc. raised more than \$700 million dollars from investors claiming to have developed rapid and accurate blood tests that required tiny bits of blood. Ultimately, these claims were proven false, and the company was criminally investigated for misleading investors, government officials, physicians, and patients. Holmes, the CEO of the company, was charged with wire fraud and conspiracy and sentenced to more than 11 years in prison. Her co-conspirator, intimate partner, and Chief Operating Officer, Sunny Balwani, was convicted of 12 counts of fraud and sentenced to almost 13 years in prison.

Much of the debate over the definition of white-collar crime exemplifies the slippery slope of distinguishing what should be regarded as criminal. An academic argument between Sutherland and Paul Tappan developed into an important basis for thinking about the crime label.³¹ Sutherland questioned the legal definition of criminal behavior. He believed that the conviction of a criminal act was an unnecessary condition for determining whether a person committed an offense.³² Tappan argued, however, that sociological constructs such as antisocial behavior, conduct norms, and deviance fail to differentiate criminal versus non-criminal. In other words, in a much more legalistic approach, Tappan believed that only people convicted of crimes with specific penalties could be considered criminals. While their argument may appear to be a matter of semantics, what constitutes white-collar crime continues to vary, and unethical behavior today may later be labeled as criminal.³³

Cybercrime

Over the last several decades, people have faced a rapidly growing type of crime called **cybercrime**. Broadly, cybercrime is illegal activity committed using a computer or computer networks as the primary method of commission. Examples of cybercrime include the following:

- network intrusions
- dissemination of computer viruses, malicious code, botnets, and various e-mail scams such as phishing
- denial-of-service attacks
- identity theft
- stalking
- cyberbullying
- fraud
- theft of service
- online gambling
- trade secret theft
- securities fraud
- child pornography
- Zoom bombing

This list of cybercrimes reveals a controversy about whether the offenses represent unique and different types of crime. Consider that decades ago, several of these crimes (e.g., network intrusions, dissemination of malicious code, viruses, botnets, phishing, denial-of-service attacks) were nonexistent, given the lesser technology that was available. Overall, these crimes fail to neatly fit into a typology of violent and property crime. Yet it appears that some cybercrime refers to a different method used to commit violent crimes (e.g., bullying, stalking), property crimes (e.g., identity theft), and white-collar crimes (e.g., securities fraud). Clearly, there is some overlap because even the FBI releases statistics on what it refers to as “white-collar cybercrime.”³⁴ Additional overlap is found between cybercrime and terrorism because some incidents of the latter are being committed using computers. Terrorists are making great advancements in devising ways that can adversely affect critical networks and infrastructure in the United States. Imagine if the banking or air traffic control system were attacked. On the home front, smart grid and smart home products are means by which criminals can infiltrate houses. Many people use Amazon Echo-type devices in their homes. While they may provide some conveniences, they also represent a potential vulnerability for hackers or unscrupulous employees. Consider, for example, a young woman whose photos while using the toilet in her home showed up on Facebook. The photos were taken by her robotic vacuum as it moved throughout her home. In time, greater clarity in defining the boundaries of cybercrime will emerge.

Terrorism

Terrorism is a crime that receives a great deal of attention in the public and in academic studies.³⁵ Though a variety of definitions of terrorism are used by different agencies and groups, it generally includes these characteristics:

- It is committed by subnational or extremist clandestine groups that may or may not include groups in the United States.
- It is premeditated.
- Targets are noncombatants.
- Acts have the purpose of influencing an audience.
- Acts tend to be cross-national (international vs. domestic terrorism).
- Acts generally seek political, social, or economic change.



Alfred P. Murrah Federal Building, Oklahoma City, shortly after a domestic terrorist bombing in 1995. How did this act of terrorism differ from 9/11? What explanations account for the government's failure to respond to this act of terror in the same way it did following 9/11? What would you have done after the Oklahoma City bombing to minimize the possibility of future terrorist acts?

AP Photo/Bill Waugh

planning. As a result of these actions culminating in the blast on April 19, 1995, 680 people were injured, and 168 people lost their lives. Nineteen of those killed were under age 6 because a daycare center operated in the building.

McVeigh was tried and found guilty on 11 counts of murder and conspiracy. He was sentenced to death and executed on June 11, 2001. Nichols also was found guilty and ultimately sentenced to 161 consecutive life terms without the possibility of parole. Michael Fortier was tried and sentenced to 12 years in prison and a \$75,000 fine. In 2008, after serving 10 years, Fortier was released and entered the Witness Protection Program, in which he was given a new identity. Lori Fortier was given immunity, and as a result, she was never tried or convicted.

Even more recently, domestic terrorism broke out in Washington, DC, on January 6, 2021. On this date, Congress was meeting to certify the results of the 2020 presidential election for Joe Biden. In an



Domestic and international terrorism has long occurred in the United States. A recent example of domestic terrorism includes the January 6th attacks on the U.S. Capitol in Washington, DC. Some argue those who attacked Capitol officers and terrorized those inside the Capitol that day are not terrorist. Do you agree? Why or why not? What elements of their behavior constitute terrorism?

SAUL LOEB/AFP via Getty Images

attempt to disrupt this certification, a large crowd of Trump supporters stormed the capitol, breaking through barriers, entering secure locations, breaking windows, vandalizing offices, and assaulting several Capitol Police Officers. Five individuals were killed, including one Capitol Police Officer at the hands of the terrorists. After a massive and ongoing investigation, more than 890 individuals have been found guilty of federal crimes. Many of these convicted criminals are serving or have served time in prison as a result.

Though public awareness has increased since the 9/11 terrorist attacks, terrorism has a long history in the United States. A relatively recent act of domestic terrorism was the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City. Several domestic terrorists were responsible for this deadly bombing. The two most widely known were Timothy McVeigh and Terry Nichols. Lesser known were accomplices Michael and Lori Fortier. Michael Fortier was McVeigh's army roommate. All these individuals were sympathizers of the American Militia Movement and self-proclaimed survivalists. They were especially incensed because they believed that the government was infringing on their right to bear arms. In addition, these individuals were enraged about past government actions at Ruby Ridge and Waco.

McVeigh was responsible for actually detonating the ammonium nitrate fertilizer-based bomb at the Murrah Federal Building. He parked a van, which hid the 4,800-pound bomb, in a loading zone and detonated it using a 5-minute and a 2-minute fuse. Nichols built the bomb. The Fortiers were considered accomplices given their knowledge of the attack as well as their assistance in the

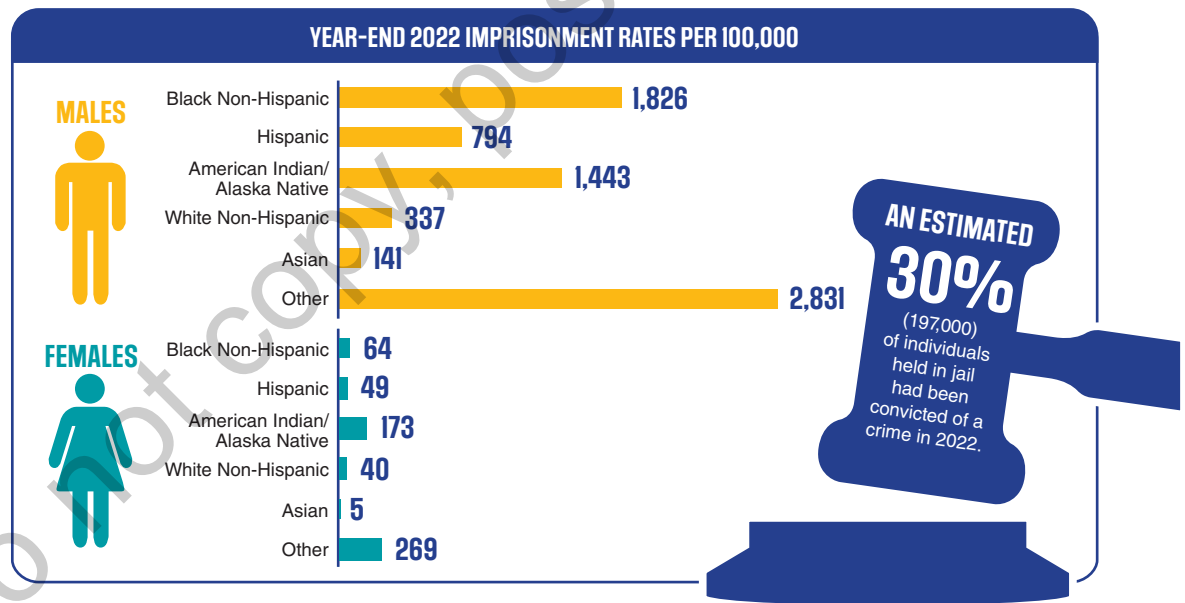
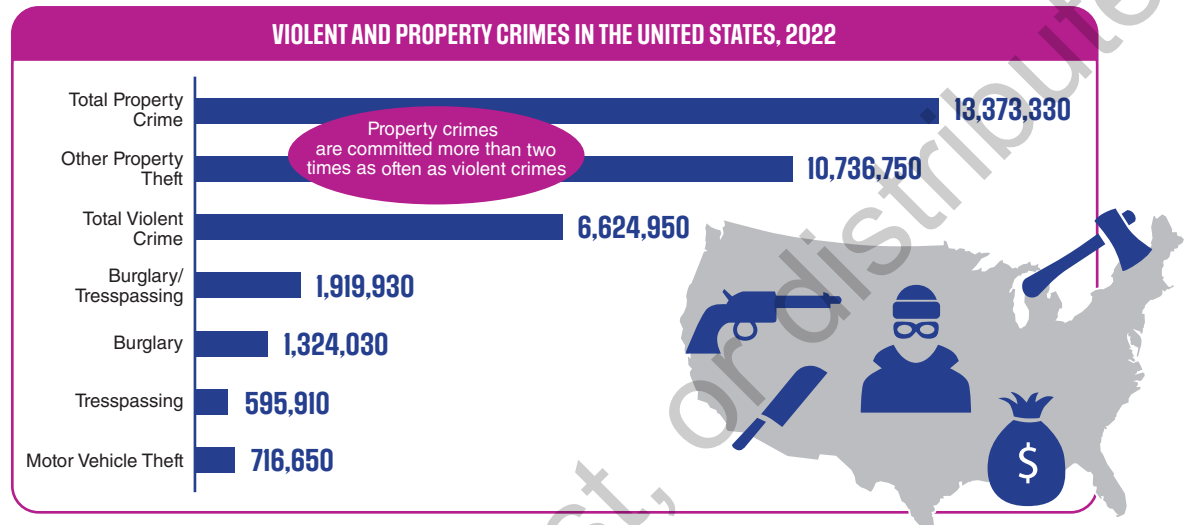
International terrorism continues to receive increased attention as the number of terrorist organizations and attacks increases. Terrorism goes beyond all geographic boundaries and ethnicities. The most prominent group currently associated with terrorism is the Islamic State of Iraq and the Levant (also known as ISIL or ISIS), which is responsible for many recent bombings and murders worldwide. In June 2016, for example, nearly 40,000 citizens of Fallujah, in Iraq, were trapped when ISIS militants surrounded the city with snipers and cut off food supplies. On March 22, 2024, ISIS claimed responsibility for killing at least 60 people and injuring 145

INFOGRAPHIC 1.1

DATA MATTERS: THE STORY IN NUMBERS

RATES OF IMPRISONMENT AND RATES OF CRIME

The imprisonment rate for people in the United States is very high, and that is especially the case for particular groups. Men are imprisoned at rates much higher than women. And among men, black non-Hispanic men are incarcerated at the highest rates. Many of those incarcerated committed personal and property crimes. In the United States, property crimes are committed in far higher numbers than personal and violent crimes. In fact, there is greater than two times property crimes committed compared to violent crimes in the United States.



CRITICAL THINKING QUESTIONS:

1. How does incarcerating such a large number of our citizens benefit our society? How does it harm it?
2. Do you find it surprising that there are far fewer violent crimes than property crimes in the United States? What may influence people to believe that violent crime is so much more common?

Sources: Carson, E. A. & Kluckow, R. (2023). Prisoners in 2022 - Statistical Tables, November, 2023. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. From table 13 of, NCJ 307149; Criminal Victimization 2022 by Thompson and Tapp, Bureau of justice statistics, 2023. From table 1 and 2 of, NCJ 307089

others in a terrorist attack at a crowded concert venue in Moscow. According to news reports, the United States shared intelligence information with Russia that a possible attack was being planned and warned U.S. citizens to avoid large gatherings. And in the United States, three Minnesota men were found guilty of plotting to join ISIS. These three incidents are only a small fraction of the threats and actions by ISIS in just a single month.

CRIME DEFINITIONS CHANGE OVER TIME

Crime is not new. Where there have been people, there has been crime. Something that has remained constant is the notion that crimes can be either *mala in se* or *mala prohibita*.

Mala in se refers to behavior that is immoral and inherently wrong by nature. *Mala prohibita* describes behavior that is prohibited by law. Until recently, marijuana use was considered illegal as a result of *mala prohibita*. What constitutes *mala prohibita* has changed over time. In some cases, previously illegal behavior has become decriminalized, while in other instances, what had been ordinary behavior is now illegal. Cannabis is an example of legalization and decriminalization (see Chapter 3 for additional details). Similarly, many states are considering or have passed legislation to decriminalize psilocybin mushrooms. Ballot measures passed in 2020 and 2022 in Oregon and Colorado, respectively, decriminalized psilocybin and legalized supervised use. Abortion, once illegal, then legal, and now illegal in some states, represents another example of the evolving nature of *mala prohibita*. With more laws, we have more criminals. But through **decriminalization**—the reduction or abolition of penalties associated with behaviors—fewer offenders are in the system. Other decriminalization examples include justifiable homicide and adultery.

Justifiable Homicide

While **justifiable homicide**—the lawful and intentional taking of another’s life—has always been legal, what *constitutes* justifiable homicide has changed over time. For an act to be defined as justifiable homicide, there must be evidence that the suspected offender (e.g., a robber) presented an imminent threat to the life or well-being of another. This threat includes murder, manslaughter, armed robbery, and rape. Law enforcement officers or citizens killing in self-defense or to defend others, state-sanctioned executions, and killing during times of war are all considered justifiable homicides.

Recent changes in some state laws have expanded situations in which justifiable homicide is possible. Historically if a burglar were to enter a home or business, it was expected that the resident or business owner obey a *duty to retreat*. That is, the resident first had to try to avoid conflict and take steps to avoid a confrontation with the offender. Only after attempts at de-escalation could the homeowner or business owner use force, including deadly force. Currently, 23 states, including Florida, Texas, Pennsylvania, and Tennessee, have adopted laws referred to as the “castle doctrine.”

Broadly, the **castle doctrine** and “make my day” laws state that residents are no longer required to retreat if threatened by intruders. Instead, they may justifiably use force, including deadly force, against intruders if they or other individuals are threatened. There is some variation in how expansively the castle doctrine applies. In some states, such as Texas and Florida, it applies to one’s home or business, one’s motor vehicle, public places, and any other location a person has a right to be. In Colorado, an offender must enter a “dwelling,” which is inhabited, for the other person to claim justifiable homicide.

Adultery

Another example of decriminalization of behavior is **adultery**. Historically, adultery was criminal behavior defined as sex between a *married woman* and a person other than her spouse. The basis for this distinction focused on paternity. That is, this law sought to prevent a husband from supporting or leaving an inheritance to another man’s child or children because of his wife’s adulterous behavior.

Over time, most states have decriminalized adultery; however, definitions of adultery and the associated punishment vary by state. Currently, in New York, adultery occurs when two people engage in sexual activities and at least one of the members of the pair has a living spouse. In Minnesota, adultery occurs

when a married woman has sex with a man who is not her husband. In this scenario, both the man, whether married or not and the woman have committed adultery. In Michigan, adultery is a felony punishable with jail or some other intermediate sanction. In contrast, adultery results in a \$10 fine in Maryland. In the U.S. military, adultery is an offense for which one can be court-martialed. The prosecution of adultery, while uncommon, still occurs in the military.

Driving Under the Influence

While marijuana and adultery are examples of decriminalization, in other instances, behavior has become increasingly criminalized. By expanding what is considered criminal behavior, we increase the number of offenders and the number of persons under the control of the criminal justice system. One example of increased criminalization applies to driving under the influence (DUI). Consider, for example,

people who drink alcohol or take drugs and then get behind the wheel of a vehicle or on a motorcycle and drive. At times, this behavior results in terrible and deadly accidents. While it has been prohibited to drive drunk in some places for more than a century, convictions were rare. In 1910, New York became the first state to implement a drunken driving law; however, there was no specific definition of what constituted driving while intoxicated. In general, the accepted limit was 0.15% blood alcohol content (BAC). This means that a person with a BAC of 0.15% has 15 grams of alcohol in 10 liters of blood. Drunk drivers rarely received jail or prison time, and victims received no restitution or justice. The offenders would merely go home and try to deal with their “problem” in a private and personal way. This approach to drunk driving changed during the late 1970s, and the crime is now associated with serious penalties.

Leading the increased criminalization of DUI was Candace Lightner, the founding president of Mothers Against Drunk Driving (MADD).³⁶ In 1980, Lightner’s 13-year-old daughter Cari was hit from behind by a drunk driver as she walked to a church carnival in her neighborhood. The driver, who had momentarily blacked out because of too much alcohol, regained consciousness after killing Cari and drove off, leaving her badly mutilated body in the street. The man was a repeat offender who was out on bail following a separate hit-and-run drunk driving incident only 2 days before he killed Cari. Cari’s death represented his fifth offense in 4 years. Four days after Cari’s death, Lightner started MADD when she discovered that the offender who had been apprehended would not receive any jail or prison time for killing Cari.

Since then, there has been a flurry of changes to the laws related to drunk driving and punishment. All states have clearly defined BAC levels that result in criminal charges and penalties, though the laws and punishment vary by state. Currently, all states have established the legal BAC limit as 0.08%. While BAC is uniform across states, punishment is not. In some states, a first offense means mandatory jail time, while in others a first offense is not seen as a crime. In other states, a separate offense (driving while ability impaired, 0.05% BAC) may also be charged.

Rape

Rape is another example of a crime that has seen an expansion in its definition over time. While rape has always been a crime and considered *mala in se*, how it has been legally defined has changed. For example, originally, the FBI defined rape as the “carnal knowledge of a female forcibly and against her will.”³⁷ In 2011, the FBI definition was changed to broaden the behaviors that constitute rape: “penetration, no matter how slight, of the vagina or anus with a body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” This modification meant that for the first time, the FBI recognized that boys and men could be victims of rape. This change also recognized that rape involves more than the penetration of a vagina by a penis. Women can commit rape, and rape can

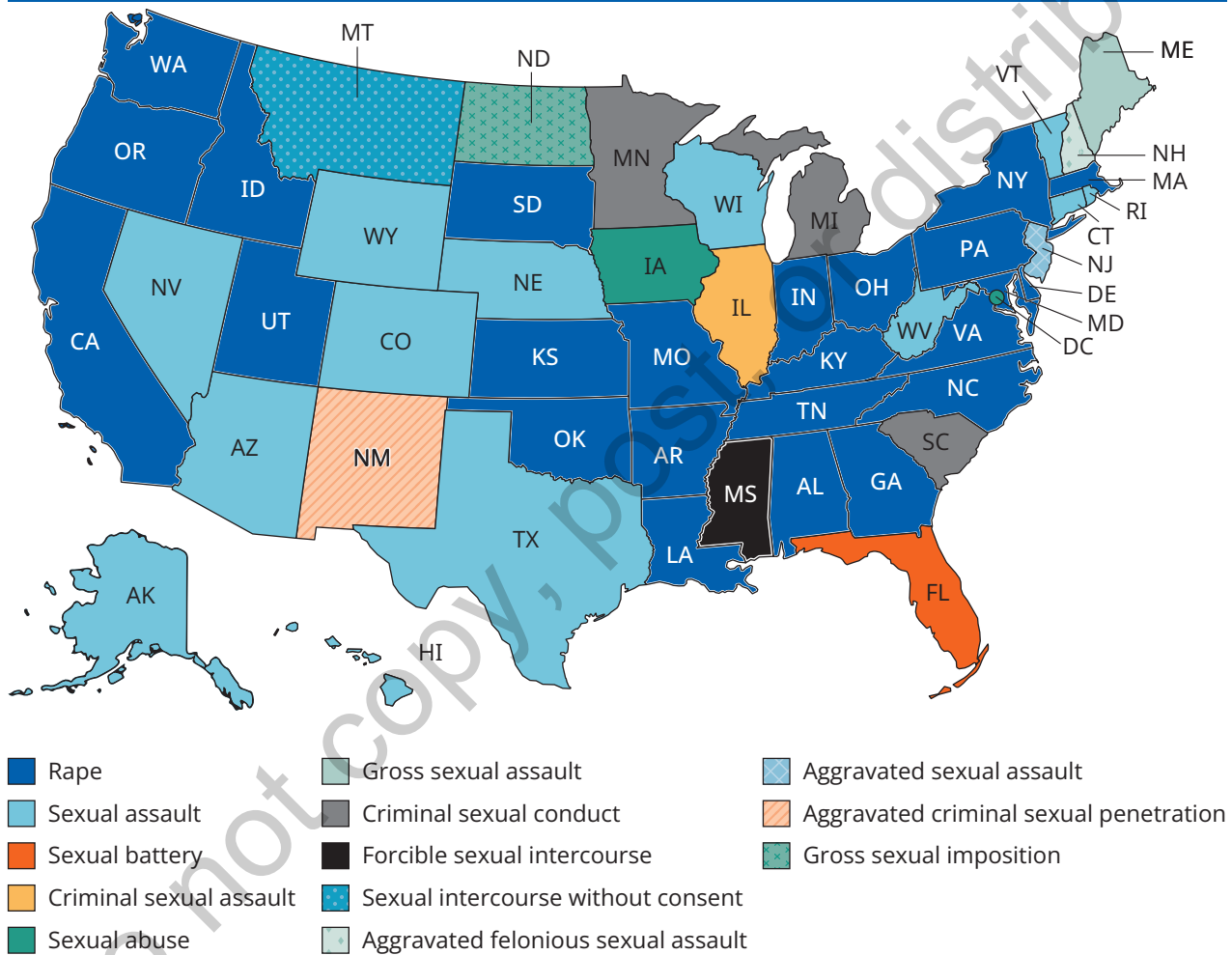


A crash resulting from drunk driving. Given the aftermath of some drunk driving accidents, do you feel the offense should be dealt with more harshly or less harshly than it currently is? What do you think is the appropriate BAC threshold for making DUI a crime?

iStockPhoto/CHBD

be committed by something other than a penis (e.g., fingers, objects such as sticks), and the penetration can occur in places other than a vagina (e.g., anus). In 2013, the FBI removed the word *forcibly* from its definition of rape to further reflect contemporary understanding. Rape does not have to involve force, but it does involve a lack of consent, such as when a person is unconscious. Additional changes in the definition of rape and related laws included those that recognize that rape can occur between married partners. Prior to 1975, rape, by definition, could not occur between married partners.³⁸ Currently, all states have marital rape laws, although it took almost 20 years to codify the seriousness of rape between a husband and wife. (Some people argue that it is still not taken seriously in the criminal justice system.) South Dakota was the first state to make marital rape a crime. In 1993, North Carolina became the last. See Figure 1.3 for a map of rape laws by state.

FIGURE 1.3 ■ Map of Rape Laws by State



Source: Pinchevsky, G. M., Augustyn, M. B., Kennedy, A. H., and Rennison, C. M. (2023). Perceptions of sexual violence terms used in statutes throughout the United States. *Violence Against Women*, online publication doi/epub/10.1177/10778012231188088.

CASE STUDY

Esther Lucero, like many young women, faced an incident that may have resulted in rape, though, unfortunately, the event resulted in Esther’s first arrest. One evening, Esther and her girlfriend decided to go out for drinks at a local bar. At some point, her partner left the bar, and Esther was alone and somewhat out of her element. After having a few beers and worried that her partner was

not going to return, Esther grabbed her girlfriend's jacket and decided to leave. Two men, however, attempted to stop her, accusing her of stealing the jacket. The men pulled her to the back of the bar and started beating her. Despite her cries for help, no one came to assist her during the incident. She feared the worst—that the men would rape her. Finally, they threw her out the backdoor. Esther was angry and indignant, so she threw some bricks knocking out the windows of several cars. The owner of the bar came out and grabbed her. They fought until he had her face down on the ground. Esther then grabbed a box cutter from her pocket and cut the man's hand.

Countless instances of behaviors have become increasingly criminalized or decriminalized. These changes reflect transformations in our understanding of behaviors and shifts in societal norms. In the past, rape was considered a crime of sex and lust. As such, marital rape seemed impossible. Today researchers and others recognize rape as a violent crime of power and control. Thus, statutes have been (and continue to need to be) changed to reflect this greater understanding, and rape shield laws were enacted to protect the privacy of victims. Rape shield laws restrict a defendant's ability to cross-examine a rape victim about past sexual behavior and prohibit revealing the identity of a rape victim.³⁹ In some states, protections are even broader.

Before these statutes were enacted, rape victims' prior behaviors were used as evidence to mitigate the crime, which had a chilling effect on victims' willingness to go forward. In the case of Jennifer Schuett, one would think that she would not have had to worry about being accused of luring her attacker given she was 8 years old at the time. It seems unthinkable that anyone would accuse a child of such a thing. Yet it happens. Consider the case of an 11-year-old Cleveland, Texas, girl who was gang-raped by 18 men in 2010.⁴⁰ The defendant's attorney publicly portrayed the young victim as a "seductive man-luring spider." Changes in rape laws are one step in the right direction to convey that rape is a crime of violence and that victims are not responsible for their victimization. Like the perpetrator in the Schuett case, evidence points toward rape being an act of power and control by the perpetrator.⁴¹

Many people express confusion about what constitutes rape, sexual assault, and sexual abuse. This is not surprising given the varied meanings attributed to each. In addition, even researchers use these words in a nonuniform way. While not definitive, these terms are frequently defined as follows:

Sexual abuse: This phrase is generally used to describe sexual violence committed against children. It can include actions such as forced touching, requiring the child to sexually touch the perpetrator, or forcing them to watch sexual activity. Regardless of the specific acts, sexual abuse is criminal behavior.

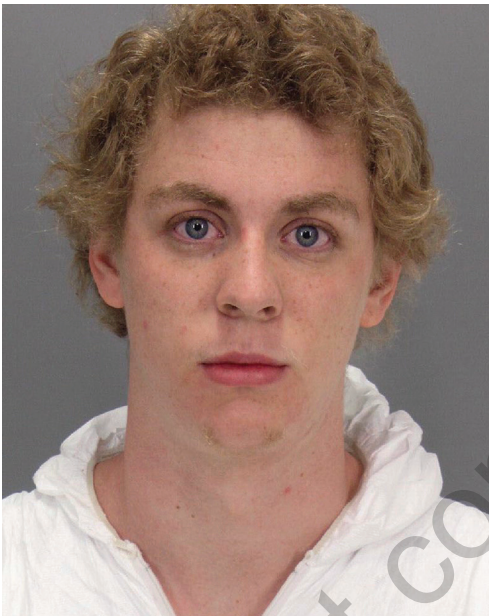
Sexual assault: This encompasses a variety of acts that are sexual in nature, including unwanted touching, kissing, rubbing, groping, or forcing the victim to touch the perpetrator in sexual ways. Some argue that sexual assault includes rape, yet many others see them as distinct.

Rape: According to the FBI, rape is "penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."

Discussing the FBI's definition of rape makes sense given this book is examining the national criminal justice system (versus smaller jurisdictions). The FBI collects, analyzes, and archives crime data through the Uniform Crime Reporting (UCR) Program (Chapter 2 covers this and other national data collection efforts in depth). The word *uniform* in the title of the almost 100-year-old FBI effort points to a vexing issue about crime in the United States that remains today: Different jurisdictions use different definitions and labels for the exact same criminal offense. This means that one could be convicted of rape according to the FBI, while the state in which the violence was committed may call it sexual assault, sexual battery, sexual abuse, gross sexual imposition, criminal sexual penetration, forcible sodomy, sexual misconduct, or something else. Currently, all these descriptions are used by at least one state to refer to nonconsensual vaginal penetration.

As of early 2024, only eight states included all forms of sexual penetration in their legal definition of rape. More than 25 states do not define rape in their statutes, instead using less descriptive and more vague terms such as sexual assault. Further, many states classify the violence depending on the body orifice penetrated, and penalties vary based on this criterion as well. While some may argue this is a meaningless semantic discussion, it is not. Why not?

- Sentences may differ across places depending on the nature of the sexual violence committed. Sentences must reflect the nature of the violence committed.
- Calling rape anything but rape minimizes the violence experienced by the victim. Explaining to a rape victim that the offender is being charged with “sexual assault” is difficult. Hearing that the offender is not being charged with rape (when they have committed rape) makes the victim feel that the criminal justice system is minimizing their experience.
- Calling rape anything but rape allows the offender to minimize the violence they committed. Those working with sex offenders note that getting offenders to acknowledge the magnitude of the violence they committed is made more difficult when the offenders believe that they “only committed sexual assault.”



Brock Turner: A Case Study in Defining Rape

A highly publicized example that illustrates these issues is that of Brock Turner. Turner, while a student at Stanford University, was caught by two men in the act of assaulting an unconscious woman, as it happened outside of the Kappa Alpha fraternity house on campus. While it has been widely publicized that this assault occurred behind a trash dumpster, Turner’s attorney disputes that aspect of the crime. In one legal document, Turner’s attorney notes that at least from the witnesses’ perspective, the victim was found “clearly in front of the dumpster, not in any way ‘behind’ it.”⁴² Turner was initially charged with five felonies. Two of those were dropped. He was charged with two counts of rape, but because no evidence that he penetrated his victim with his penis was found, the rape charges were dropped. At the time of this violent act, California law required a penis to be used for one to be guilty of a rape. Ultimately, Turner was convicted of the other three felony charges: assault with intent to rape an intoxicated woman, sexually penetrating an intoxicated person with a foreign object (his fingers), and sexually penetrating an unconscious person with a foreign object.

It has been highly publicized that Brock Turner was a Stanford student who sexually victimized an unconscious female college student behind a dumpster at a fraternity party. Turner was convicted of three felony charges: (1) assault with intent to rape an intoxicated woman, (2) sexually penetrating an intoxicated person with a foreign object, and (3) sexually penetrating an unconscious person with a foreign object. According to the FBI definition, the penetrative actions constituted rape. According to the law in California at the time of his conviction, his actions constituted sexual assault (the law was changed shortly thereafter to reflect nonconsensual penetrative actions as rape). As a result of his convictions, Brock Turner served 3 months of a 6-month sentence. Some people are appalled at how short this sentence was and how little time he served. Others who are more familiar with the way sexual violence is handled in the criminal justice system are shocked that he was found guilty and served any time at all. What would you call the acts committed by Brock Turner? Rape? Sexual assault? Why? Do you think Turner served enough time? Not enough? Why?

Associated Press

Turner’s convictions resulted in his serving 3 months of a 6-month sentence in jail before being released and returning to his parents’ home in Ohio. Many people were appalled at the apparent leniency of his sentence. As a result of Turner’s sentence (as well as sentences given to other offenders who came before him), Judge Aaron Persky was recalled from the bench in mid-2018. He was the first judge in 86 years to have been recalled in California. Others who are more familiar with the way sexual violence is handled in the criminal justice system are shocked that Turner served any time at all. The *Turner* case also has resulted in renewed scrutiny of state rape laws.

The results of the *Turner* case prompted legal changes in California. The statutory definition of rape in California when Turner was convicted differed from the definition used by the FBI (and other data collection systems). Turner’s actions, as determined by the California jury, fit the standards for the FBI definition of rape, as well as certain other state definitions. In part due to Turner’s conviction and because the rape charges had been dropped, the California legislature passed AB701 to amend the

rape statute and added a section to the state's penal code mandating that "all forms of nonconsensual sexual assault may be considered rape."

Turner's entanglement in the criminal justice system continued after serving 3 months in jail. In late 2017, his attorney filed an appeal. This 172-page brief argued that the appellant, Turner, was deprived of

- a fair trial and his right to present a defense by the trial court's erroneous exclusion of all testimony by character witnesses attesting to his honesty and veracity;
- a fair trial by the prosecution's failure to present constitutionally sufficient evidence about any of the three counts of conviction;
- a fair trial by the court's failure to instruct *sua sponte* on lesser included offenses (*sua sponte* "indicates that a court has taken notice of an issue on its own motion without prompting or suggestion from either party"⁴³);
- a fair trial by prosecutorial misconduct in repeatedly portraying certain evidence in a false, misleading, and prejudicial manner;
- a fair trial by the trial court's failure to adequately respond to a critical jury question during deliberations.

As noted earlier in the chapter, appeals can be made after a conviction based on procedural or constitutional errors, not merely because the defendant disagrees with the verdict. The appellate document requested that Turner's convictions be overturned or that Turner receive a new trial. If Turner were retried and convicted again, he could not receive a longer sentence than the 6 months he received at the original trial.

ETHICAL ISSUES

SHOOT OR DON'T SHOOT?

In many states, homeowners have the right to confront and use deadly force when intruders enter their homes. In some jurisdictions, laws specifically state that people who are defending their property may shoot a burglar or another criminal only in a "dwelling." In one case, a man who freed himself after being tied up during a home invasion grabbed his gun, ran outside, and began shooting at the burglar who had stolen his car. He killed the driver, who then crashed the vehicle into a neighbor's home. In another case in the same state, a man shot and killed a person who was stealing from his storage shed. In the first case, prosecutors decided not to file charges against the homeowner. In the second example, the man was charged with voluntary manslaughter. Other difficult cases have arisen when inebriated people have entered the wrong house and were shot by property owners.

Think About It

1. If a burglar leaves your house with your money, television, and stereo, would you give chase and shoot? Explain how this decision should or should not be legal.
2. If a person breaks into an unattached garage, would you argue that this building qualifies as a dwelling?
3. Is the taking of another person's life over property loss an ethical, moral, or legal issue? Explain.

In July 2018, Turner's attorney brought these arguments before three California appellate judges. He argued that Turner had never intended to rape an unconscious woman and that he had only been interested in engaging in "sexual intercourse." His attorney claimed sexual intercourse occurs when people are clothed and do not have penile contact, such as the aggressive thrusting witnessed by bystanders the night of the assault. The court denied Turner's appeal, ruling that the claims lacked merit. Turner's convictions stand, and he is required to register as a sex offender for the rest of his life.

THE CRIMINAL JUSTICE SYSTEM: PURPOSE AND PERSPECTIVES

People often are surprised by the lack of agreement related to the *purpose* of the criminal justice system. Some individuals believe its purpose is to control and punish offenders and to protect society. Others view rehabilitation as the purpose of the system. Yet others believe the purpose of this massive system is to ensure that all accused are treated fairly and/or to restore justice. This section identifies the major perspectives on the purpose of the criminal justice system. While each is presented as a distinct *perspective*, they are not necessarily mutually exclusive.

Crime Control

A popular view is that the role of the criminal justice system is to prevent crime by shrewdly and harshly punishing offenders. This viewpoint, referred to as the **crime control perspective**, finds that when punishment is weak or avoided, offenders do not fear apprehension and continue to commit crimes. As a result, the public is left unprotected, and crime increases. This model holds that all offenders—violent or not—are greedy, impulsive, and/or thrill-seeking individuals. Offenders choose to commit the crime and must be punished. For a system operating under this perspective to function properly, effective law enforcement, long sentences, and strict mandatory punishment (especially the use of prison time) are required. This expensive and punitive perspective of the criminal justice system is currently in vogue and has resulted in part in the enormous growth of the number of individuals under the supervision of the criminal justice system. This growth occurred until recently despite documented declines in violent and property offending that started during the early to mid-1990s.

Research indicates that, while popular, in practice the crime control model is not effective, efficient, or economically sound. About two-thirds of all offenders commit additional crimes even after being punished. Recidivism rates this high indicate a level of ineffectiveness in terms of deterring future criminal behavior. Furthermore, the implementation of longer and tougher sentences coupled with high rates of recidivism often results in families being torn apart. Children are raised in an environment of less (or no) supervision, and spouses left behind must frequently turn to public assistance (i.e., your tax dollars) to survive. This approach has fueled an increase in prison construction at great financial and social expense. Also, more law enforcement officers and criminal justice workers are being hired, resulting in further increased costs.

Rehabilitation

Another perspective holds that the purpose of the criminal justice system is to rehabilitate offenders. This **rehabilitative perspective** asserts that the role of the criminal justice system is to care for and treat people who are unable to take care of themselves. The rehabilitative perspective is based on the notion that offending is the result of blocked opportunities such as employment (and no money), inadequate education, lack of transportation, and poor adult role models. In essence, those who commit crimes are victims of social inequality. Many people believe that when individuals are provided with the opportunity to achieve and support themselves through legitimate means, they will do so and avoid the consequences of committing crime. This perspective is based on the underlying belief that people commit crimes because it is their only option.

Based on this concept, the role of the criminal justice system is to provide individuals with the means to improve their lives through education, training, and social skills. With these necessary tools, individuals can support themselves in legitimate ways once released. The rehabilitative perspective also comes with a large price tag. Offender education and rehabilitation are costly. Some experts, however, argue that the price in terms of money and damage by offending is even greater if we allow those least able to survive to continue their deviant and offending ways. Society can pay now in terms of offering skills or pay later in terms of incarceration.

Due Process

The **due process perspective** focuses on the criminal justice system's purpose of ensuring that all people accused of crimes are treated fairly and equally. The basis of the due process perspective is found in the

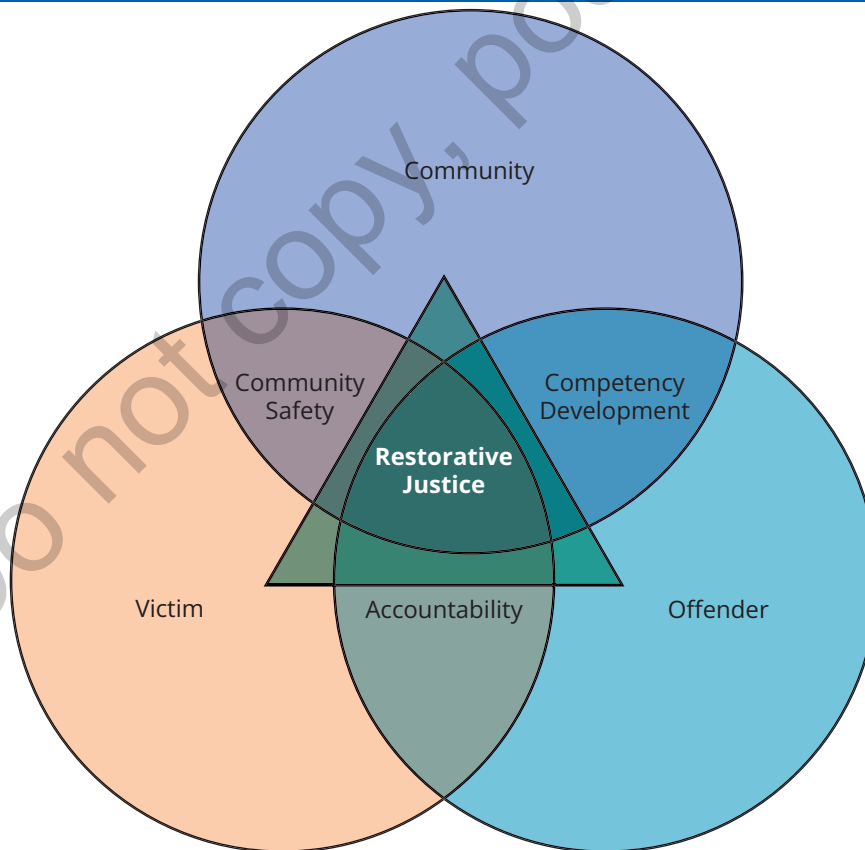
U.S. Constitution. Specifically, the Fifth and Fourteenth Amendments address each citizen's right to due process in the administration of justice. The due process clauses exist to protect citizens accused of crimes from capricious detainment and denial of freedom, inequitable use of capital punishment, and/or the taking of property by the government as a result of a criminal or civil proceeding. Everyone accused of a crime should be treated equitably by law enforcement, the courts, and corrections. This perspective means that detainment should be fairly distributed, every person should receive fair hearings and trials, engaged and competent attorneys should represent the accused, and sentencing (if appropriate) should be evenhanded. The due process perspective holds that the criminal justice system should not allow inequitable treatment based on any characteristics, including the accused person's race, ethnicity, age, income, or religious preference.

A system that operates contrary to the principles of due process is the antithesis of the U.S. Constitution and what our criminal justice system stands for. Unfortunately, as discussed throughout this text, there are numerous examples of the criminal justice system failing to uphold its due process purpose. Arrest, incarceration, and the death penalty are not equitably distributed. Documented cases indicate that competent legal representation and judicial behavior are not evenhandedly dispersed throughout the system.

Restorative Justice

The **restorative justice perspective** finds that the appropriate role of the criminal justice system is to repair the harm caused by criminal behavior. This perspective holds that the criminal justice system should not operate through punishment but rather through cooperation among victims, offenders, and members of the community. Together, some or all of these actors share with one another how the crime affected them and reach a consensus on a satisfactory method of resolution (Figure 1.4). Whereas other perspectives tend to focus on punishing the offender and satisfying legal principles, this approach

FIGURE 1.4 ■ Restorative Justice Approaches



Source: Reprinted with permission from the Center for Restorative Youth Justice. <http://www.restorativeyouthjustice.org>.

focuses on the victims of crime. Victims are able to share in detail with offenders (if appropriate) how their crimes harmed them. The community is involved because local citizens (versus the state) are considered victims as well. Offenders are expected to take responsibility for their actions and to “pay” for them through agreed-on means. The outcome may include paying restitution, repairing damaged property, and/or serving the community. Though not widely implemented in the United States, research finds that restorative justice results in the highest rate of victim satisfaction and offender accountability.

Nonintervention

In contrast to the other perspectives, which identify what the criminal justice system should do, the **nonintervention perspective** argues for noninterference. Proponents contend that the appropriate role of the criminal justice system is to be as minimally intrusive as possible. Any intrusion by the criminal justice system is harmful because it stigmatizes an individual as an *offender*. Some people believe that the stigma from criminal justice system interaction results in a self-fulfilling prophecy whereby offenders view themselves as failures or delinquents and, as a result, find navigating the noncriminal world more and more difficult. Newly minted offenders, for example, are less able to find work given their records and often are unable to establish and maintain healthy relationships. Taken together, these increased difficulties enhance the chances of recidivism. This perspective advocates for the decriminalization and legalization of nonserious, victimless crimes such as public drunkenness, vagrancy, and possession and use of marijuana. Noninterventionists argue for the release of all nonviolent offenders from the correctional system as well as the release from oversight (e.g., parole, probation) of others.

CRIMINAL JUSTICE AND PUBLIC POLICY

The beginning of the chapter noted how everyone is affected by the criminal justice system through public policy. The criminal justice system is our method of social control and reflects both a **consensus model** and a **conflict model**. Social control represents the methods used to ensure conformity and compliance among its members. The government and laws typically accomplish formal social control. Informal social control may be instilled, for example, through peer pressure to act a certain way. A closely related concept is the idea of a social contract. This perspective developed from the work of early philosophers who believed that organized societies are created by an agreement that is mutually beneficial to the whole. The social contract gives power to the government or state to provide protection and ensure well-being among citizens.

Consensus Model

A consensus model, which supports the idea of a social contract, originated from John Locke’s work and is based on the view that everyone in the criminal justice system works in unison to achieve justice. The consensus model operates on the notion that there is general agreement about what behaviors are harmful to the majority of the public and that these behaviors are deemed criminal. This model recognizes that criminal law then serves a social control function designed to protect citizens and maximize peace.

Conflict Model

A conflict model is based on the notions of division and disparity among members of society and the struggles for power that this causes. The conflict model has roots in the ideology espoused by Karl Marx and focuses on the power struggle between the haves and have-nots—or, stated differently, those with and without power. According to the conflict model, those with power define what is criminal and, in doing so, exert control over the powerless. By exerting this power, those in powerful positions are able to maintain their dominance and privilege over the less fortunate. Given the relationship between race, ethnicity, gender, and power in the United States, it is not surprising that evidence exists pointing to the use of the criminal justice system to control persons of color and women. In this chapter and those that follow, you will encounter evidence of both the consensus and conflict models at all levels of the system.

The importance of crime and public policy is essential to our understanding of all components of the criminal justice system. Public concerns about gun violence, gangs, human trafficking, and other high-profile crimes increase pressure on lawmakers to respond. Legislative efforts seeking harsher punishments are common and create political common ground. No political party or potential candidate can be against tougher laws for reducing crime and violence. Social scientists and empirical research provide the evidence for many of the decisions driving our lawmakers. Joan Petersilia and James Q. Wilson, pioneers in crime and public policy, warn of avoiding two mistakes in approaching policy. First, we still are identifying the problems and searching for solutions. This lack of knowledge creates a need for *action*. Second, researchers can inform policy, and abdicating responsibility to law enforcement, judges, and politicians is a mistake. Their position emphasizes collaboration.⁴⁴ The interaction among criminologists, practitioners, and lawmakers to solve crime problems is discussed throughout the following chapters.

CRIME AND THE MEDIA

The criminal justice system and media, such as newspapers, blogs, the Internet, television shows, movies, and books, are engaged in a troubled relationship that almost everyone is exposed to. Separating the two is impossible.⁴⁵ The media are dominated by stories of crime and victimization, and while there is nothing inherently wrong with the media being preoccupied with these things, much of what is conveyed to the public projects inaccuracies about crime, victimization, and the criminal justice system. This situation is troubling because most people gain an understanding of crime, victimization, and the criminal justice system from the media. From these stories, the public identifies what it feels are important criminal justice–related issues. These issues come to the attention of policymakers, who, in turn, enact legislation that influences our lives. Unfortunately, this process means that some critical (but unsexy) criminal justice issues are ignored while other rare or unimportant issues gain a great deal of resources and attention. The implementation of memorial criminal justice policies often reflects this process. These policies are named for persons who were victims of crime. This book covers many of these memorial policies, including Megan’s Law and Amber Alerts. Other policies well-known to the public are those in memory of Adam Walsh and Polly Klaas. Clearly, the crimes against these individuals were tragic, but whether these memorial policies improve the criminal justice system is debatable.

Framing

Crime is portrayed in the media through **framing**. Framing means that criminal justice and crime stories are packaged into tidy presentations that make sharing information easy. Frames simplify criminal events and make processing, labeling, and understanding crimes easier for the audience. Unfortunately, frames fail to allow the expression of important variations and nuances in the crimes. It is vital to recognize that frames are tied to the criminal justice policies (also oversimplified) designed to address the problem. Sasson offers five common crime-and-justice frames found widely in the media in the United States:⁴⁶

- faulty criminal justice system
- blocked opportunities
- social breakdown
 - racist system
 - violent media

The **faulty criminal justice system frame** indicates that crime occurs because of a dearth of law and order in the country. Presentations using this frame indicate that crimes are committed because criminals feel they can get away with them. This frame contends that criminal sanctions are a joke and that offenders are rarely held accountable. This frame depicts prisons as having revolving doors and blames

bleeding-heart liberals for the chaos in which we all live. Because the problem is clearly framed as a lack of adequate sanctions, the policies required to address crime are clear: Enact sanctions that are swift, certain, and severe. Offenders must be punished brutally, and the crime problem will be solved.

A second common crime frame found in the media is the **blocked opportunities frame**. This perspective suggests that crime results from a lack of legal opportunities among offenders. Offenders live in poverty and are uneducated, unemployed, and discriminated against. Therefore, those living in these conditions are left with no other option but to commit crimes. Given this tidy explanation for the presence of crime, the solution is simple and clear: Enact policies that lift people out of poverty, educate them, offer them skills to enhance employability and end discrimination. Given the right opportunities, offenders will not commit crimes.

The **social breakdown frame** presents crime as the obvious result of a breakdown in family and community. Alleged evidence of this collapse includes high divorce rates, cohabitation of unmarried people, out-of-wedlock births, same-sex marriage, and other nonconventional family units. This frame also contends that the availability of welfare has further enabled families and the community to disintegrate. This clear framing of the issue identifies the policies needed to correct crime: Enact policies that promote family and community values and end handouts.

The fourth common crime frame found in the media is the **racist system frame**. This perspective holds that the problem is not crime but rather the criminal justice system. In this frame, law enforcement, courts, and corrections are depicted as racist agents of oppression. The criminal justice system, then, is used as a means to oppress people of color. Given this simple problem, the solution is clear: Enact policies that ameliorate racial injustices and include the banding together of people of color to gain the justice that they deserve.

And finally, the **violent media frame** depicts crime as a direct result of the violent media that bombard us in television, movies, video games, and music. It holds that this constant display of violence leads to a lack of respect for human life and increased violence in the nation. To remedy this situation, the required policy is clear: Enact policies that would regulate widespread violent imagery available to the masses.

Infotainment

An unfortunate result of the relationship between media and crime is infotainment. **Infotainment** is the marketing of a highly edited and distorted combination of entertainment and information purported to be truthful and comprehensive. Infotainment leads the viewing public to feel that they are being educated with facts and information about crime and the criminal justice system in the United States. In reality, the public is receiving a highly edited and narrow view of the topic. There are endless examples of false beliefs held by the public that are commonly portrayed in the media:

- Women are more likely to be victims of violence than men.
- Murder is one of the most frequent types of violence committed.
- Children are at higher risk of being violently victimized at school than away from school.
- Most crime committed in the United States is violent in nature.
- Offenders are crazed monsters.
- Most violence is committed by armed offenders.
- Strangers commit most crimes.
- Only guilty people confess to crimes.
- Most violent crimes result in injuries to the victims.
- Blacks are more likely to violently victimize Whites than other Blacks.
- Most individuals accused of crimes go to trial.

All these statements are false. Yet most believe them to be accurate, and as a result, many people live in unwarranted fear of becoming victims of crime. This misinformation also misleads the public into believing they know what an offender really looks or acts like. This misinformation can be dangerous or deadly if it leads some to fail to understand who may actually be a threat to them. Sadly, these commonly held misunderstandings can lead people who were violently victimized to question whether they were, in fact, victimized: The offender was a friend, there was no weapon, I was not seriously injured . . . was it really a crime? Misunderstandings about the reality of crime and victimization in the United States distort policies, waste time and resources, create unnecessary fear, and endanger individuals.

Narrow-Casting

Further exacerbating the distorted presentation of crime in the media is the contemporary practice of **narrow-casting**. Once upon a time, there were few media outlets, which meant that each needed to offer a wide range of perspectives on crime. Broad coverage was required to appeal to their viewership. Today, there are countless media channels, and most offer narrow and often distorted views of reality. Viewing audiences are smaller and more homogeneous, and the infotainment presented to them, described as factual and comprehensive, is not. Failure to tune in to a multitude of media and nonmedia sources and an inability to critically consume information lead to uninformed and misinformed citizens.

Viewers must understand that the media constitutes a for-profit business. The primary goal of the media—including so-called news programs—is not to inform and educate members of the public. The ultimate goal of these for-profit businesses is to deliver viewers to advertisers. This agenda is seldom accomplished by offering truthful and comprehensive accounts of crime. Rarely is it accomplished by offering the nuances of crime, mundane criminal events, and difficult policy discussions. Rather, delivery of viewers to advertisers is best achieved by emphasizing the most heinous of crimes, the most vulnerable of victims, and titillating topics packaged in easy-to-digest frames. This approach leaves an audience that feels crime is perpetually out of control.

CRIMINAL JUSTICE VERSUS CRIMINOLOGY

What is the difference between criminal justice and criminology? Many use the terms interchangeably, and while there is some overlap, they refer to two disciplines. Adding to the confusion is the lack of agreement over the degree of overlap or differences between criminology and criminal justice. Criminal justice refers to the system—that is, the system of law enforcement, courts, and corrections. This approach involves investigating the practices of these three institutions, including laws relating to crime and offenders, approaches to deterring future crime, sanctioning and/or rehabilitating offenders, and recidivism. In contrast, **criminology** refers to the study of the nature, extent, and causes of criminal offending and criminal victimization. Some scholars suggest that criminal justice refers more to the policy aspects of crime, whereas criminology applies more to the behavioral aspects of offending and victimization. While these perspectives offer tidy descriptions, separating the two in practice is messy. For instance, some scholars conduct research on the behavior of police officers. Others conduct research on the interaction of victims with policing agencies. Others examine jurors' responses to victims of violence and their likelihood to render a guilty verdict based on the characteristics of the offender.



Do you believe supporters of the Black Lives Matter movement see the criminal justice system through the racist system frame? What other frames might explain their position?

Probal Rashid/LightRocket/Getty Images

CONTEMPLATING CAREERS

CONTEMPLATING A CAREER IN CRIMINAL JUSTICE

The information in this chapter is indicative of a large and far-reaching criminal justice system. The size and breadth of the criminal justice system have implications regarding the many career and job opportunities available. Positions include victim advocates, researchers, probation and parole officers, federal, state, and local law enforcement agents, prosecutors, defense attorneys, judges, prison psychologists, reentry specialists, law clerks, and corrections officers. Each of these positions (and others not noted here) benefits from individuals wishing to help others and improve society. Additional personal characteristics, such as being a leader, inquisitive, detail-oriented, and organized, may point to specific careers for you. In the remainder of the text, many of these important careers and the specific personality characteristics associated with them are highlighted.

The fields of criminal justice and criminology are extensive, and opportunities for careers as academics, practitioners, and advocates are widely available. Overall, the two disciplines are intertwined in ways that are often indistinguishable. Many criminal justice programs offer courses in criminology, and many criminology departments offer courses in criminal justice. Content and research cannot easily be pigeonholed into one or the other category. The material presented in this text reflects that overlap. You will be exposed to criminal justice as well as criminology material. Together, this information offers a comprehensive overview.

CHAPTER WRAP-UP

This chapter explored the nature of crime and the controversies surrounding definitions, types of crimes, different perspectives, and legal changes over time. The material and examples demonstrated that the criminal justice system fluctuates over time, changes given advances in technology, and is believed by many to act differently depending on the characteristics of the victim, the offender, and the crime committed. The problematic relationship between crime and the media was also addressed in this chapter. Understanding crime and the media is vitally important for all students of criminal justice. We hope that this inclusion offers the basics and raises questions that lead to greater exploration of the topic. We introduced four individuals personally entangled with the criminal justice system as victims or offenders and their stories. The remainder of this text continues their stories as they wend their way through the system. Keeping in mind the road map as well as the role of the victim in the system, you will follow each of our case studies as it takes its unique path through the system.

KEY POINTS

- Crime affects everybody either directly or indirectly.
- Crime is not uniformly defined, encompasses a variety of acts, differs across jurisdictions, evolves over time given available technology, and changes to reflect cultural norms and mores.
- The popular view of crime tends to be narrow and focuses on street crimes such as robbery, rape, murder, and burglary. In fact, crime is far more expansive and includes white-collar crimes, cybercrimes, so-called victimless crimes, and terrorism.
- The criminal justice system consists of many institutions and has three main components: law enforcement, courts, and corrections. Traditionally overlooked, the victim is an integral part of the system.

- The criminal justice system has expanded dramatically in the past several decades. Only recently has growth in some areas slowed or even reversed course. Some commentators and scholars argue that the system affects particular subpopulations (e.g., the disadvantaged) more than others.
- There is no single criminal justice system; rather, it is composed of many local, state, and federal systems that operate differently across jurisdictions. In addition, some people argue that the criminal justice system experience differs based on the characteristics of the offender, the victim, and the event.
- Not everyone agrees on the purpose of the criminal justice system. Some view it as a mechanism to punish offenders to deter them from future offending. Some view it as a way to rehabilitate offenders to be productive citizens. Others view it as a system that deals with the offender, victim, and community to make whole the damage from a crime. Finally, many feel that the system's role should be greatly reduced because it does more harm than good.
- Public policies established in response to crime and the criminal justice system influence every person's life. Evidence exists that policies may disproportionately affect the disadvantaged to a greater degree than others.
- Though criminal justice and criminology are distinct disciplines, there is overlap between them. Basically, *criminal justice* refers to the system of law enforcement, courts, and corrections. Investigating the practices of these three institutions includes how laws relate to crime and offenders, approaches to deterring future crime, sanctioning and/or rehabilitating offenders, and recidivism. *Criminology* refers to the study of the nature, extent, and causes of criminal offending and criminal victimization.
- One can neither study criminal justice without considering the role of the victim and victimization nor study it without giving attention to the role of diversity among victims and offenders.
- The purpose of the media is to deliver viewers to advertisers, not necessarily to educate the public about crime and the criminal justice system. Media depictions of crime are more likely to be infotainment, narrow-casted, and offer the viewer a false sense of full and accurate information.

KEY TERMS

Adultery	Law enforcement
Blocked opportunities frame	Mala in se
Castle doctrine	Mala prohibita
Conflict model	Narrow-casting
Consensus model	No bill
Corrections	<i>Nolle prosequi</i>
Courts	<i>Nolo contendere</i>
Crime control perspective	Nonintervention perspective
Crime	Property crime
Criminal justice	Racist system frame
Criminology	Rape
Cybercrime	Rehabilitative perspective
Decriminalization	Restorative justice perspective
Due process perspective	Social breakdown frame
Faulty criminal justice system frame	Street crimes
Framing	Terrorism
Inalienable rights	USA Freedom Act
Indeterminate sentence	USA PATRIOT Act
Infotainment	Victim advocates
Judicial activism	Victimless crimes
Justifiable homicide	Violent media frame

REVIEW QUESTIONS

1. How are policies related to crime and our personal liberties associated?
2. Why is crime difficult to define? What are some issues that make it difficult?
3. What type of behaviors does crime encompass?
4. How do increased criminalization and decriminalization of behaviors influence your life?
5. What is the difference between *mala prohibita* and *mala in se*?
6. What causes crime to change over time?
7. What is the criminal justice system? What are its primary components?
8. What factors account for high incarceration rates?
9. What personal characteristics are related to one's likelihood of being incarcerated?
10. What are the major perspectives regarding the purpose of the criminal justice system?
11. Why is narrow-casting a departure from past portrayals of crime in the media?

CRITICAL THINKING MATTERS

1. **Achieving Justice and Fairness.** In what ways can the criminal justice system ensure equal and fair treatment for all? Are there methods that could be used to streamline the system and still respect due process rights? How can the criminal justice system operate in a more cost-effective manner and still protect the public from offenders? How can the system better care for victims? How could the system have helped in the case of Jennifer Schuett? Is expecting the system to assist victims going beyond the boundaries of what a criminal justice system should focus on?
2. **How Do You Distinguish Terrorism?** What makes a domestic terrorist attack different from traditional violent crime? How is it that what Timothy McVeigh and Terry Nichols did in Oklahoma City is terrorism when the Columbine massacre is a school shooting? Are we drawing a false distinction in violent acts? Why should it matter whether a terrorist act was one of domestic or international origin? What difference does it make to the victims, the offenders, or the citizens of the nation?
3. **Policy and Drunk Driving Laws.** Research shows that drivers with BAC levels higher than 0.10% are responsible for more than 80% of drunk driving deaths. Yet, in most states, the legal BAC limit is 0.08%, and MADD is continuing to work toward lowering this threshold. What is the right thing to do? Should we use resources to lower the legal BAC if these drivers are not likely to be involved in fatal accidents? Should the legal limit go to 0.10% to focus on the worst offenders? Should persons under age 18 be held to tougher BAC thresholds? Have drunk driving laws created an industry allowing attorneys to get rich while costing citizens their reputations, opportunities at employment, and high fines? Or have the tough drunk driving laws made our society safer?
4. **Crime and the Media.** Many people have distorted views of the criminal justice system given that their knowledge is based on media portrayals only. Does having a distorted view of criminal justice matter? Is there any harm in remaining uninformed? Should the government step in and regulate portrayals of crime in the media to ensure that the public is better educated? What are the advantages and disadvantages of such a policy? Or should the education system do a better job of teaching individuals the truth about the criminal justice system? What can be done to make a more educated populace, and does it really matter?

5. **Male Rape and Marital Rape.** Many people find it difficult to understand how a man can be raped. Gabe Wright was raped at gunpoint after being beaten while on a fishing trip. Was this rape? Do we need specific laws to address rape when the victim is male? Why or why not? Similarly, many struggle to understand how rape can occur between married people. Consider women who have left their violent husbands. Prior to the dissolution of their marriage, their husbands violently raped the women. Numerous stories of marital rape are available in a web search. After reading some of these stories, do you view these to be incidents of marital rape? Prior to changes in law, husbands could not have been charged with rape. Are these changes in statutes a positive or negative thing? Why?
6. **Frameworks and Gang Violence.** Danny Madrid was raised by his mother and grandmother in an impoverished Latino and Black neighborhood in Los Angeles. In this environment he became a gang member, committing minor and serious crimes. Given the little you know about Danny, what framework do you believe explains his descent into offending? Were his criminal acts a result of a faulty criminal justice system—a system that is easy on crime and one in which criminals know they can get away with their deeds? Or is it the lack of opportunities made available to Danny to become an astronaut that steered him to a life of violence? Perhaps you find that the breakdown of his family was the culprit? Danny’s father was a “rolling stone” who was primarily absent from his life, and when he was around, he could be violent. Danny’s last interaction with his father was when he was 14, when an argument resulted in Danny being beaten by his father with a broomstick. Does this sort of breakdown have something to do with Danny’s story? What role is played by the fact that Danny is Latino in what some consider a racist country? Which of these do you believe account for his eventual gang membership and criminal behavior and why? Given the framework that you have selected, what solutions are indicated? As a policymaker, what would you do to maximize the chances of other little boys growing up in the same situation to become law-abiding citizens?
7. **Violence and Crime.** Although a great deal of violence is portrayed in the media, does it incite criminal behavior? Or are aggressive people drawn to aggression depicted in the media? Does watching a movie or playing a violent video game make one commit an act of violence? Does watching a violent movie make you feel like acting out in a violent fashion? If the media are so influential, why are most crimes committed property crimes? If people become more violent by watching violence in the media, why do most violent crimes that are committed result in uninjured victims? Should it be the government’s role to step in and regulate what we see in the media? Or does such a proposal trample our freedoms? How do you moderate viewing of violence for yourself and your family? Or do you? Does it matter?

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2

THE NATURE AND EXTENT OF CRIME

LEARNING OBJECTIVES

After finishing this chapter, you should be able to:

- 2.1 Identify how crime is measured in the United States.
- 2.2 Identify and discuss the pros and cons of the traditional and current FBI sources of national crime data in the United States.
- 2.3 Identify and discuss the pros and cons of the Bureau of Justice Statistics National Crime Victimization Survey data in the United States.
- 2.4 Summarize the nature and extent of fatal and nonfatal violent and property crime in the United States.
- 2.5 Identify the difficulties inherent in recognizing and measuring street crime, cybercrime, terrorism, and white-collar crime.
- 2.6 Describe the nature of the growing threat of cybercrime and how to protect yourself from becoming a victim.
- 2.7 Demonstrate an understanding of criminological theories used to explain crime and criminality.

INTRODUCTION: WHY AND HOW IS CRIME MEASURED?

We measure crime to obtain essential information about our world. First, measuring crime reveals the extent and nature of crime, which offers an insight into the well-being of the nation. High crime is indicative of serious societal problems, especially for vulnerable populations. Continued measurement may show that crime has declined, indicating improvements in society that benefit everyone. Second, crime can be measured to determine the need for or to evaluate the effectiveness of policy. A policy may be implemented to improve some aspects of the criminal justice system or reduce the risk of crime. Only through crime measurement can we identify whether another policy is needed or whether an existing policy was successful. Better measurement can lead to implementing programs that reduce crime more effectively. Third, measuring crime helps identify groups in society suffering disproportionate amounts of victimization and allows efficient and targeted assistance to address the needs of all victims. Fourth, measuring crime allows researchers to discover the root causes of crime, offending, and victimization. A better understanding of causes allows federal, state, and local policymakers to combat crime, reduce victimization, and ensure that encounters with the criminal justice system are efficient, just, and even-handed.

Crime data are collected in a variety of ways. Researchers may ask people whether they have experienced victimization or whether their homes have been affected. They can also ask individuals if they have committed crimes. They can observe people in a natural setting to witness crimes being committed. Researchers can enter prisons and jails and ask incarcerated individuals about the crimes they committed, or they can gather official reports from police or other authorities to ascertain the extent and nature of crime. When measuring the extent and nature of crime at the national level, the following two methods are used: gathering data from official law enforcement records and asking people whether they have been victims of crimes. Each approach is valid, and together, they offer a richer understanding of crime and victimization in the United States.



The J. Edgar Hoover Building in Washington, D.C., more widely known as the FBI Headquarters, shortly after completion. While this is the headquarters, FBI work is done worldwide. A little-known but vitally important role of the FBI is to collect crime data. What type of crime data do you think the FBI should be gathering?

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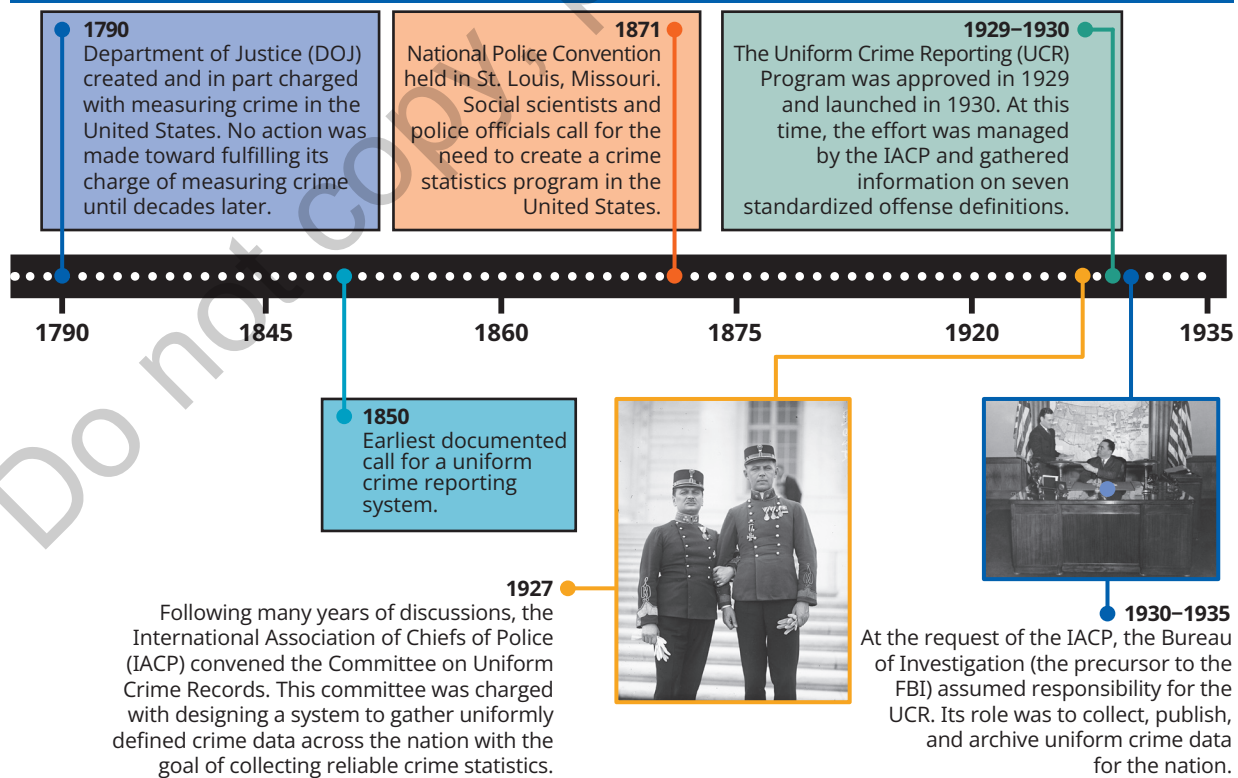
The approaches to measuring crime are completed in two bureaus in the Department of Justice (DOJ) charged with (among other things) gathering, analyzing, and archiving crime data. The Federal Bureau of Investigation (FBI) collects a wide variety of crime data.¹ Estimates of crime in the United States reported by the FBI are compiled in the **Uniform Crime Reporting (UCR) Program**,² which houses data from several data collection efforts, including the **Uniform Crime Reports**, the **Supplementary Homicide Reports (SHR)**,³ and the **National Incident-Based Reporting System (NIBRS)**.⁴ Crime data collected by the FBI are gathered directly from law enforcement agencies, which submit data to DOJ voluntarily.

The Bureau of Justice Statistics (BJS)⁵ is the second DOJ bureau that gathers a wide variety of national crime data. Most notably, for efforts related to estimating the nature and extent of personal, violent, and property victimization in the United States, BJS sponsors the **National Crime Victimization Survey (NCVS)**.⁶ Data from the NCVS provide detailed information about who victims of crime are, the characteristics of crime, interactions with the criminal justice system, and the characteristics of offenders (among others). The data come directly from crime victims themselves.

FBI MEASUREMENT OF CRIME

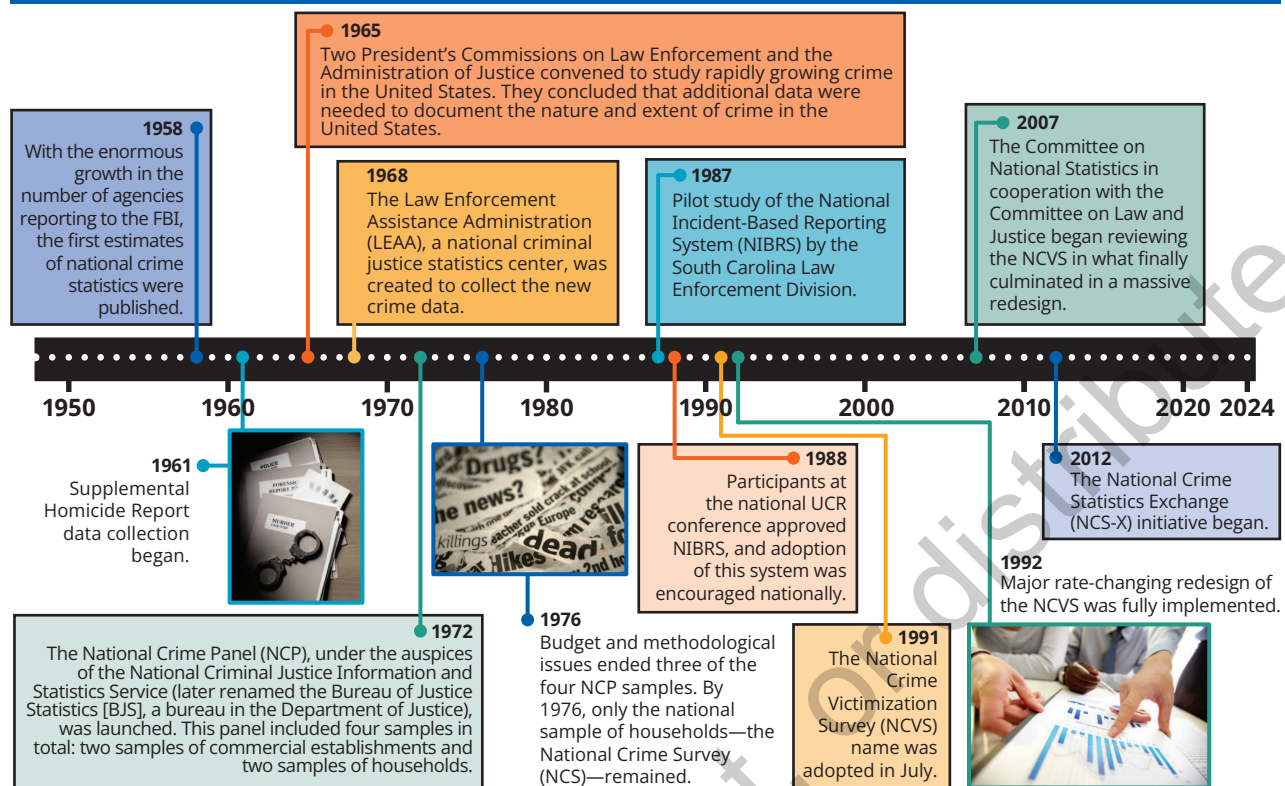
Ask a public member about the FBI's role, and the response will likely focus on the bureau's crime-fighting responsibilities. Others may comment on the FBI's relatively new (post-9/11) terrorist-fighting duties. A lesser-known but valuable responsibility of the FBI is being the collector, analyzer, and archiver of crime data through the UCR Program, which represents the nation's oldest unified national crime data collection effort.⁷ Prior to this program, attempts to understand crime in the aggregate were impossible as jurisdictions used an assortment of definitions for a variety of crimes (see Figures 2.1 and 2.2). Gathering data in this fashion was problematic because neither jurisdictions nor states defined crimes or collected crime data in a standardized way. Consequently, one could neither aggregate the existing crime data in any meaningful way nor make comparisons across jurisdictions or over time

FIGURE 2.1 ■ Timeline of Crime Reporting, 1790–1935



Sources (left to right): Library of Congress/Harris & Ewing Collection (1925), © Underwood & Underwood/Corbis

FIGURE 2.2 ■ Timeline of Crime Reporting, 1936–Present



Sources (left to right): © iStockphoto.com/wragg, © iStockphoto.com/belterz, © iStockphoto.com/shironosov.

within one jurisdiction. What was needed was a *uniform* system to gather crime data using the same (i.e., uniform) definitions for a standardized set of crimes. This uniformity was necessary, as jurisdictions then and now differ in terms of statutory definitions and elements of crime.

In 1790, when the DOJ was established, Congress mandated that it report on crime statistics. Although mandated in 1790, the act of uniformly reporting crime information took much longer and initially occurred outside the auspices of the DOJ. Decades later, in the mid-1800s, the first documented appeals for gathering unified national crime data were made. Widely cited are calls for this activity at the convention of the National Police Association (later known as the International Association of Chiefs of Police [IACP])⁸ during a meeting in St. Louis. Approximately 50 years later, in 1927, after many years of discussion about this need, the IACP established the Committee on the Uniform Crime Records to develop a program and procedures for uniformly collecting data about crime across jurisdictions in the United States.

Uniform Crime Reporting

The committee's work product was dubbed the UCR Program. Launched in 1929–1930, the program was designed to provide unified, reliable, and systematic information on a set of frequently committed serious crimes reported to law enforcement agencies nationwide. Using these data gathered based on uniform definitions, police chiefs could accurately compare crime across jurisdictions and over time. Furthermore, data about these crimes could be aggregated in a meaningful fashion. The IACP managed the UCR Program for several years until the FBI started overseeing it, although some sources place the FBI takeover of the UCR Program in 1935.

Since then, the FBI has managed the UCR Program as it compiles crime reports submitted voluntarily by law enforcement agencies. Although the FBI does not mandate the submission of crime data, some states mandate reporting to the FBI. The crime reports are submitted either directly from local, state, federal, and tribal law enforcement agencies or through centralized state agencies nationwide.

When launched, the UCR Program was based on reports from 400 law enforcement agencies in 43 states, describing crimes occurring in about 20% of the population. Currently, the program gathers crime reports from more than 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies (of the more than 18,000) from all states, the District of Columbia, and some U.S. territories. Furthermore, it describes crime occurring in almost the entire nation. The purpose of the UCR Program has always been to serve the needs of law enforcement agencies.

Initially, the UCR Program only gathered information on a broad range of personal and property criminal offenses, which, for many decades, was referred to as the Uniform Crime Reports. More recently, it has been referred to as the **Summary Reporting System (SRS)** to distinguish it from other data collection efforts described in the following and minimize confusion. The SRS initially offered only *counts* of each type of crime. These crimes may affect a person of any age (e.g., a robbery of an 11-year-old) as well as businesses (e.g., burglary of a business). SRS crimes are divided into **Part I and Part II crimes**. Part I crimes are considered the most serious and regularly occurring crimes, whereas Part II crimes are viewed as less serious and less regularly occurring crimes (Table 2.1).

TABLE 2.1 ■ FBI Uniform Crime Reporting Part I and Part II Crimes

Part I Crimes	Part II Crimes	
Murder and nonnegligent manslaughter	Other assaults (simple)	Driving under the influence
Rape (the term forcible was removed in 2013 following other definitional improvements)	Forgery and counterfeiting	Liquor law violations
Robbery	Fraud	Drunkness
Aggravated assault	Embezzlement	Disorderly conduct
Burglary	Buying, receiving, and possessing stolen property	Vagrancy
Larceny/theft	Vandalism	All other violations of state or local laws not specified (except traffic violations)
Motor vehicle theft	Possession and carrying of a weapon	Suspicion (arrested and released without formal charges)
Arson (added in 1979)	Prostitution and commercialized vice	Curfew and loitering violations (persons under age 18)
Human trafficking—commercial sex acts (added in 2013)	Sex offenses (except rape, prostitution, and commercialized vice)	Assisting and promoting prostitution
Human trafficking—involuntary servitude (added in 2013)	Drug abuse violations	Purchasing prostitution
	Gambling	
	Offenses against family and children	

Why is it necessary to separate crimes into Part I and Part II types? What advantages come from this distinction? What disadvantages?

Source: Federal Bureau of Investigation, (2013, June 20). Criminal Justice Information Services (CJIS) Division, Uniform Crime Reporting (UCR) Program: Summary Reporting System (SRS) user manual. Retrieved from <https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual>.

In general, the SRS was not designed to gather information on the characteristics of crime victims or offenders, although some exceptions existed. SRS data, for example, included whether a rape was completed or attempted, whether a burglary involved forcible entry, the type of motor vehicle stolen, and whether a robbery involved a weapon. While this information was valuable, the lack of additional detail for all SRS crimes limited our understanding of crime. For example, one could not determine the victim–offender relationship in an assault, whether a weapon had been used during a rape, or myriad other characteristics of events, victims, and offenders. Given the unavailability of computing power and computer technology, the historical period in which the SRS was developed and used is important. Gathering aggregate crime counts from a large geographic area was an impressive task at that time. Nonetheless, it was recognized that efforts to reduce crime were hindered without a greater understanding of specific characteristics of crime, victims, and offenders. Recognizing these limitations contributed to additional data collection efforts by the FBI, as described in the following.

While imperfect, the traditional SRS offered many benefits in our efforts to measure and better understand crime. First, it gathered data for nearly a century with a remarkably stable methodology. This stability enabled meaningful trend analysis. Second, SRS data allowed analyses and understanding of crime at many geographical levels, including cities, counties, states, regions, and the nation. Third,

the SRS offered crime information on a broad range of offenses. Thus, rather than focusing only on street crimes (i.e., murder, rape, robbery, and assault), the SRS offered information on crimes such as embezzlement, drunkenness, and vagrancy. Fourth, the SRS gathered information from a broad range of law enforcement agencies covering all 50 states, the District of Columbia, and some U.S. territories. Fifth, the SRS collected crime information regardless of the age of the victim or offender. Sixth, it gathered information on crimes against people, as well as those against businesses. Finally, the SRS included information on crimes regardless of whether the victim was a citizen or was visiting from another country. The SRS was discontinued on January 1, 2021, forcing a switch to NIBRS.

COMMON MISCONCEPTIONS

HOMICIDE VERSUS MURDER

Homicide is a legal term that refers to any killing of one person by another. Homicide includes legally justifiable homicides. In contrast, murder is always a violent crime defined by a person killing another intentionally and with malice aforethought.

Supplementary Homicide Reports

To address the need for more details in data gathered by the SRS, a second important data collection effort that served as a companion to the SRS was launched in the 1960s. It was then that the FBI began collecting details of homicides with the initiation of the Supplementary Homicide Reports (SHR). The SHR includes data on both homicide and its subset of murder. Using SHR forms (see Figure 2.3), the FBI began gathering detailed information on homicides, including the victim's age, sex, and race; the offender's age, sex, and race; weapon type (if any); victim–offender relationship; and the circumstances that led to the homicide.⁹ The gathering of these details represented an improvement over simply counting homicides as was done in the SRS, which in turn provided a far greater understanding of homicide and murder in the United States. The trends and patterns revealed by the SHR have been used in the development of policy recommendations focused on homicide up until recently. Along with the SRS, the SHR was discontinued in 2021. Homicide data collection by the FBI is now included in NIBRS only.

COMMON MISCONCEPTIONS

BURGLARY VERSUS ROBBERY

It is common to hear someone shout, “My house was robbed!” But was it? No, houses are never robbed. Why? Because robbery refers to a personal violent crime in which someone takes or attempts to take something of value directly from another person. The victim and offender have contact. In contrast, burglary refers to a property crime in which someone enters a dwelling without permission. Homes, trailers, sheds, apartments, hotel rooms, and offices are examples of dwellings that can be burglarized. The victim and offender do not have contact. This definition means that a house is never robbed; a house is burglarized—it is a person who is robbed. If you are confused by the statement “my house was robbed!” you are correct because their home was burglarized. Burglary and robbery are not synonymous.

Think About It

1. Why does it matter if one uses burglary and robbery interchangeably?
2. Are there other types of crime for which people frequently use the wrong term to describe a criminal act?
3. Does it make sense to you that crimes against a person and crimes against property are described differently? Why or why not?

FIGURE 2.3 ■ SHR Document Used to Record Homicides Prior to Its Sunset in 2021 (This form is shown here to illustrate some of the more detailed information available in NIBRS for homicide and all crimes).

1-704 (Rev. 1-12-11)
OMB No. 1110-0002
Expires 8-31-17

SUPPLEMENTARY HOMICIDE REPORT

This report is authorized by law Title 28, Section 534, U.S. Code. While you are not required to respond, your cooperation in using this form to list data pertaining to all homicides reported on your Return A will assist the FBI in compiling comprehensive, accurate data regarding this important classification on a timely basis. Any questions regarding this report may be addressed to the FBI, Criminal Justice Information Services Division, Attention: Uniform Crime Reports/Module E-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; telephone 304-625-4830; facsimile 304-625-3566. Under the Paperwork Reduction Act, you are not required to complete this form unless it contains a valid OMB control number. The form takes approximately 9 minutes to complete.

1a. Murder and Nonnegligent Manslaughter
List below for each category specific information for each murder and nonnegligent homicide and/or justifiable homicide shown in item 1a of the monthly Return A. In addition, for justifiable homicide list all justifiable killings of felons by a citizen or by a peace officer in the line of duty. A brief explanation in the circumstances column regarding unfounded homicide offenses will aid the national Uniform Crime Reporting Program in editing the reports.

Incident Situation*	Victim**			Offender**			Data Code		Relationship of Victim to Offender (Husband, Wife, Son, Father, Acquaintance, Neighbor, Stranger, etc.)	Circumstances (Victim shot by robber, robbery victim shot robber, killed by patron during barroom brawl, etc.)
	Age	Sex	Ethnicity	Age	Sex	Ethnicity	Do Not Write In These Spaces	Weapon Used (Handgun, Rifle, Shotgun, Club, Poison, etc.)		

* ** - See reverse side for explanation

Month and Year _____ Agency Identifier _____ Prepared by / E-mail address _____ Title _____

Agency _____ State _____ Sheriff, Chief, Superintendent, Commanding Officer _____

FBI/DOJ

DO NOT WRITE HERE			
Recorded			
Edited			
Entered			
Verified			
Adjusted			

Source: Federal Bureau of Investigation.

National Incident-Based Reporting System

A key effort in the larger UCR Program is the National Incident-Based Reporting System (NIBRS). The important information gained by gathering homicide details in the SHR pointed to the need to do the same for nonfatal crimes. Following expert evaluations and recommendations made in the late 1970s and early 1980s, the *Blueprint for the Future of the Uniform Crime Reporting Program* (1985)¹⁰ outlined new procedures that formed the basis for NIBRS. In addition, the increased availability of technology and computing power made NIBRS feasible. NIBRS goes beyond what the SRS did by gathering detailed incident information about crimes, including the nature and types of crimes committed during each incident, victim and offender characteristics, type and value of stolen and recovered property, and characteristics of arrested individuals. Furthermore, NIBRS included new crimes and adopted some contemporary definitions not used by the SRS. For example, initially, the traditional SRS defined forcible rape as a victimization that could be experienced only by a girl or a woman. Rather, NIBRS originally defined forcible rape as “the carnal knowledge of a *person*,” counting boys and men as victims of these offenses when they were raped.¹¹ Furthermore, in 2013, NIBRS (as well as the SRS at the time) dropped *forcible* in the definition of rape. Today, rape in NIBRS is defined as “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”¹² The modernization, enhancements, and improvements reflected in NIBRS over the SRS have resulted in data that better serve the needs of the system’s primary constituency—law enforcement. Furthermore, NIBRS offers greater information to policymakers and the public about crime in the United States.

Like all FBI data collection efforts, reporting data to NIBRS is voluntary, meaning the data reflect only crimes known to the police. Although similar, NIBRS differs from the traditional SRS in several important ways. One difference is that the SRS nomenclature of Part I and Part II crimes was replaced in NIBRS with **Group A and Group B crimes**.¹³ Multiple criteria were used to determine which crimes should be Group A and Group B offenses. For example, those placed in Group A are viewed as more serious and frequently occurring offenses,¹⁴ most likely to come to the attention of law enforcement and with the greatest likelihood that law enforcement is the best channel for gathering data on the offenses. As of 2023, there are 28 Group A crime categories, which include 71 offenses:

- animal cruelty
- arson
- assault offenses (aggravated, simple, intimidation)
- bribery
- burglary/breaking and entering
- commerce violations (import violations*, export violations*, federal liquor offenses*, federal tobacco offenses*, wildlife trafficking*)
- counterfeiting/forgery
- destruction/damage/vandalism of property
- drug/narcotic offenses (drug/narcotic violations, drug equipment violations)
- embezzlement
- espionage*
- extortion/blackmail
- fraud offenses (false pretenses, swindle, confidence games, credit card/automated teller machine fraud, impersonation, welfare fraud, wire fraud, identity theft, hacking/computer invasion, money laundering*)

- fugitive offenses (harboring escapee/concealing from arrest*, flight to avoid prosecution*, flight to avoid deportation*)
- gambling offenses (betting/wagering, operating/promoting/assisting gambling, gambling equipment violations, sports tampering)
- homicide offenses (murder and nonnegligent manslaughter, negligent manslaughter, justifiable homicide [justifiable homicide, while collected here, is not included in the criminal offense statistics as it is not considered a crime])
- human trafficking (human trafficking, commercial sex acts, human trafficking, involuntary servitude)
- immigration violations (illegal entry into the United States*, false citizenship*, smuggling aliens*, re-entry after deportation*)
- kidnapping/abduction
- larceny/theft offenses (pocket-picking, purse-snatching, shoplifting, theft from a building, theft from coin-operated machine or device, theft from motor vehicle, theft of motor vehicle parts or accessories, all other larceny)
- motor vehicle theft
- pornography/obscene material
- prostitution offenses (prostitution, assisting or promoting prostitution, purchasing prostitution)
- robbery
- sex offenses (rape, sodomy*, sexual assault with an object*, fondling, incest, statutory rape, failure to register as a sex offender*; in 2013, the term *forcible* was removed from several of these offenses)
- stolen property offenses
- treason (treason*)
- weapon law violations (weapon law violations, violation of National Firearm Act of 1934*, weapons of mass destruction*, explosives*)

Note: *denotes offenses for federal and tribal LEA reporting only

Group B offenses consist of 10 offenses (only arrest data are collected):

- bond default (failure to appear*)
- curfew/loitering/vagrancy violations (curfew/loitering/vagrancy violations)
- disorderly conduct (disorderly conduct)
- driving under the influence (driving under the influence)
- family offenses/nonviolent (family offenses, nonviolent)
- federal resource violation (federal resource violations*)
- liquor law violations (liquor law violations)
- perjury (perjury*)
- trespass of real property (trespass of real property)
- all other offenses (all other offenses)

Note: *denotes offenses for federal and tribal LEA reporting only.

A second important difference between NIBRS and the SRS involves the **hierarchy rule**.¹⁵ In the SRS, only data from the most serious crime committed during a criminal event were reported to the FBI. That is, if an incident included rape and murder, only the murder information was forwarded to the FBI in the SRS/SHR because it is the more serious crime. The hierarchy rule states that information from the most severe offense in an incident is reported to the FBI.

An advantage of NIBRS over the SRS is that the former distinguishes between an attempted and a completed crime for most incidents, and the SRS did not. And unlike the SRS, NIBRS allows one to link victim, offender, and crime attributes to a particular offense. Previously, using the traditional SRS, with the exception of homicide, links among offender, victim, and incident information for a particular crime event were unavailable. NIBRS also allows linked data on victims, offenders, offenses, and arrestees.¹⁶ This change dramatically increases the information available in NIBRS compared to SRS aggregate data.

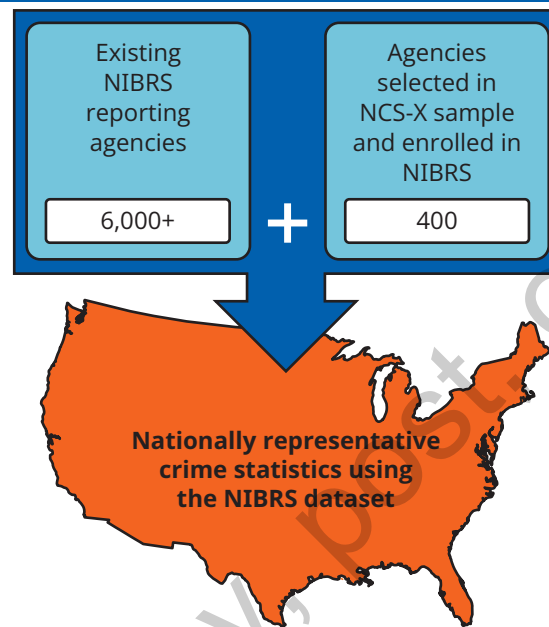
Given that NIBRS is an improvement of the traditional SRS and SHR data collection efforts, it is no surprise that it is characterized by several of the same strengths and offers advantages not found in the sunset data sources. An important benefit of NIBRS is that it offers incident-level details for *every* crime reported. NIBRS also provides information on all reported crimes occurring within an incident and not just the most serious crime committed during the incident. An additional advantage of NIBRS is the ability to disaggregate data by multiple victim, offender, and incident characteristics and to link these components of a criminal incident.¹⁷ These advantages also hint at the enormous amount of NIBRS data and the greater challenge in using them.

Like all data, NIBRS are imperfect. It needs to be remembered that NIBRS reflects only crimes reported to the police. If the police fail to learn about a crime, it will not be measured in NIBRS. Research clearly shows that many crimes are not reported to the police and that crime that is reported differs from that which is not reported. For example, in 2022, approximately 42% of nonfatal violent crimes and 32% of property crimes were reported to the police.¹⁸ A second potential issue with NIBRS is that it can be manipulated for political and other purposes, given that the data originate from law enforcement agencies. While data manipulation by law enforcement officials is rare, it can and has happened before. Third, because NIBRS reporting is voluntary, the reporting agencies may not report any data or may report only some data (e.g., murder data only, or data in January only). When crime data are not submitted, or the submitted data fail to meet the FBI's guidelines for completeness and accuracy, the FBI imputes the missing crime data. Research suggests that the degree to which data are imputed at the national level is sizable, varies by jurisdiction, and fluctuates year to year.¹⁹ Finally, when there are changes in crime rates annually, it is impossible to know whether crime is increasing (or decreasing), reporting to police is increasing (or decreasing), or there is some combination of both. A long-time disadvantage of NIBRS has been its limited coverage.²⁰ While the sunset SRS collected crime data from almost all law enforcement jurisdictions, NIBRS coverage has historically been less robust. However, this limitation has lessened greatly, especially with the retirement of the SRS. For example, as of May 2023, all 50 states and the District of Columbia were certified to report crime data to NIBRS, meaning 77% of the U.S. population is covered by NIBRS reporting agencies. Additionally, NIBRS had a slight agency bias in the past, meaning most data came from small jurisdictions. As recently as 2018, only two agencies covering a population of more than 1 million reported NIBRS data. In contrast, currently, 119 NIBRS certified agencies report crime data on cities and counties with more than 250,000 people, accounting for 65.4 million people total. While significant improvement is visible, it has come a long way.

The most recent development in crime data collection represents a joint effort between the Bureau of Justice Statistics and the FBI (and other organizations) with the **National Crime Statistics Exchange (NCS-X)** (see Figure 2.4). The NCS-X initiative has been focusing on developing a statistical system of incident-based data on crimes reported to the police and a sample of law enforcement agencies. This initiative is being implemented in two stages. The first has been completed, and it included expanding coverage of NIBRS. The second stage involves developing statistical estimation procedures to provide details and context of state level and national crime. As noted by BJS,

NCS-X will leverage the FBI's existing National Incident-Based Reporting System (NIBRS) by recruiting a sample of 400 law enforcement agencies to supplement the existing NIBRS data by providing their incident data to their state (or the federal) NIBRS data collection program. When data from these 400 agencies are combined with data from the more than agencies that currently report NIBRS data to the FBI, NIBRS will be able to produce national estimates of crime that can be disaggregated by victim–offender characteristics, the circumstances of the event, victim–offender relationship, and other important elements of criminal events. When completed, nationally representative NIBRS data will increase our nation's ability to monitor, respond to, and prevent crime by allowing NIBRS to produce timely, detailed, and accurate national measures of crime incidents.²¹

FIGURE 2.4 ■ NIBRS and NCS-X Coverage



Source: National Crime Statistics Exchange, Bureau of Justice Statistics.

BUREAU OF JUSTICE STATISTICS MEASUREMENT OF CRIME

National Crime Panel

In 1965, the United States was experiencing high and increasing rates of crime. In response, President Lyndon Johnson convened two Commissions on Law Enforcement and the Administration of Justice²² to identify the causes and characteristics of crime, as well as to recommend policies and programs. The commissions concluded that even with the SRS, there were inadequate data available to develop needed policy recommendations. At the time of the commission's report, the only national data available were from the SRS. The commissions identified four major limitations of the SRS UCR, making fulfillment of their charge impossible. First, official crime data reflected only crime known to the police. Thus, an understanding of the nature and extent of the **dark figure of crime**—crime unknown to the police—remained a mystery. Without a better understanding of the dark figure (which could not be identified via data collection efforts at the FBI), policy recommendations were severely hindered. Second, the official crime data better reflected law enforcement activity rather than actual changes in crime. Fluctuations seen in the UCR may have reflected changes in police activity and been divorced from actual changes in crime. Third, as noted before,

these official crime data were vulnerable to manipulation and misrepresentation. Finally, at the time of the commissions, the available data failed to provide information on the characteristics of the victim, offender, and incident. Recall that the commissions met prior to the advent of NIBRS. Clearly, an alternative but complementary measure of crime in the United States was necessary to compensate for the limitations of the SRS. To collect these needed data, the commissions recommended the establishment of a national criminal justice statistics center. Thus, in 1968, the Law Enforcement Assistance Administration was established.²³ This administration (later renamed the Office of Justice Programs) housed the National Criminal Justice Information and Statistics Service (NCJISS), which later became the BJS, which was charged with conducting the first victimization survey in the United States. The mission of NCJISS and later BJS is to gather and analyze crime data, publish crime reports, and make available this information²⁴ to the public, policymakers, media, government officials, and researchers.

ETHICAL ISSUES

MISREPORTING IN THE UCR PROGRAM

While purposeful misreporting by law enforcement agencies is rare, it has happened. In 2009, the *Dallas Morning News* revealed that the Dallas Police Department had been purposefully recording attempted burglaries as acts of simple vandalism. The same news agency discovered that police also misreported violent crimes. In several instances, the police department recorded violent attacks as less serious crimes. Specifically, the police department reported 75 of 500 assaults as aggravated while listing the remainder as simple assaults. Simple assaults—because they are not Part I crimes—are not used in the calculation of the official crime rate. An investigation indicated that 40 of the crimes reported as simple assaults should have been recorded as aggravated assaults because the incidents involved victims being attacked with various weapons, including bottles, pipes, bats, rocks, bricks, chairs, and bar stools. Others involved attempted strangling, serious injuries, and the brandishing of a knife as well as a rifle. The extent of this misreporting was large enough to make it appear that Dallas's violent crime rate was decreasing. FBI experts and the Texas Department of Public Safety, which manages the FBI data collection effort, confirmed these findings. With appropriate reporting, the violent crime rate may still have shown a decline, but not as dramatic.

Detroit has also been plagued with problematic reporting. The Detroit Police Department admitted in 2001 that it had misreported rape and murder numbers throughout the 1990s. With the erroneous reporting, the department appeared to have one of the highest arrest rates, although the data were so flawed that it is unclear how many suspects were actually arrested. The errors were so large that Detroit's homicide arrest figures skewed the FBI's homicide arrest statistics for the entire nation. Detroit reported that it had been arresting murder suspects at three times the national rate and rape suspects at twice the national rate. The department maintains that the misreporting was not an effort to deceive but rather honest errors.

Although not widespread, these examples highlight one potential problem with using data submitted directly from law enforcement agencies and their records: deliberate misreporting.

Think About It

Pretend that you are the mayor of a city and discover that your police department has been misrepresenting crime data for your jurisdiction. In one scenario, assume they are underreporting, as noted in the case above, to maintain their good standing. In another scenario, you find they are exaggerating the amount of crime in a bid to hire more officers.

1. How would you ethically handle each of these scenarios in terms of informing the public and holding responsible parties accountable?
2. What if you are an analyst working in the city, and your boss asks you to alter the data to make the city look safer? Or what if they asked you to inflate numbers so they can purchase more tools and hire more officers? How would you ethically handle each of these situations?

CASE STUDY

CASE STUDIES AND FBI DATA

How would these crime data collection systems account for the crimes highlighted in our case studies? Would the criminal acts committed by Joshua Paul Benjamin be reflected in any of the FBI data? And what about the case of Esther Lucero? How would the violence against Jennifer Schuett be reflected in the FBI data collection systems? Finally, would one find evidence of the offenses committed by Danny Madrid in the FBI data?

Let us begin with Joshua Paul Benjamin. In Chapter 1, we learned that, as a child, Joshua was hit by a car, resulting in serious injuries. Initially, he was unable to communicate, and his left side was paralyzed. Doctors believed that this near-fatal accident also stunted Joshua's cognitive and psychological development. Eventually, Joshua was again able to communicate, and he overcame his paralysis. One effect of the injuries sustained was Joshua's preference to play with younger boys. Joshua found that he just did not get along with adults or boys his own age.

When Joshua was 14, his uncle began molesting him. However, the molestation was not the cause of Joshua's introduction to the criminal justice system. Like many victims of molestation, he kept this abuse to himself. Rather, Joshua's introduction to the criminal justice system began with a police investigation into Joshua's alleged inappropriate interactions with two young boys. This criminal case remained open and unresolved for several years. During that time, Joshua moved and enrolled in college in another state. In 1992, when Joshua was a 22-year-old college student living in a mid-western city, his roommate came across some videotapes believed to be of television shows. Joshua had asked his roommate not to watch the tapes, but the roommate disregarded Joshua's warning. In the middle of the show, personal videotaping by Joshua broke in abruptly. In it, Joshua is seen with a boy about age 7. The tape shows Joshua fondling the boy's genitals and raping him while the boy protests and cries. The alarmed and shaken roommate took the evidence directly to the police.

Would Joshua's crimes be recorded in FBI crime data? We know that his crimes were reported to the police, which is the first necessary step for the FBI to include the offenses in its data. The second necessary step is that the police agency learning of these crimes must have forwarded the crime reports to the FBI. If that happened, Joshua's crimes would be reflected in the FBI data. But how? What types of crimes would the FBI record? At the time of the offense, the SRS was still operating, and it would have reflected Joshua's crimes as a Part I crime: aggravated assault. Recall that the SRS until 2013 would not have recorded Joshua's crimes as rape because, in 1992, the UCR SRS defined rape as a crime against a female victim only. The victims in Joshua's case were male. NIBRS was in place in 1992; however, it is unclear whether the jurisdiction where Joshua committed his crimes participated in NIBRS. Assuming it did, Joshua's crime would have been recorded as the Group A crime of forcible rape. Since its inception, NIBRS has defined rape as a crime that can occur to a male or a female victim.

Esther Lucero's arrest occurred before the introduction of NIBRS. The crimes that the police officers encountered at the scene outside the bar potentially included trespassing, vandalism, property damage, disturbing the peace, or even, for example, resisting arrest. Many of these possible charges were caused by Esther throwing bricks at the vehicles in the parking lot. The most serious crime was assault with a deadly weapon. Esther had sliced the bar owner's hand with a box cutter that she kept in her pocket. The SRS data provided publicly would have reflected only the most serious crime (recall the hierarchy rule). If Esther's charges ultimately end in only aggravated assault, which are explored in upcoming chapters, this incident represents a Part I crime in the SRS.

The crimes against Jennifer Schuett, the 8-year-old who was brutally assaulted, also came to the attention of the police. After raping and nearly decapitating her, Jennifer's assailant left her for dead on a fire ant mound in an overgrown field in Dickinson, Texas. Neighborhood kids playing hide-and-seek the morning after the attack discovered Jennifer when one little girl tripped over her apparently lifeless body. Officers responded to the dispatch call by sending an ambulance and then a helicopter. At the time, no one was certain if Jennifer was alive or not. Were the crimes committed against Jennifer recorded in the FBI's crime data? Assuming that Dickinson, Texas, voluntarily reported crimes to the FBI at that time, Jennifer's victimization would have been captured in SRS data. But what type of crime would have been reflected? It is likely that Jennifer's victimization would have been recorded as a forcible rape in the UCR data. Because of the hierarchy rule in the SRS, only the aggravated assault (throat cutting) would have been recorded, while no other criminal aspect of her victimization would have been reflected in these data. If Dickinson had been a certified NIBRS reporting agency at the time of this attack, Jennifer's victimization would have been recorded differently. Because NIBRS does not operate with a hierarchy rule, the extreme violence against Jennifer

may have been recorded as a forcible rape, aggravated assault, attempted murder, kidnapping/abduction, and possibly other crimes (at the time of her victimization, the FBI used the term forcible rape rather than the contemporary term rape). These crimes are all Group A offenses in NIBRS.

Danny Madrid was 13 years old when he joined the neighborhood gang, Clanton 14th Street. At the time, Clanton had a friendly relationship with Toonerville, a neighboring gang. Nonetheless, as a member of a gang, he experienced victimization and committed crimes. About a year before being arrested for attempted murder, Danny was stabbed by a rival gang member from Rockwood Street. Danny retaliated for this stabbing and was sent to a juvenile camp for 9 months. While Danny served time in juvenile camp, tension grew between Clanton and Toonerville. By the time Danny was released from camp, this feud was in full swing, and he was put on Toonerville's "hit list." Seven Toonerville members jumped Danny in the school locker room. Although he fought back, he ultimately was forced to flee. As a core member of Clanton, Danny began planning a response using even greater force—retaliation with a firearm.

Danny and a fellow gang member drove for hours throughout Toonerville's turf, looking for members to harm. Danny initially carried the gun and, at one point, jumped out of the car to attack a rival gang member. He failed to see a woman in the target's car, who could have identified him. Fortunately, his partner stopped him and chastised him for being careless. It was then that Danny's partner took the gun while they looked for other targets. Finally, a rival was sighted. Danny's partner exited the vehicle and shot the rival gang member nine times before returning to the car. Danny drove away. Amazingly, the victim of the shooting survived, but he was paralyzed and remains in a wheelchair today. Although Danny did not pull the trigger, he was as culpable as the shooter. As a result, when he was apprehended, Danny was charged with attempted murder.

Because the SRS fails to record information on attempts and completions, the attempted murder of the rival gang member by Danny and his partner would have been recorded as an aggravated assault. In the SRS, this is a Part I crime. In NIBRS, attempts and completions are generally recorded in the data. However, an exception is found with attempted murder in NIBRS, and as in the SRS, an attempted murder is recorded as aggravated assault. This is a Group A offense in NIBRS.

These actual criminal offenses and victimizations demonstrate how differently a crime measuring system—even several conducted by the same agency—may record the same offenses. Understanding the measurement of crime is important to fully appreciate the findings that come from these data.



Gathering information directly from crime victims offers advantages not found in police administration data. What advantages are there when obtaining data directly from victims? What disadvantages?

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After extensive discussions, pilot studies, and preliminary research, the National Crime Panel was fielded in July 1972 by the NCJISS. The National Crime Panel was composed of four distinct samples: two household samples (the **National Crime Survey [NCS]**) and two commercial establishment samples (the Commercial Victimization Survey [CVS]).²⁵ The CVS originally included a sample of 2,000 commercial establishments in 26 large cities and a sample of 15,000 businesses across the nation. The NCS initially included a central city household sample in 26 large cities and a national probability sample of 72,000 households. Almost immediately, budgetary and methodological issues constrained these efforts, and the CVS and the central cities sample were halted. By 1976, only the national probability household sample portion of the National Crime Panel remained: the NCS.²⁶

National Crime Survey

Although several early components of the National Crime Panel disappeared, the NCS continued collecting data focused on personal (including violent) and property crimes from eligible respondents. The NCS provided two primary sets of crime statistics: those against persons (i.e., personal crimes) and those against households (i.e., property crimes). Unlike the data collection efforts in the UCR Program that presents all crime rates based on the number of crimes per 100,000 persons, personal crime rates from the NCS were provided as the number of crimes per 1,000 *persons*. For property crimes, the rates provided by the NCS were given as the number of property crimes per 1,000 *households*. This is why you never see a total violent + property crime rate using data stemming from the NCS (or later redesigns of it).

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National Crime Victimization Survey

Immediately upon fielding the NCS in mid-1972, work toward improving the survey began. In 1979, plans for a thorough redesign to improve the NCS's ability to measure victimization in general, and certain difficult-to-measure crimes, such as rape, sexual assault, and domestic violence, were started. In 1991, the NCS changed its name to the National Crime Victimization Survey (NCVS), and in 1992, the major redesign was implemented using a split sample design (i.e., during 1992, half of the victim surveys used the NCS methodology and instruments, and half of the victim surveys used the NCVS methodology and instruments). Following the redesign, the NCVS measured an almost identical set of crimes as those gathered in the NCS. The only exception is that data on sexual assault started being collected following the redesign (data on rape were collected in the NCS). While a complete accounting of the changes between the NCS and NCVS methodologies is beyond the scope of this book, interested readers are encouraged to review the report from the BJS, which is available at www.bjs.gov/content/pub/pdf/ERVE.PDF.

As anticipated, given the improved measurement implemented in the new NCVS, the number of crimes counted increased following the redesign.²⁷ However, increases in crime measured varied across crime types. The number of crimes *not* reported to the police increased more than the number of crimes reported. One reason is that improved cues for certain survey questions caused respondents to recall more of the less serious crimes—those that are also less likely to be reported to law enforcement officials. As a result of measuring additional, less serious crime, the percentage of crimes reported to police based on the redesigned survey is lower than the percentage calculated based on data collected using the previous survey design. This difference is particularly salient for crimes such as simple assault, which does not involve an armed offender or result in serious injury to the victim.²⁸



Reporting crime to the police is a vitally important task. Yet, for most crimes, only a small percentage is reported by individuals. The police learn of crimes in other ways, given technology. For example, in many cities, police are alerted to a possible crime involving a firearm through Shotspotter technology. Shotspotter uses highly sophisticated microphones to detect the sound of gunshots and sends a signal to dispatchers. In September of 2023, a motorcyclist videoed his motorcycle ride from Colorado Springs to Denver in 20 minutes, reaching speeds of over 150 (the ride should take 1.5 hours). In doing so, he endangered countless individuals and broke multiple laws, resulting in an arrest warrant being issued. Law enforcement was tipped off when the rider posted a video of this, with his name, on the internet. While initially at-large, he was arrested in Texas under a warrant for assault. As of April 2024, he took a plea deal and pleaded guilty to the crime of speed exhibition.

RODGER BOSCH/Stringer/AFP/Getty Images

Today, the NCVS is the nation's primary source of information about the frequency, characteristics, and consequences of violent victimization against persons aged 12 and older and property victimization against U.S. households. Extant understanding of nonfatal crime in the United States comes from more than 50 years of data collected from the NCS and the NCVS. Researchers use these data to identify amounts of and trends of victimization in general and for particular groups of victims, such as women, African Americans, older adults, rural inhabitants, and the poor. Data from the surveys allow the identification of

victim–offender relationships and how victimization differs across groups, over time, across characteristics, and by type of crime. The data provide an understanding of the extent of armed and unarmed violence, the rate of injuries resulting from violence, resistance used by victims, whether the resistance was helpful or harmful, the monetary value of items taken, service providers used following victimization, and interaction with the police and other elements of the criminal justice system, just to name a few.

NCVS crime data are gathered from surveys administered throughout the year in person and over the phone at a sample of housing units in the United States. Housing units are selected using a stratified, multistage, cluster sample. The NCVS is also characterized by a rotating panel design, in which persons are interviewed every 6 months for a total of seven interviews and a large sample size. For example, in 2022, a total of 226,962 persons aged 12 or older in 143,794 housing units were interviewed.²⁹ This methodology and proper use of the data mean that housing units in the sample are representative of all housing units in the nation, and the data provide a representative sample of noninstitutionalized individuals aged 12 or older in the United States.

NCVS surveys are administered using two related instruments. The first instrument is the NCVS-1, which serves as a screening instrument.³⁰ This instrument asks questions to determine whether a respondent was a victim of a threatened, attempted, or completed crime during the preceding 6 months. If the screening instrument uncovers possible victimization, a second incident-focused survey instrument is administered to gather detailed characteristics about each victimization revealed. These details include the victim characteristics, offender characteristics, and characteristics of each incident. Details, for example, include the outcome of the victimization (completed, attempted); the time and location of the incident; the numbers of victims, bystanders, and offenders; victim demographics; victim–offender relationship; offender demographics; offender drug and/or alcohol use; gang membership; weapon presence; injuries sustained; medical attention received; police contact; reasons for or against contacting the police; police response; victim retaliation; and success of retaliation.³¹

Aside from providing important information on victimization, details gathered using the NCVS-2,³² the incident instrument (see Figure 2.5 for an example), are used in two important ways. First, detailed incident information is used to determine *whether* the incident described by the respondent was a crime the survey was gathering information about (i.e., an in-scope crime). Second, if that incident was deemed an in-scope crime, the *type of crime* that occurred is established. Neither the field representative nor the survey respondent makes assessments about whether a crime occurred or about the type of crime. Rather, these determinations are made using incident details during data processing at the Census Bureau, the agency responsible for collecting the NCVS data on behalf of BJS. This methodology ensures consistency in the identification of in-scope victimizations and the types of crimes across respondents and field representatives.

Because one of the initial major purposes of the NCVS was to serve as a benchmark for the SRS, to provide statistics on the proportion of crime not reported to police (i.e., the dark figure of crime), the crimes measured by the NCVS are almost analogous to the original Part I crimes measured by the traditional SRS program from the early 1970s.³³ Currently, NCVS criminal offenses measured include:

Personal crimes (all except pocket-picking and purse-snatching are considered violent crimes)

- rape
- sexual assault
- robbery
- aggravated assault
- simple assault
- pocket-picking and purse-snatching

Property crimes

- burglary/trespassing
- motor vehicle theft
- property theft

FIGURE 2.5 ■ Page 1 of the NCVS-2 Survey Instrument

The NCVS uses field representatives to administer the survey. Considering the complexity of the survey, do you think this is the best approach? Or should respondents be required to fill it out by themselves? Could respondents fill it out accurately by themselves?

NCVS-2	Implementation Date: (7/1/2019)	OMB No. 1121-0111: Approval Expires 2/28/2022
<p>NATIONAL CRIME VICTIMIZATION SURVEY NCVS-2 CRIME INCIDENT REPORT</p> <p><i>NOTE: Questions are listed in the order asked. Skips in question numbering are due to questionnaire changes over time.</i></p>		
<p>2a. INCIDENT INTRO</p> <p>You said that during the last 6 months : (description of the crime reported in the screen question.)</p>		
<p>2b. CHECK ITEM A</p> <p>Has the respondent lived at this address for more than 6 months? (If not sure, refer to 33a on the NCVS-1 or ASK.)</p>	<p><input type="checkbox"/> Yes (more than 6 months) - SKIP to 3 <input type="checkbox"/> No (6 months or less) - ASK 2c</p>	
<p>2c. INCIDENT ADDRESS</p> <p>Did (this/the first) incident happen while you were living here or before you moved to this address?</p>	<p>[605] <input type="checkbox"/> 1 While living at this address <input type="checkbox"/> 2 Before moving to this address</p>	
<p>3. INCIDENT DATE</p> <p>In what month did (this/the first) incident happen? Encourage respondent to give exact month.</p>	<p>[606] <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Month Year</p>	
<p>4. INCIDENT NUMBER OF TIMES</p> <p>If unsure, ask: Altogether, how many times did this type of incident happen during the last 6 months?</p>	<p>[607] _____ Number of incidents</p>	
<p>5a. CHECK ITEM B</p> <p>How many incidents? (Refer to 4.)</p>	<p>[608] <input type="checkbox"/> 1 1-5 incidents (not a "series") - SKIP to 6 <input type="checkbox"/> 2 6 or more incidents - ASK 5b</p>	
<p>5b. CHECK ITEM C INCIDENTS SIMILAR</p> <p>If unsure, ask: Are these incidents similar to each other in detail or are they for different types of crimes?</p>	<p>[609] <input type="checkbox"/> 1 Similar - ASK 5c <input type="checkbox"/> 2 Different (not a "series") - SKIP to 6</p>	
<p>5c. CHECK ITEM D RECALL DETAILS</p> <p>If unsure, ask: Can you recall enough details of each incident to distinguish them from each other?</p>	<p>[610] <input type="checkbox"/> 1 Yes (not a "series") <input type="checkbox"/> 2 No (is a "series")</p>	
<p>6. INCIDENT TIME</p> <p>(If Box 2 is marked in 5c, read: The following questions refer only to the most recent incident.)</p> <p>About what time did (this/the most recent) incident happen?</p>	<p>[612] <input type="checkbox"/> During day <input type="checkbox"/> 1 After 6 a.m. - 12 noon <input type="checkbox"/> 2 After 12 noon - 3 p.m. <input type="checkbox"/> 3 After 3 p.m. - 6 p.m. <input type="checkbox"/> 4 Don't know what time of day <input type="checkbox"/> At night <input type="checkbox"/> 5 After 6 p.m. - 9 p.m. <input type="checkbox"/> 6 After 9 p.m. - 12 midnight <input type="checkbox"/> 7 After 12 midnight - 6 a.m. <input type="checkbox"/> 8 Don't know what time of night OR <input type="checkbox"/> 9 Don't know whether day or night</p>	

Source: Bureau of Justice Statistics. https://bjs.ojp.gov/content/pub/pdf/ncvs19_cir_q3q4.pdf

The NCVS benefits from continual improvement.³⁴ During 2007 and 2008, for example, the Committee on National Statistics, in cooperation with the Committee on Law and Justice, reviewed the NCVS to consider options for improvement.³⁵ The need for review stemmed from evidence that the effectiveness of the NCVS had been recently undermined, given the demands of conducting an expensive survey in a continued flat-line budgetary environment. Based on this long-term environment, BJS had been forced to implement many cost-saving strategies, including multiple sample cuts over time. The committee noted that the result of repeated deep sample cuts (in conjunction with falling crime rates) created a sample size in which only a year-to-year change of 8% or greater was considered statistically different. The panel concluded that the NCVS, as it existed at the time, was unable to achieve its legislatively mandated goal of collecting and analyzing crime victimization data.³⁶ In addition, as technology moved forward, the NCVS was left behind and got the dubious distinction of being the last paper-and-pencil survey collected by the Census Bureau. This outdated mode made changing and updating difficult. The review panel provided multiple recommendations regarding a redesign of the NCVS that are being studied and implemented.

The scrutiny continued, as evidenced by a second major redesign of the NCVS, which is in progress. This redesign is proposed to involve two main steps: a multiyear design of the survey instrument (which would include an expansion of crimes considered) and a redesign of the sample and estimation techniques used to allow for subnational victimization estimation.³⁷ While much remains to be accomplished in the redesign, elements of it have been implemented during the last decade.

Although imperfect, NCVS data are valuable. A major advantage of the NCVS is that it provides data on reported and unreported crimes, and it is the source for our understanding of what percentage of crime is and is not reported to the police. A second advantage of the NCVS is that it offers a wide range of criminal victimization details, including information about crime victims (e.g., age, gender, race, Hispanic origin, marital status, income, pregnancy, veteran status, educational level), criminal offenders (e.g., gender, race, approximate age, drug and alcohol use, victim-offender relationship), and the context of the crime (e.g., time and place of occurrence, use of weapons, nature of injury [if any], economic consequences). A third advantage is its high response rates. In 2022, NCVS response rates were 648% for households and 82% for persons. Obtaining high response rates is challenging and has become more difficult over time. While the NCVS benefits from high response rates, it has seen decreases in response rates over the years. The response rates for 2022 are among the lowest the NCVS has measured. A fourth advantage is that it has been ongoing for decades, allowing meaningful long-term trend analysis and the ability to aggregate data to study difficult-to-measure crimes such as rape and violence against relatively small populations, such as American Indians.

The NCVS performs well for the purposes for which it was designed; however, as with all data, it has limitations.³⁸ First, the NCVS is designed to generate *national* estimates of victimization (although the ongoing redesign hopes to address this with subnational estimates). Because of this, the data cannot currently be used to estimate crime at the state, county, or local level. In 1996, a region variable was added to the NCVS data, enabling crime estimates for the Northeast, South, West, and Midwest. The value of this is questionable. Furthermore, on rare occasions, special releases of NCVS data have provided insight into crime in

major cities. Limited age coverage is a second limitation of the NCVS data, as eligible respondents must be aged 12 or older. Because of this limitation, findings based on NCVS data are not generalizable to persons aged 11 or younger. A third limitation relates to population coverage because those eligible to participate must live in a housing unit or group quarters. Persons who are crews of vessels, in institutions (e.g., prisons), members of the armed forces living in military barracks, and people who are homeless are excluded from the sample. This means that findings using NCVS data cannot be generalized to these populations. The fourth drawback is limited crime coverage. The NCVS collects data on the personal and property crimes listed above and excludes many other types of crimes (again, the ongoing redesign hopes to ameliorate this). NCVS crimes currently weigh heavily toward street crimes, excluding other crimes such as arson, crimes against businesses, stalking, vagrancy, embezzlement, and kidnapping. And finally, because of the early discontinuance of the business survey in the initial National Crime Panel, no business crimes are available in the NCVS.



Victims who are homeless are not represented in NCVS data. How might this limitation affect NCVS victimization rates? What is an efficient and cost-effective way to measure the victimization rates of those without homes? Can it be done in the NCVS? If so, how?

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POLICY ISSUES

DIFFICULTIES IN COUNTING CRIME

While initially counting crime may seem an easy thing to do, in fact, it is not. One reason for the challenge is series victimizations. Series crimes are not discrete events but rather are continuous victimizations that occur over time, including over long periods of time. Most crimes are discrete events—that is, there is a clear beginning and end of the incident. A man comes into the store, pulls a gun on the clerk, demands money, and leaves. A robbery has just taken place. Identification and counting of a single robbery is easy in this scenario. Other types of crime, however, are not as easily counted. Imagine a child who goes to school where she is ferociously bullied every day. The bullying begins while she is walking to school, it occurs in class, between classes, at lunch, and on her way home. The bullying is a daily occurrence that is ongoing and never seems to stop. Or imagine a woman who is savagely beaten every day and night by her intimate partner. She lives in a rural area, and her partner has taken her car, her money, and her phone. The offender also has isolated her from friends and family. She is a prisoner in her home with no way to leave. Every day, all day, her tormentor abuses her.

If asked, “How many times in the past 6 months have you been victimized?” how should the bullied girl or the victimized woman respond? Is one the correct answer, as it reflects that each victimization has been part of one long, ongoing event lasting hours, days, or months? Would then using 1 to calculate crime rates accurately reflect the amount of violent crime? Or should the girl and the woman answer 180, given that in a 6-month period (the NCVS reference period) there are about 180 days? Is capping the number of victimizations at 10 for each a better approach? Is this a more accurate count of the crimes that occurred? What if each beating was different in nature? Would this change your ideas about how to count them?

Series victimizations are crimes that are difficult to quantify because they are ongoing in nature. Each of the possible ways to answer a question about how often one is victimized is not precise, and as such, crime estimates will lack some precision when series victimizations are excluded or included in any form.

Think About It

1. How would you handle series victimizations if you were in charge of counting victimization?
2. What are the advantages and disadvantages of the approach you suggest?

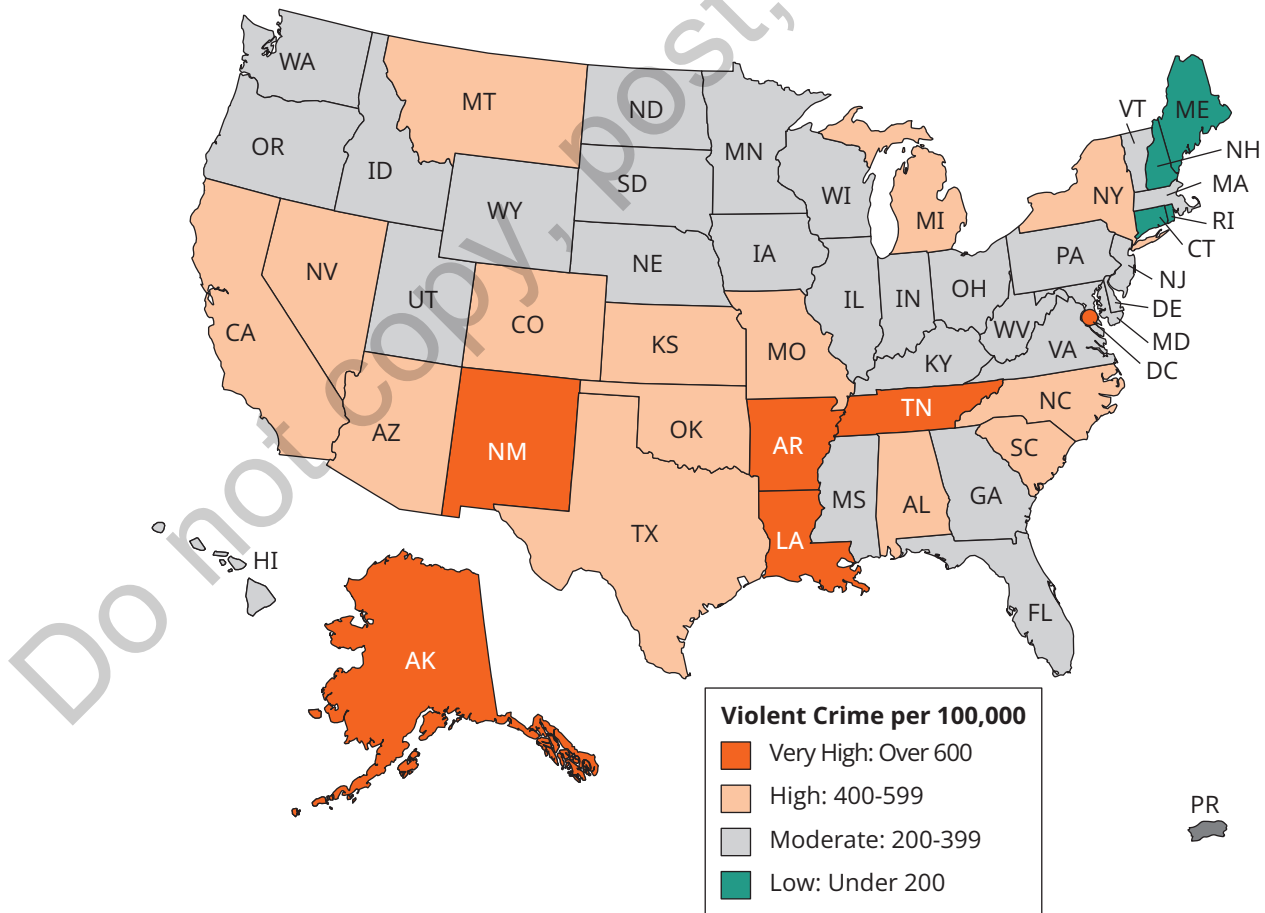
NCVS data are also limited because they are based on a sample, and like all surveys, the NCVS is subject to sampling and nonsampling error. Although every effort is taken to reduce errors, some are inevitable. One source of nonsampling error stems from the inability of some respondents to recall in detail the crimes that occurred during the 6-month reference period. Some victims also may choose not to reveal crimes committed by certain offenders (e.g., spouses). Others may simply forget about their victimizations. Still, others may experience violence on a frequent basis and may not view each instance as important enough to report to an NCVS field representative. A final limitation—not of the data, but a challenge in counting crime—is due to **series victimizations**.³⁹ Identifying whether a victimization has occurred in the NCVS requires the respondent to offer details of each victimization incident (e.g., Were you injured? Were weapons present? Who was the offender?). However, with series victimizations it is common that answers to these questions change as the violence is ongoing. Without unchanging detailed information on each incident, crime classification cannot occur, and how many victimizations occurred is unclear, given NCVS methodology. While analysts are free to establish a rule about counting series victimization, BJS in the past counted a series victimization as one crime, regardless of how many times the victim stated it occurred (e.g., a victim may know they were abused for a month straight and claim 30 victimizations as a result). Clearly, this series protocol underestimates the actual rate of victimization. In 2012, the protocol for addressing series victimizations changed at BUS.⁴⁰ Currently, it is standard to count as many crimes as the victim states occurred, up to a maximum of 10. The characteristics of the most recent crime are used to identify the nature of all of the series (even if it varied over time). This method may offer a better quantification of crimes, but it is unclear whether it reduces the accuracy of the qualitative nature of the series victimization.

CASE STUDY

CASE STUDIES AND NCVS DATA

Returning to our case studies, how would the NCVS record these criminal offenses and victimizations? Victimization resulting from Joshua Paul Benjamin’s sexual assaults would not be recorded in the NCVS. Why? This is because his victims were younger than 12, and the NCVS is restricted to victimizations against noninstitutionalized persons aged 12 or older. Esther Lucero’s fight with the bar owner might be reflected in the NCVS data—but given she was viewed as the offender, only information about her as an offender would be in the NCVS. Recall that the NCVS interviews persons about their experiences as crime victims, and more specifically, street crime victimizations. Ironically, if the police had arrested the owner and his employees for assault on Esther, she would have been considered a victim, and information about the attempted assault would have been reflected in the NCVS. Jennifer Schuett’s brutal attack and rape would not be reflected in the NCVS data either. She was 8 years old when the crimes occurred, so she would have been ineligible to be interviewed for the NCVS. Finally, Danny Madrid’s retaliatory attempted murder of a rival gang member would have been recorded in the NCVS. The victim was older than 12 and resided in a housing unit. Given this situation, the shooting victim’s assault would have been recorded as an aggravated assault (i.e., it involved a weapon and resulted in a serious injury) in the NCVS.

FIGURE 2.6 ■ U.S. Violent Crime Rates, 2022, According to the FBI’s Summary Reporting System



Source: Federal Bureau of Investigation, Uniform Crime Reporting Statistics.

The UCR's SRS, SHR, NIBRS, and NCVS all gather data on a broad range of crimes, although none captures all criminal offenses. Furthermore, the same criminal act may be measured differently across data collection systems, while some criminal acts may go unmeasured in some or all data collection systems. What was a rape in 2010 in one data collection system (i.e., NCVS) would have been an aggravated assault in another (i.e., SRS). Understanding the nuances, advantages, and disadvantages of each national data collection system is important. Together, information from all the data sources is needed to make an informed judgment about the nature and extent of crime in the United States (see Figures 2.6 and 2.7). Although different, each is a valuable tool for better understanding the nature and extent of crime in the United States.

FIGURE 2.7 ■ Summary of Major Sources of National Crime Data in the United States



VIOLENT AND PROPERTY CRIME RATES AND TRENDS

Fatal Violence

Regardless of the data source used, current estimates indicate that property crime is relatively rare, and violent crime is even rarer in the United States. This is not to say that there is no crime—there is. This is not to say that crime is not concentrated in certain places and is experienced more by some groups than others—it is. Overall, however, the United States has been enjoying a period of relatively low violent and property crime rates since they peaked in the early 1990s. Nonetheless, recently, some crime rates have fluctuated slightly. Consider murder, for example. The public fears this type of violence mostly for obvious reasons. In 2022, NIBRS (plus a little data from the SHR to ensure excellent coverage) identified 1,6485 individuals in the United States were victims of murder.⁴¹ In terms of the rate, 5.0 murders per 100,000 persons occurred in the United States during 2022. This reflects a national decrease of 6.1% in murder counts compared to 2021. Furthermore, the 2022 rate is less than the 6.8 murders per 100,000 recorded in 2021.⁴²

Gender, Race, Hispanic Origin, and Murder

No crime, including murder, is distributed randomly throughout the population. Rather, it tends to be concentrated among particular groups of individuals. For example, some personal characteristics are associated with higher rates of murder. Boys and men are murdered in higher proportions than girls and women: In 2022, 77.3% of murder victims were male, and 22.2% were female. The sex of less than 0.5% of victims could not be identified.⁴³ Whites are murdered at lower rates and in lower numbers than Blacks. Less than half of all murder victims in 2022 (38.6%) were White, while more than half (55.9%) were Black. During 2022, 1.7% of murder victims were American Indian/Alaska Native, while 1.1% were Asian. Race could not be determined among 2.5% of murdered victims in 2022. When considering Hispanic Origin, data demonstrate that 62.3% of murder victims in 2022 were non-Hispanic, while 13.6% were Hispanic. Among the remaining 10.1% of murder victims, Hispanic origin could not be determined (Infographic 2.1).⁴⁴

Murder tends to involve particular incident characteristics that change little over time as well. FBI data for 2022 show that the majority of murders are committed by a person whose relationship with the victim is unknown (51.6), followed by an acquaintance (12.0%).⁴⁵ In addition, the largest proportion of murder occurs in a person's home (45.4%), followed by a highway/alley/street/sidewalk (28.3%), and a parking garage (7.4%). Contrary to common media portrayals, about 1% of murders occur in a field or woods (1.8%). In terms of weapons used to commit murder, firearms were responsible for 77.7%. Knives were used in 7.9% (the majority of which were handguns), and personal weapons were used in 3.9%.^{46 47}

Nonfatal Violence

The NCVS shows clearly that nonfatal violence continues to be relatively low compared with its peak in the early 1990s (Infographic 2.1). This decline is found across crime types and victimization characteristics during that period. Less change has been measured over the past several years. Estimates from NCVS data indicate that there were 23.5 nonfatal violent victimizations (rape, sexual assault, robbery, aggravated and simple assault) per 1,000 persons aged 12 and older in 2022.⁴⁸ This rate represents a 42.4% increase from the 2021 rate of 16.5 victimizations per 1,000. Evidence shows that simple assault is the most common form of violent crime in the United States. Simple assaults are characterized by no or minor injuries and do not involve weapons. In 2022, 3.86 million simple assaults took place, which corresponds to a rate of 13.7 simple assaults per 1,000 persons.⁴⁹ This is in comparison to the 10.9 rate estimated in 2021.

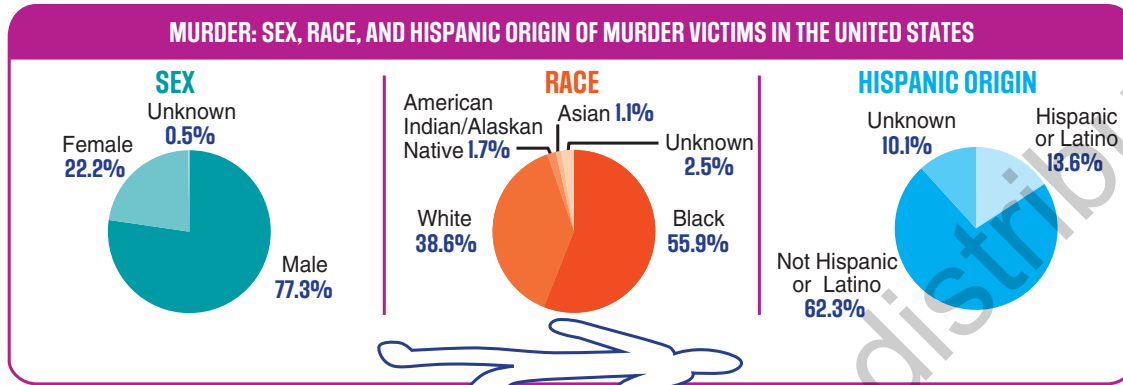
In contrast, rape and sexual assault, as currently measured in the NCVS, are the least common form of nonfatal violence measured. Like other forms of violence, rates of rape and sexual assault have declined over the past decade. In 2022, the rate of rape and sexual assault was 1.9 per 1,000 persons. Compared to 2021, however, the rate of rape and sexual assault increased from 1.2 rapes and sexual assaults per 1,000 people.

INFOGRAPHIC 2.1

DATA MATTERS: THE STORY IN NUMBERS

TRENDS IN VIOLENT CRIME

As noted, violence—whether fatal or nonfatal—is not randomly distributed throughout the population. Rather, specific victim characteristics are associated with higher and lower rates of nonfatal violent victimization. In addition, the way that violence is distributed throughout the population continues to be quite stable over time.



KEY

- Property Crime
- Nonfatal Violence



CRITICAL THINKING QUESTIONS:

1. Why might some groups of people experience violence at greater or lower rates? What theory do you think might account for this variation?
2. If a group of people have a higher rate of violent victimization, does that mean that the same group also has the highest number of victims? How do rates and counts differ? Why is it important to be clear about rates versus counts?
3. The property and nonfatal violent crime rates have plummeted since the early 1990s. Why might that be? What policies do you think may have been responsible, if any, for this decrease?

Source: Federal Bureau of Investigation. Crime Data Explorer. <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/crime-trend>; Thompson, A., & Tapp, N. G. (2023). Criminal victimization, 2022. Washington, DC: Bureau of Justice Statistics. Retrieved from <https://bjs.ojp.gov/document/cv22.pdf> NCJ 307089

Historically, the NCVS estimated that robbery was slightly more common than rape and sexual assault in the United States. This is the case in 2022, where 2.5 robberies (per 1,000) people were measured. In 2021, the robbery rate was 1.7 robberies per 1,000 people.⁵⁰ Finally, aggravated assault is the second most common form of nonfatal violence measured by the NCVS. More than 1 million aggravated assaults were measured in 2022. The same year, the aggravated assault rate was 5.5 per 1,000,⁵¹ which is greater than the 2021 rate of 2.7 per 1,000.⁵² Aggravated assault is characterized by an armed offender and/or a serious injury to the victim (e.g., gunshot wound, stabbing, broken bones, concussion).

Gender, Race, and Hispanic Origin: Characteristics of Nonfatal Violent Crime

Estimates from the NCVS show that violent crime characteristics differ by victim characteristics. The relationship between the victim and offender, for example, varies by the gender of the victim. In 2022, about six in ten (59.6%) of all nonfatal violent victimizations against boys and men were committed by strangers.⁵³ In contrast, during the same period, 35.7%—or more than one in three—of all nonfatal violent victimizations against girls and women were committed by strangers. The victim–offender relationship differs for male and female victims for the individual types of crime as well. In 2022, strangers committed 71.8% of robberies against male victims and 28.2% of robberies against female victims. During the same year, 30.6% of rapes and sexual assaults against female victims were committed by strangers, while 53.0% of rapes and sexual assaults against male victims were perpetrated by strangers. These findings, as well as historical estimates, show that while both males and females are victimized by strangers, boys and men face stranger offenders more so than girls and women. Conversely, girls and women are more likely to be violently victimized by someone they know.

During 2022, 45.8% of Whites, 46.6% of Blacks, and 44.0% of Hispanics (of any race) were victimized by a stranger.⁵⁴ Differences are found when considering different types of victimization. In addition, 59.5% of all robberies against Blacks were committed by strangers. In contrast, 41.5% of all robberies against Whites were perpetrated by strangers, and 58.3% of Hispanics who were robbed were robbed by strangers.

Estimates from NCVS data also show that most nonfatal violence is committed by unarmed offenders.⁵⁵ In 2022, 64.0% of all nonfatal violence involved unarmed offenders. In the same year, when considering only nonfatal violence, 9.7% of victimizations involved offenders armed with firearms, and 7.7% involved offenders armed with knives. The percentage of nonfatal violent crime involving armed offenders differs by type of crime examined. For instance, the majority of rapes and sexual assaults are committed with no weapon; in 2022, unarmed offenders committed 84.4% of rape and sexual assault. Furthermore, in 2022, 45.2% of robberies were committed with no weapon. Aggravated assault involved armed offenders most frequently. In 2022, 30.2% of aggravated assaults were committed by an offender with a firearm, and 23.2% were committed by an offender brandishing a knife. Furthermore, 21.6% of robberies involved a perpetrator with a firearm, and 12.8% were armed with a knife.

Contrary to popular perception, nonfatal violence mostly results in an uninjured victim. One exception is that, by definition, all victims of rape are injured.⁵⁶ In 2022, 77.6% of all nonfatal violence did not include a victim injury. Robbery results in a higher percentage of injuries. In 2022, 34.2% of nonfatal robberies resulted in injured victims. In 2022, 36.4% of male victims and 1.8% of female victims of robbery were injured during robberies. In 2018, 26.0% of those aged 12 to 15 and 26.8% of those aged 16 to 19 were injured. Considering the race of the victim, data show that Blacks are more likely than Whites,

American Indians, Asians/Pacific Islanders/Hawaiians, and persons of multiple races to be injured during robberies (29.8%, 22.3%, 16.5%, 8.8%, 18.0%, respectively). During 2022, 33.2% of Hispanic victims of any race were injured during a robbery.

In 2022, 40.0% of all nonfatal violent crime was reported to the police.⁵⁷ The police were notified regarding 21.6% of rape and sexual assault, 57.8% of robbery, 50.0% of aggravated assault, and 38.9% of simple assault.⁵⁸ Using data from the NCVS, variation in reporting of violence against victims based on characteristics is evident. The same year, less than half of nonfatal violence against female victims (44.8%) and male victims (38.8%) were reported to the police. Less than half of all nonfatal violence against Blacks (44.3%), Whites (43.1%), and Hispanics (45.3%) was reported. Trespassing and motor vehicle theft are the least common forms of property crime measured by the NCVS.



Burglary is the least common form of property crime measured by the NCVS. What may account for there being relatively little burglary? What might lead to an increase in burglary in the future?

iStockPhoto/AndreyPopov

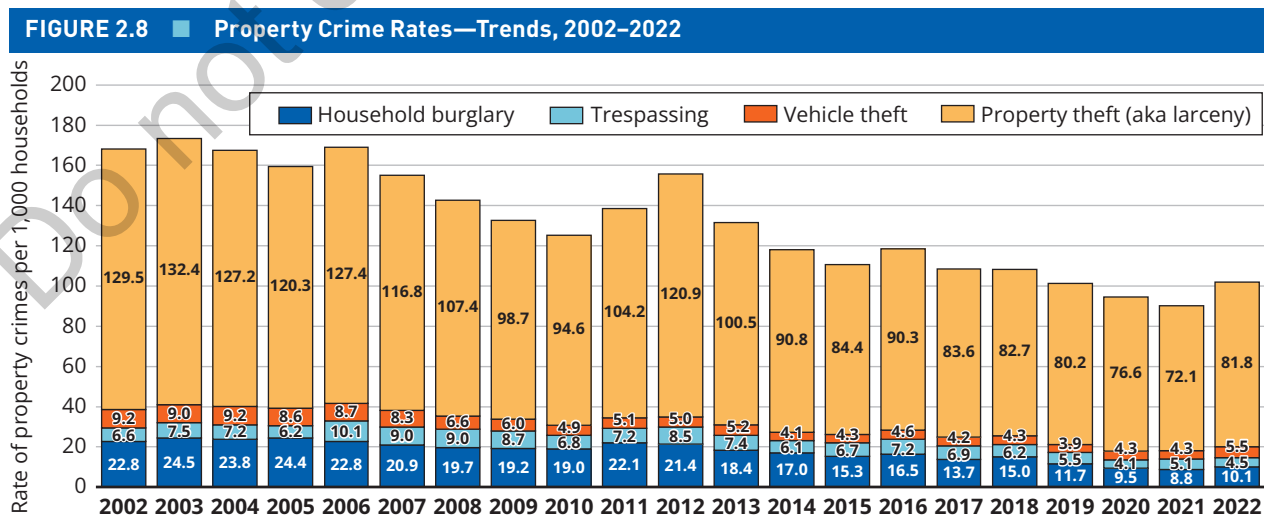
Property Crime Rates and Trends

The NCVS gathers information on four types of property crime: burglary, trespassing, motor vehicle theft, and property theft (also known as larceny). NCVS-based rates of property crimes are expressed in terms of the number of property crimes per 1,000 households (not persons). The overall property crime rate (i.e., burglary + trespassing + motor vehicle theft + property crime) in 2022 was estimated at 101.9 per 1,000 households (Figure 2.8).⁵⁹ Consider that from 2018 to 2022, the property crime rate decreased 5.8%.⁶⁰ In contrast, from 2021 to 2022, the property crime victimization rate increased by 12.8% from 90.3 to 101.9 property crimes per 1,000 households. As experienced among personal violence, there have been dramatic declines in property victimizations since the early 1990s. Since 1993, the property crime rate has fallen 71.0%, from 351.8 to 101.9, in 2022 for property crimes per 1,000 households.⁶¹

Property theft is the most common form of property crime measured by the NCVS. In 2022, the rate was estimated at 81.8 property thefts per 1,000 households.⁶² This figure represents a 38.6% decrease from the 2002 rate of 129.532.4 property thefts per 1,000 households.⁶³ The second most common form of property crime is burglary. In 2022, there were an estimated 10.1 burglaries per 1,000 households, which is 55.7% lower than the 2002 rate of 22.8 per 1,000 households.⁶⁴ Finally, motor vehicle theft and trespassing are the two least common forms of property crime measured by the NCVS. In 2022, the motor vehicle theft rate was 5.5 motor vehicle thefts, and the trespassing rate was 4.5 per 1,000 households.⁶⁵ In contrast, in 2002, the motor vehicle rate was 9.2, and the trespassing rate was 6.6 per 1,000 households.⁶⁶ Over this time period, motor vehicle theft declined a whopping 40.2%, and trespassing fell 31.8%.⁶⁷

Although the specific number of crimes and the percentage declines are not perfectly equivalent between the NCVS and UCR Programs, the story regarding violent and property crime from the two data collection systems is similar. Still, when they differ, there are many good reasons to expect the NCVS and UCR statistics to differ.⁶⁸ The most obvious reason is that the NCVS includes crimes not reported to the police, and the UCR includes only those that are reported to the police. Another reason is that UCR SRS crime numbers fail to include simple assault, while the NCVS does, and it demonstrates that simple assault is the most common form of violence. Despite the different measurement approaches between the UCR Program and NCVS, the findings are robust: Violent and property crime have declined since the early 1990s.

In Esther Lucero’s case, she first became involved in crime in the 1990s when crime rates were high. Esther and her family moved into a neighborhood known for high crime rates and gangs. She describes the move as a “major culture shock.” In fact, this life change for Esther coincided with Denver’s summer of violence. In 1993, the city experienced a massive increase in gang-related



Sources: <https://ncvs.bjs.ojp.gov/quick-graphics#quickgraphicstop>

murders. The 74 deaths that year, although lower than the previous year, resulted in public outrage fueled by the media. The perceived increase in random shootings and higher levels of gang activity resulted in the governor calling for a special legislative session. Incidents related to almost 200 crimes of gang violence, including murders, aggravated assaults, and robberies. Laws were quickly passed that banned handgun possession by anyone under the age of 18, increased funding for new jails, and established waivers to adult courts for violent crimes committed by 14- to 17-year-olds.

MEASURING CYBERCRIME, TERRORISM, AND WHITE-COLLAR CRIME

Cybercrime

While technology brings with it many improvements in life, it also makes available new means for people to commit crime. This is the case with cybercrime, which has been enabled by the rapid evolution of new digital technologies. Cybercrimes have distinct and unique advantages over traditional crimes that provide attractive opportunities not only for traditional lawbreakers but also for a new breed of criminal—the cybercriminal. Cybercrime can be committed quickly and conveniently from anywhere in the world. No longer are criminals constrained to victims within close physical proximity. Cybercrime can easily scale to involve exponentially more victims as well as substantially increase the value and number of assets at risk. There are also serious difficulties in defining cybercrime, which has generated challenges for lawmakers in creating laws that adequately cover the rapidly evolving nature of cybercrime.

Interpol (the International Criminal Police Organization), an intergovernmental organization, notes that there is no universally agreed upon definition of cybercrime but that it takes two major forms. First is advanced cybercrime or high-tech crime. This form of cybercrime directly utilizes offensive digital technologies to attack a victim's digital networks, servers, software, and other digital assets using techniques that are often quite sophisticated. A serious and common example of this is ransomware. Ransomware is the criminal act of placing malware on a computer network that encrypts the contents of the victim's computers and servers and demands a ransom—usually in a hard-to-trace digital currency such as Bitcoin—in order for the victim to obtain the key to regain use of their files by unencrypting them.

Ransomware victims often face a double set of threats in that the cybercriminals download key sensitive documents and data before encrypting the victims' computers and servers, and in addition to demanding a ransom to provide the encryption key, they blackmail the victim into further payments to prevent the disclosure of the stolen files. Additionally, there is no guarantee that once the ransom is paid, the encryption key will be provided, or the stolen files will not be disclosed.

A second more indirect form of cybercrime is cyber-enabled crimes, which are either more traditional in nature or are used in support of high-tech criminal acts. One of the earlier forms of this cybercrime phenomenon has been the emergence of online cybercrime markets. These marketplaces are typically found on the dark web—networks that are often not searchable by traditional search engines but instead are accessed using custom software, permissions, and networks such as Tor, which provide some anonymization and make it difficult to trace network connections. These markets often offer illegal products or services such as malware, illegal drugs, stolen financial asset credit card information, money laundering services, and a host of other illicit products and activities. These often operate with services more typically found in legitimate marketplaces, such as escrow accounts to protect customer funds during the transaction process and vetting of vendors offering goods on the marketplace by the marketplace administrators.^{69, 70}

Creepware is a type of cybercrime that has also been around for a few years. It is a malware program downloaded to a person's computer without their knowledge. The malware can be installed manually or remotely when the owner of the computer clicks on an innocuous link. Once installed, this software can be used to hijack computers remotely, turn on computer webcams and spy on victims at any time, access hard drives, and record keystrokes, making stealing passwords and account numbers possible.⁷¹

Using this information, hackers can hijack computers, raid banking accounts, extort victims by threatening to release video of them (often containing nudity and other personal acts), and/or blackmail victims into performing sexual acts on Zoom, Skype, or similar platforms. Victims often learn that their computers have been taken over when messages appear on the screens stating demands.

In 2013, the reigning Miss Teen USA received a message that demanded more nude photos and a live sexual performance, or the hackers would release nude photos taken without her knowledge while she was in her bedroom.⁷² The hackers knew when she opened the demand e-mail and threatened the release of these items, stating that her dream of becoming a model would be transformed into a career in pornography if she did not comply promptly. Ultimately, a former classmate of Miss Teen USA was arrested for installing this malware on her computer. He was sentenced to 18 months in prison following a guilty plea for extortion and unauthorized access to a computer.

A more recent form of this second form of cybercrime involves the use of artificial intelligence. An example is the use of a sophisticated deepfake video where company officers were imitated in an Internet-enabled video call that resulted in the transfer of \$25 million to cybercriminals.⁷³ Similar schemes have been perpetrated on individuals where a short audio sample of a person's voice (often as short as 3 seconds) is used as input to an artificial intelligence based deepfake model to produce a voice message begging for help from a family member claiming to be kidnapped or in serious legal trouble and targeting the purported victims' family with a demand for money. A more recent variation of this is what is being labeled "cyberkidnapping." This criminal strategy involves convincing a family member that they are to isolate themselves away from their family under threat of violence to themselves or a family member. Cybercriminals utilize the Internet to communicate instructions to the isolated person that include sending voice ransom demands and pleas for help to their family, as was the case in the recent cyber kidnapping of a Chinese exchange student in Utah.⁷⁴

What motivates individuals to commit cybercrimes? It might be tempting to point at money as the sole motivation, but while that is the most common motivation, it would be a mistake to consider money to be the only one. Kilger⁷⁵ has pointed out that motivations for malicious online actors include money, ego, entrance to social groups, and status. In addition, it may be useful to point out that the definition of malicious online acts may not only include cybercrime but also terrorism or cyberterrorism. Kilger⁷⁶ also suggests the argument that the nature of the interaction between crime, terrorism, and technology is more than just an intersection. That is,

What we are witnessing is a convolution of these three elements in that each element represents a dynamic system that has complex interconnections with each other. Changes in technology may change not only the methods by which each of these malicious actors (e.g., criminals and terrorists) accomplish their activities but more importantly technology changes the motivations, norms, values, and social structure of the individuals in these communities.

Cybercrime victimization is considered by the FBI to be extremely serious because it can lead to severe personal damage, death, and unlawfully gained assets, including sensitive and classified military and intelligence documents, as well as widespread economic chaos. Cybercrime can destroy businesses, and on an individual level, it can ruin lives when personal assets and identities are revealed or stolen. The recent spate of artificial intelligence driven cybercrime attempts has driven the Federal Trade Commission (FTC) in 2023 to urge the public to no longer trust the voice you hear on the phone. The FTC also urges the public to be wary of anyone requesting money be wired, issuing cryptocurrency, a cash app transfer, or buying gift cards. Further, any request for card numbers or pins is a sure sign of a criminal scam.

Knowing how much cybercrime exists is challenging. NIBRS collects data on Group A crimes, including those that may have been committed via cybercrime. For instance, corporate fraud, embezzlement, gambling, and prostitution may all be recorded in UCR SRS data; however, it is impossible to ascertain whether these crimes were committed with or without the primary tool of a computer or network. Similarly, NIBRS records several of the same crimes, although it may be unclear whether they were cyber versions of classic crimes. As demonstrated earlier in the chapter, the FBI expanded its fraud

offenses in NIBRS over the last many years, including identity theft, hacking, and computer invasion. The NCVS periodically offers supplemental questions designed to gather information on a limited number of cybercrimes. Only cybercrimes against persons aged 12 or older who live in a household would be reflected in the NCVS data.

In summary, cybercrime is here to stay and is quickly evolving into an exponentially more serious threat to people and organizations. Developing a better, more comprehensive understanding of the relationships between people and digital technology is a critical mission both for the personal safety of our citizens as well as the protecting our national security.

Terrorism

Although terrorism has been a part of our lives for some time, attempts to measure it are relatively new. Like measuring crime in general, measuring terrorism is not as simple as it appears because the acts are multifaceted and complex. In addition, terrorism changes based on shifting goals, strategies, and schemes. Nonetheless, several options exist. The U.S. government's **Worldwide Incident Tracking System (WITS)** database was established to better understand terrorism. These data offered information on violent terrorism incidents against civilians and noncombatants from publicly available materials. Using these data, the FBI has published terrorism statistics since 1996.⁷⁷ WITS was established in 2004 and gathered information on victims, offenders, and terrorist incidents that have been initiated and completed throughout the world. Failed or foiled terrorist incidents are not included in these data. Unfortunately, this data collection effort was discontinued in 2012. The data are still available because they were folded into the **Global Terrorism Database (GTD)**, which is housed at the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland.

The GTD includes data on terrorism from 1970 to the present.⁷⁸ This database was built on terrorism data originally gathered by Pinkerton Global Intelligence Services from wire services, government reports, and international newspapers. The GTD offers terrorism information on threatened, failed, and successful terrorist attacks.

While terrorist attacks occurring in the United States that resulted in the murder or nonfatal victimization of a person would be measured in the UCR, SHR, NIBRS, and NCVS, none of the national data collection efforts identifies an offender as a terrorist. That means it is virtually impossible to identify whether the victimization or death resulted from a terrorist attack. One exception exists. In 2001, the year of the September 11 terrorist attacks in Virginia, Pennsylvania, and New York, the FBI released a special table in the UCR (i.e., special report, Section V) that reflects murder and nonnegligent homicides that occurred as a result of 9/11.⁷⁹ Those terrorism-related murders were not reflected in the standard annual tables. By producing two tables for this year, it was possible to compare murder trends over time with and without the presence of murders resulting from these terrorist attacks.

White-Collar Crime

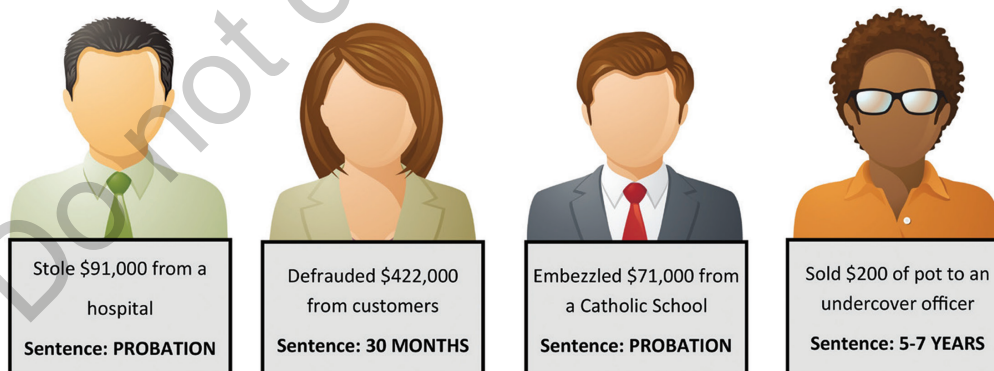
Data specific to corporate and occupational crime are rare. The lack of reliable data sources for white-collar crime has necessitated creative research approaches. Most scholars use field research to examine corporate regulatory violations, crime by pharmacists, and information on public attitudes.⁸⁰ Case studies of white-collar crime have remained popular. The Wheeler, Weisburd, Bode, and Waring dataset, which was established in 1982 and is now outdated, has been used by numerous scholars to examine sentencing and characteristics of white-collar criminal offenders. Wheeler and colleagues collected data on embezzlement, income tax fraud, postal fraud, credit fraud, false claims and statements, and bribery from seven federal district courts from 1976 to 1978. Other researchers have relied on secondary data from official agencies such as the U.S. Food and Drug Administration and the U.S. Environmental Protection Agency to explore corporate, individual, and environmental crime.

Another source for white-collar crime data is the FBI's NIBRS. White-collar crimes reported in the NIBRS are fraud, bad checks, counterfeiting or forgery, embezzlement, and all other offenses. Fraud, for example, would include crimes such as academic crime, false advertising, insider trading, and Ponzi schemes, to name a few. White-collar crimes often fail to come to the attention of the FBI because, in many cases, regulatory agencies and professional groups investigate corporate and occupational crimes without including the police. While NIBRS can offer some information about white-collar crime, not all researchers agree that it is an ideal source. Criminology researcher Darrell Steffensmeier long ago noted that the FBI's offense categories are not appropriate indicators of white-collar crime.⁸¹

The National White Collar Crime Center (NW3C), which was established in 1992 and funded by Congress, has become a nonprofit, membership organization. The NW3C no longer supports a research consortium instituted to assist scholars in the development of white-collar crime databases. The group now focuses on providing support and training to law enforcement involved in the prevention, investigation, and prosecution of white-collar crimes.⁸² Unfortunately, the national survey of victimization no longer exists.

In 1999, NW3C conducted the first national survey to measure public perceptions of white-collar crime, including victimization, reporting behaviors, and perceptions of crime seriousness. The survey was repeated in 2005 and 2010 and represented a significant source of secondary analysis. The final survey, conducted in 2010 (a 2015 survey could not be located), showed that about 24.0% of households and 16.5% of people had experienced at least one type of victimization in the past 12 months. The most reported type of victimization was credit card fraud. Among victimized households, 54.7% reported the crimes to at least one outside entity in hopes of recourse.⁸³

Three major efforts are underway to develop comprehensive databases on white-collar crime at the federal level. In 2023, the Department of Justice released the Corporate Crime Database. This public database gathers information on resolved cases from U.S. Attorney's Offices. The effort to build a more comprehensive database was established by the Corporate Crime Database Act, which mandated information be collected related to wrongdoing by entities that make over \$1 billion annually and involve misconduct that is punishable by a fine of over \$1,000.⁸⁴ The Corporate Prosecution Registry database includes details on federal prosecutions since 2001.⁸⁵ Finally, the Corporate Crime Database Act of 2022 was introduced to require the Bureau of Justice Statistics to establish a public database of federal enforcement actions involving corporate offenses,⁸⁶ although the bill has not advanced in Congress. Until data are more readily available, research depends on case studies, court cases, regulatory actions, prosecutions, federal sentencing data, and media accounts. The dearth of official statistics continues to hinder attempts to study white-collar offenders and victims.⁸⁷



What is white-collar crime? Why is it so difficult to define? Why does it appear to be dealt with so differently than street- or drug-related crimes? Should white-collar criminals be dealt with the same, more harshly or more leniently than street- or drug-related offenders? Why?

Adapted from B. Toy, "White-collar crime," *Erie Reader*.

Images © iStockphoto.com/dsafanda

FEAR AND RISK OF VICTIMIZATION

Something you may have realized after reading the information in this chapter is that fear of crime exceeds the actual likelihood of being victimized. Perhaps you find yourself surprised to learn crime is not worse than it was in the “good old days.” Regardless of the time period, people tend to view crime and their risk of victimization as disparate from reality. A large body of research exists that examines the paradox between actual risk and fear of victimization. Kenneth Ferraro is credited with being the first person to demonstrate the differences between fear and risk of victimization.⁸⁸ Findings from this literature indicate that, in general, women are more fearful of victimization than are men. However, data show that risk of most forms of victimization is higher for men than women (intimate partner violence, and sexual violence being exceptions). Research also shows differences in fear and risk based on income (people living in poverty are more fearful, which corresponds to their victimization risk) and age (older persons are more fearful, which is in contrast to their actual risk), among other characteristics. The disjunction between actual risk and fear extends beyond street crime. Research findings indicate that individual fear of crime increased following the 9/11 attacks, although these attacks were not the first cases of domestic terrorism in the United States. The attacks took place more than 20 years ago, but the fear of additional terrorist attacks remains elevated.

What influences one’s fear of crime? Research points to several culprits. One is an individual’s assessment of the size of the crime problem. Generally, when a person is asked how bad crime is, their answer indicates that it is worse than it ever has been before. Usually, a comment is thrown in discussing the “good old days” when it was safer. As the previous sections indicate, some of the good old days were not so good regarding crime. Where does this notion of crime today being such a problem come from? A possible source is the media. Research indicates a strong relationship between the media and fear of crime. In fact, some argue that the media (and in general hearing about crime) acts as a **crime multiplier**. Fear is especially exacerbated when one watches the news—particularly the local news. What viewers fail to recognize is that the news fails to offer a balanced presentation of crimes, victims, or offenders. Rather, the news (and other forms of media) presents stories in such a way as to encourage continued watching. Crime has been declining for almost three decades, yet the media display a disproportionate amount of violent crime (while property crime is far more common), with distortions of who are offenders and victims. Presenting the most heinous and unusual crime stories is an effective means to this end. A sad by-product of this is an exaggerated fear of victimization among many viewers, to the detriment of their lives and well-being.

THEORY IN CRIMINAL JUSTICE

Theory is intimately tied to data. Some researchers use data to test proposed crime theories, and others gather data to build theories. Theory is fundamental in understanding criminology and criminal justice. Most broadly, theory provides an explanation of why crime occurs more often in some settings, by certain individuals, to specific people. Theory in the sciences is more than an explanation; however, it must be quantifiable and testable. Ideally, researchers use data to test theories and, by doing so, support or fail to support the tested theories. By better understanding the nature and causes of crime, we can help enact policies and changes to reduce offending and victimization.

CONTEMPLATING CAREERS

CRIME OR STATISTICAL ANALYST

Many people spend their careers gathering, analyzing, and publishing crime statistics that inform the public and policymakers. Are you detail oriented and well-organized? Do you value precision? Do you understand research methodology and statistics? If so, becoming a crime or statistical analyst is a career you should consider.

In the federal government, social science statisticians are important to many bureaus, such as the BJS, FBI, Bureau of Labor, Bureau of Transportation Statistics, and Census Bureau. State governments also have multiple agencies that need individuals with these skills. In this role, analysts

or statisticians produce national or state criminal justice numbers (or numbers for other important fields). Once hired, a statistician works with data collection agencies; conducts research on the measurement of concepts such as race, education, intimate partner violence, recidivism, imprisonment, and stalking; and uses the data to compute statistics, write reports, and see them through the editing and dissemination process.

Once these reports are published, policymakers, advocates, and researchers use them to better understand crime and justice issues in the United States. For more information, simply Google “social science analyst” to see the myriad career possibilities in both the public and private sectors.

Most criminological theories focus on questions such as the following: Why do some people commit crimes and others obey the law? Why does crime happen most often in some geographical areas and rarely in others? Why are some people victimized? Why are some people repeatedly victimized? A broad array of theories exist that include biological, psychological, sociological, and criminology aspects—far more than can be covered in this text. This section represents some of the more prominent theories.

Many theories are biologically and psychologically based. These maintain that biological or psychological forces beyond a person’s control drive individual offending. Criminal offending may be caused by neurological or psychological abnormalities. Serial killers, for example, often are diagnosed with antisocial personality disorder. In addition, these biological and psychological propensities to commit crime are exacerbated by influences such as alcoholism, poor education, allergies, hormones, environmental contaminants, and even imitation of well-publicized offenses. Genetic markers, neurotransmitters, and central nervous system disorders are being studied as the interest and technology to further research biological factors and causes of crime increases. Brain scans of adults and juveniles, for example, show distinct differences in maturation. In 2012, the U.S. Supreme Court ruled that a mandatory life sentence without parole is unconstitutional, perhaps partly because of the results of biological and sociological research that shows certain behaviors are related to medical or psychological impairments.⁸⁹

Most criminological theories are based on sociological perspectives and are less likely to focus on individual traits. They emphasize the influence of elements outside a person’s nature. Criminal behavior is an adaptive response to societal pressures such as social structures, culture, social institutions, and processes such as learning. Sociological theories hold that criminals are no different from noncriminals, but they experience different pressures, strains, and limited opportunities. Social disorganization proposes that deteriorating communities cause crime. Differential association theory posits that criminal behavior is learned primarily from parents and peer groups. Social bond theory argues that a person’s lack of attachment, commitment, belief, and involvement results in crime. Social bond theory, unlike other perspectives, asks why people do not commit crime and strong bonds inhibit criminal or deviant behavior. Rational choice theories view temptation and opportunity as key to understanding why people sometimes commit crimes. These theories view criminals as goal-oriented individuals who offend (or choose not to offend) based on the expected effort and reward of committing a crime compared with the chances of being caught and the severity of punishment should they be caught. The general theory of crime proposes that a lack of individual self-control, which stems from bad parenting, results in criminal behavior. Life-course, integrated, and general theories of crime have become more popular as data-gathering techniques, and statistical testing has become increasingly sophisticated. One popular life-course theory explores transitions, trajectories, and turning points that increase or decrease social capital, which may result in legal or illegal behavior.

In Esther Lucero’s case, for example, numerous variables may have accounted for her involvement in the criminal justice system. Esther’s teenage years were spent in an environment of social disorder. Despite her increased exposure to a world far removed from her middle-class upbringing, Esther continued to excel in school and was a frequent honor roll student. Her life course, however, shows several trajectories and turning points. After her parents’ divorce, she lived with her biological mother, her grandmother, and later with her father. Her older brother joined the GKI gang and revolved in and out of prison. Esther graduated from high school in June 1999 and celebrated her 18th birthday in July. She then moved to Las Vegas to enroll in massage therapy training, but within a week moved back to Denver. Once she reestablished her life in Denver, she began hanging out with the wrong crowd and started drinking.

She described herself as “young and dumb,” according to Esther, “I was still naïve.” Attachments to delinquent peers and her first serious relationship with an abusive partner changed the course of her life.

This section only scratches the surface of a long and rich history of important theoretical work. Such a short treatment fails to offer details on numerous criminological theories, respective research support, or limitations associated with each. Furthermore, this brief description suggests that theories are tucked away neatly into discrete classes, whereas many dynamic integrated theories combine elements of rational choice, biological or psychological, and sociological theories. Table 2.2 offers the names and basic theses of many theories in criminology. Students interested in finding out more are encouraged to enroll in a theory course.

TABLE 2.2 ■ Theories of Crime Summary

Theory	Brief Description
Classical	Crime occurs when the benefits outweigh the cost; crime is a free-willed choice.
Positivist	Crime is caused or determined.
Individual trait	Criminals differ from noncriminals on a number of biological and psychological traits.
Social disorganization	Crime occurs in the city zone (zone of transition) that has high levels of poverty, heterogeneity, and residential mobility (related to the Chicago School).
Differential association, social learning/Subcultural	Crime is learned through associations with criminal definitions that approve of criminal conduct or neutralizations that justify criminal conduct.
Anomie/Institutional anomie	The gap between the American Dream’s goal of economic success and the opportunity to obtain this goal creates structural strain.
Strain/General strain	When individuals cannot obtain success goals such as money or status, they experience strain or pressure. People under strain adapt accordingly by either accepting or rejecting the goals and means to obtain what society values. A society that lacks common goals and means may experience anomie (normlessness).
Control	The key factor in crime causation is the presence or absence of social control that emphasizes relationships.
Rational choice/deterrence	Crime is seen as a choice that is influenced by its costs and benefits; crime is a rational choice.
Routine activity	People’s daily routine activities affect the likelihood they will be attractive targets who encounter offenders in situations in which no effective guardianship is present.
Labeling/shaming	People become stabilized in criminal roles when they are labeled as criminals, develop criminal identities, are sent to prison, and are excluded from conventional roles.
Critical/Marxist	Inequality in power and material well-being create conditions that lead to street crime and corporate crime. The ruling class exploits the working class through labor and laws.
Peacemaking	Crime is caused by suffering that is linked to injustice rooted in inequality and daily personal acts of harm.
Feminist	Crime cannot be understood without considering gender. Crime is shaped by the different social experiences of and power exercised by men and women.
Developmental/life course	Crime causation is a developmental process that starts before birth and continues through the life course.
Integrated	Crime is caused by components described in a variety of theories.

Source: Adapted from Table 1 in Cullen, F. T., Agnew, R., & Wilcox, P. (2014). *Criminological theory: Past to present* (5th ed.). Los Angeles, CA: Roxbury.

CHAPTER WRAP-UP

With the information presented in this chapter, you have learned where to go to get the best information on offending and victimization for a wide variety of crimes in the United States. You now know where to turn to identify the risk of victimization based on a person's characteristics or the characteristics of violent and property crime. The information presented shows how all the nation's crime measures are imperfect, but they still offer important material and statistics that help guide policymakers and represent one measure of the health of the nation. The chapter highlighted the attention given to the victim in terms of measuring the nature and extent of crime. Furthermore, the evidence presented demonstrates that crime affects persons of differing characteristics differently. The chapter discussed the improvements in efforts to measure crime and how technology has assisted with greater computing power and the ability to gather enormous amounts of information. While the measurement of crime in the United States is considered among the best in the world, the evidence presented here shows that it, too, is imperfect. In fact, no measurement is perfect. Consider how the case studies we focus on are or are not represented in these data. In the next chapter, we turn to the important topic of criminal justice and the law, tackling the rules, goals, sources, and types of law.

KEY POINTS

- The call for a uniform crime reporting system dates back to the 1800s in the United States. The IACP was instrumental in the creation of the FBI's UCR Program and its data collection efforts.
- The NCS and later NCVS were designed to deal with shortcomings of the UCR Program's data collection. This includes wanting an understanding of the dark figure of crime.
- The NCVS and FBI data collection efforts are complementary and together offer multiple measures of street crime in the United States.
- The NCS was the first national crime victimization survey in the world.
- Violent and property crime are relatively rare in the United States. Property crimes occur in greater numbers than violent crimes. Violent and property crime have been declining dramatically since the early 1990s.
- Measuring crime is difficult. This is especially the case for nationally representative data on cybercrime, terrorism, and white-collar crime. Although no data are perfect, options for data on these crimes are available.
- In general, less than half of all violent crime, and about one-third of property crime is reported to the police, and the reporting percentage reported by type of crime and characteristics of the victim.
- Men and boys are more likely to be victims of most forms of violence than women and girls, except for rape and sexual assault. Women and girls have a greater fear of victimization than men and boys.
- In general, those with the highest risk of violence fear it least, and those with the lowest risk fear it most. Women and girls fear violence more than men and boys, but the latter are victims of violence at higher rates than women and girls.
- The media act as a crime multiplier in that they enhance one's fear of victimization, given the exposure they give crime.
- With advanced technology, new crimes have emerged (e.g., AI-generated crime, cybercrime, some forms of terrorism). With advanced technology and increased computing capabilities, our ability to measure crime has been enhanced.

KEY TERMS

Crime multiplier	National Incident-Based Reporting System (NIBRS)
Dark figure of crime	Part I and Part II crimes
Global Terrorism Database	Series victimizations
Group A and Group B crimes	Summary Reporting System (SRS)
Hierarchy rule	Supplementary Homicide Reports (SHR)
National Crime Statistics Exchange (NCS-X)	Uniform Crime Reporting (UCR) Program
National Crime Survey (NCS)	Uniform Crime Reports
National Crime Victimization Survey (NCVS)	Worldwide Incident Tracking System

REVIEW QUESTIONS

1. What role did the IACP play in the development of crime measurement?
2. What is the dark figure of crime?
3. Why is there a paradox regarding the fear and risk of crime? What victim characteristics are associated with this paradox?
4. What are series victimizations, and why are they an issue with measuring the nature and extent of street crime, terrorism, cybercrime, and white-collar crime?
5. Why has crime declined dramatically in recent years?
6. What groups of people are at the greatest risk of violent victimization in the nation?
7. Is a stranger or a known offender most likely to violently victimize a woman? A man? How is stranger violence associated with race and Hispanic origin of victims? What may account for this difference?
8. What is more important: gathering crime data on victims, incidents, offenders, or losses from crime?
9. Why would a police agency misreport—either increases or decreases—its crime data to the UCR?
10. How is AI used to commit crimes? How can one protect themselves from becoming a victim?

CRITICAL THINKING MATTERS

1. **Ethics and Crime Measurement.** Some researchers and advocates suggest that asking victims about their experiences is unethical, as it revictimizes them. That is, by asking about a traumatic event, the victim experiences trauma again. For example, a rape victim questioned by the police may be retraumatized. Some now find that victims are willing to convey information about their victimization. Do you believe that victimization surveys like the NCS and NCVS revictimize individuals? Is it an ethical way to proceed? If not, how would you go about getting information about traumatic events such as rape, robbery, or witnessing a homicide?
2. **Including Case Studies in Data Collection.** As the chapter shows, the degree to which Jennifer Schuett's victimization is found in national sources of crime data varies according to the data collection system. The violence committed by Danny Madrid would have been recorded in all systems as an aggravated assault. In contrast, the chapter indicated that the crimes of Joshua Paul Benjamin and Esther Lucero vary in terms of which sources they would be recorded in and how. What sort of changes to national data collection efforts do you suggest to better capture crimes like those found in our case studies?

3. **Crime Measurement and Crimes Against Children.** Many argue for more information about violence against juveniles, such as that experienced by Jennifer Schuett or the young victims of Joshua Paul Benjamin. Gathering more detailed information for use by researchers and, ultimately, policymakers will provide greater insight into crimes against children. Furthermore, this enhanced understanding may ultimately lead to superior policies that prevent future violence against children. Is this need for more details on violence against children more important than consideration of questions about juveniles like Jennifer? Or is this no different than investigators gathering information to solve the crime? Do the needs of the many outweigh the needs of the few? Why or why not? Does it matter that these victims are young people? Or do concerns extend to all victims regardless of age?

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