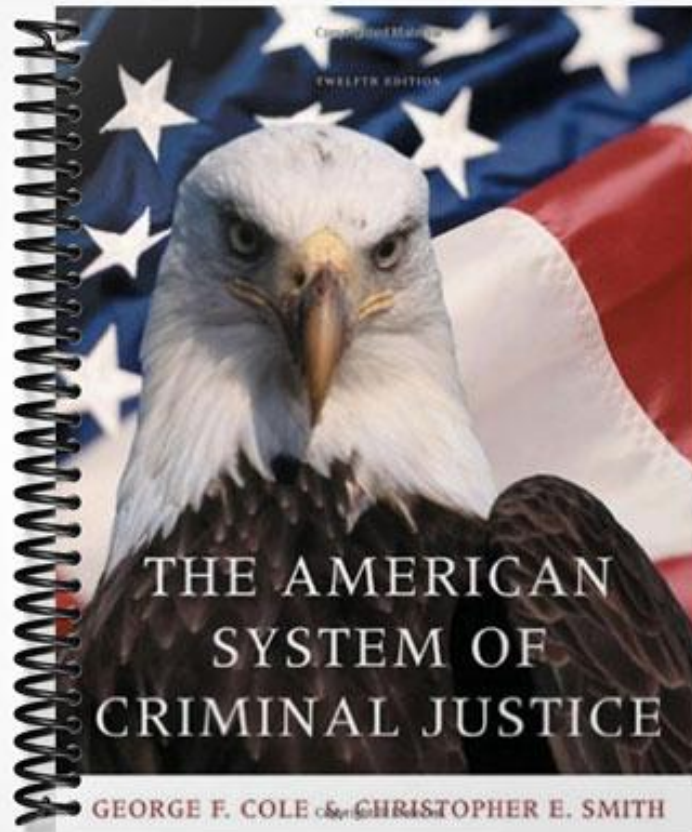


SOLUTIONS MANUAL



**THE AMERICAN
SYSTEM OF
CRIMINAL JUSTICE**

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VICTIMIZATION AND CRIMINAL BEHAVIOR

OUTLINE

- Crime Victimization
- Causes of Crime

CHAPTER 2

VICTIMIZATION AND CRIMINAL BEHAVIOR

LEARNING OBJECTIVES

After covering the material in this chapter, students should:

- ◆ Understand who becomes the victims of crime
- ◆ Recognize the impacts of crime on society
- ◆ Identify the justice system's responses to the needs of crime victims
- ◆ Understand the theories put forward to explain criminal behavior
- ◆ Analyze crime causation theories and apply them to different groups of offenders

CHAPTER SUMMARY

Victimology surfaced in the 1950s as a field of criminology that studied the role of the victim in the criminal act. Young male residents of lower-income communities are the most likely to be victimized by crime. Because of the connection between race and social status in the United States, African-Americans are more frequently victimized by crime than are whites. Most crime is intraracial. A significant percentage of crimes are committed by acquaintances and relatives of victims, especially crimes committed against women. Crime has a significant impact on all of society when one recognizes the financial and emotional costs it produces. Government agencies have begun to be more sensitive to the needs of crime victims. Thus, there are now programs in many places to provide services and compensation.

The classical school of criminology emphasized reform of the criminal law, procedures, and punishments. The rise of science led to the positivist school, which viewed behavior as stemming from social, biological, and psychological factors. Positivist criminology has dominated the study of criminal behavior in the twentieth century. The criminality of women has only recently been studied. It is argued by some that as women become more equal with men in society crimes committed by females will increase in number. Recent data indicate this theory may not hold true.

CHAPTER OUTLINE

I. CRIME VICTIMIZATION

The field of victimology emerged in the 1950s and 1960s to focus attention on who is victimized, the impact of victimization, and role of victims in preventing and/or precipitating attacks.

A. Who Is Victimized?

1. **Men, Youths, Nonwhites:** While African-Americans are more likely than whites to be victims, most violent crime is intraracial (i.e., the offender and the victim are same race). Young people are more likely than old to be victims, and men and low-income city dwellers are more likely to be victims than women and those living in more wealthy and rural areas.
2. **Low-Income City Dwellers:** Lifestyle-exposure theory: Violent crime is primarily an urban phenomenon, in areas with high incidence of physical deterioration, economic insecurity, poor housing, family disintegration, and transience.

B. Acquaintances and Strangers

People are more likely to be victimized by people they know, especially in the cases of sexual crimes. Women are more likely to experience violent victimization by an acquaintance or intimate.

C. The Impact of Crime

Costs of crime range from tangible losses (such as from theft, destruction, or vandalism of property) to those losses that are intangible (pain, trauma, loss of quality of life). Fear of crime is also a cost on which a dollar value cannot be placed.

1. **Costs of Crime:** Estimates of losses from crime include those that are tangible (\$105 billion), intangible (\$450 billion) and must also include the costs of operating the criminal justice system (over \$185 billion per year).
2. **Fear of Crime:** Ironically, those who are least likely to be victims (women and the elderly) sometimes experience the most fear of crime. Americans tend to fear crime more than their individual victimization risk would suggest. This may be due to the large amount of attention given to criminal victimization by the media.

D. The Experience of Victims within the Criminal Justice System

Victims have been traditionally overlooked and forgotten; they have often felt interrogated and have been poorly treated by criminal justice officials in addition to their emotional, economic, and physical injuries. During the past two decades, justice agencies have taken new interest in the treatment and welfare of crime victims. While the proposed "Victim's Rights" constitutional amendment was not passed, the "Justice for All Act of 2004" has helped to place additional emphasis on victim's rights. There may be instances in which victims' and offenders' rights are contrary to one another, based on new legislation.

E. The Role of Victims in Crime

Victims may increase their risk of victimization through negligence, precipitation, or provocation.

II. CAUSES OF CRIME

These theoretical explanations of crime can help to identify factors that increase individual propensity for crime. They may also help to create policy designed to reduce criminal behavior. Early explanations for crime focused on the "work of the devil" and explained that people were "lured" to commit crime by evil forces. The eighteenth century brought with it new perspectives on understanding criminal behavior.

A. Classical and Positivist Theories

1. **The Classical School:** Classical theories of crime focus on the rational nature of crime (i.e., that criminals make decisions about whether to engage in criminal behavior), and that offenders weigh the cost and benefits of crime. In addition, theorists argued that punishment should fit the crime, and those who commit the same crime should receive similar punishments. Neoclassical criminology is the variety of classical criminology that has recently resurfaced.
2. **Positivist Criminology** views criminal behavior as caused by biological, social, and psychological factors rather than free will. These theorists argue that punishment should be tailored to individuals.

B. Biological Explanations

These theories explain criminal behavior using individual biological differences between criminals and non-criminals. Biological theories fell out of favor after World War II in favor of sociological theories. However, there has been a renewed interest in biological theories of crime since the mid-1980s. Some genetic factors may increase an individual's propensity (risk) for criminal behavior. These factors are known as criminogenic factors.

1. **Renewed Interest in Biological Explanations:** Environmental influences may work in conjunction with biological factors to explain criminal offending. Policy driven by biological explanations of crime would focus on identifying those with biological predispositions to crime and using methods such as selective incarceration, intensive supervision, or drug therapies to reduce their criminal behavior.
2. **Policy Implications of Biological Explanations:** Policies based on biological explanations focus on controlling people with biological predispositions to crime. Some options already used by the criminal justice system include selective incapacitation, intensive supervision, or drug-based therapies.

C. Psychological Explanations

Psychological explanations for offending focus on crime as caused by mental illness or limited intellect. Psychiatrists have linked criminal behavior to such concepts as innate impulses, psychic conflict, and the repression of personality.

1. **Psychopathology:** Related theories claimed that some people were "psychopaths," "sociopaths," or had "anti-social personalities." Critics, however, have noted that it is difficult to identify and measure emotional factors in order to isolate people thought to be criminogenic.
2. **Policy Implications of Psychological Explanations:** Policy created based on psychological explanations of crime focuses on treatment and counseling for offenders.

D. Sociological Explanations

Sociological explanations of crime assume that the offender's actions are molded by contact with the social environment and such factors as race, age, gender, and income. University of Chicago researchers in the 1920s looked closely at the ecological factors that gave rise to crime: poverty, inadequate housing, broken families, and the problems of new immigrants.

1. **Social Structure Theories** attribute criminal behavior to the stratified nature of Western societies, giving particular prominence to the fact that classes control very different amounts of wealth, status, and power. Thus deprivations and inequality lead the lower classes to crime. Structural factors can permit *anomie* to develop, in which rules or norms that regulate behavior weaken or disappear.
 - a. Some theorists believe that strain from negative relationships can begin criminal behavior.

- b. Policy based on sociological explanations focuses on improving negative structural factors that increase criminal behavior. Policies that reduce poverty, expand job opportunities and improve health care are derived from this model.
2. **Social Process Theories:** This group of theories assumes that criminality results from the interactions of people with the institutions, organizations, and processes of society. Thus everyone has the possibility of being a criminal, regardless of social status or education.
- a. There are three types of social process theories. Learning theories hypothesize that criminal activity is normal learned behavior, and this behavior is learned from family and peers who are involved in crime. Control theories assume that all members of society have the potential to commit crimes, but most people are restrained by their ties to such conventional institutions and individuals as family, church, school, and peer groups. Criminality results when these primary bonds are weakened and the person no longer follows the expected norms for behavior. Labeling theories state that certain individuals come to be labeled as deviant by society after committing a crime. The stigmatized individuals then come to believe that the label is true and they assume a criminal identity and career. By arguing, in effect, that the criminal justice system creates criminals by labeling individuals as such, this approach advocates the decriminalization of certain offenses to avoid needlessly placing labels on people.
 - b. Policy implications from social process theories focus on the strengthening of conventional bonds, developing positive role models, and avoiding labeling. Thus there should be policies to promote stable families and develop community agencies to assist those in need.
3. **Social Conflict Theory** argues that criminal law and criminal justice are mainly the means of controlling society's poor and have-nots. The rich commit crimes but are much less likely to be punished since they have more power (socially, politically, and economically) than the poor.
- a. Critical, radical, or Marxist criminologists argue that the class structure of society results in certain powerless groups in society being labeled as deviant. When the status quo is threatened, criminal laws are altered to label and punish threatening groups and deviant criminals.
 - b. Policy implications from social conflict theories are focused on developing policies that reduce class-based conflict and injustice. They stress equal enforcement and punishment for crimes committed by upper-class offenders.

E. Life Course Explanations

These theories examine criminal offending across an individual's life course, and hypothesize that crime is caused by a number of factors discussed in biological, psychological, and sociological theories of crime. Some theorists discuss pathways to crime, in which young offenders begin with minor crimes and then move into more serious offenses. Sampson and Laub stress the importance of turning points that move individuals away from criminal careers, while incarceration and alcohol/drug use increase the likelihood of criminal behavior.

Policy implications of these theories focus on the decreased use of incarceration for first-time offenders, and attempt to encourage and support key turning points that can keep offenders from criminal behavior.

F. Women and Crime

Most theories about the causes of crime are based almost entirely on observations of males. Except with respect to prostitution and shoplifting, little crime research focused on women prior to the 1970s. It was assumed that women did not commit serious crimes because of their nurturing, dependent nature. Women offenders were viewed as moral offenders: "fallen women."

Most theories of crime do not explain female offending very well. Theories must explain both the gender gap in offending, as well as the differences in type of offending between men and women. Overall, women tend to be less serious offenders, focusing more on property crime than physical crime (which are most likely to be committed by men). Researchers have recognized the importance of social structure on female crime, indicating that women are in a disadvantaged position in Western culture.

The number of women being arrested seems to be growing faster than the growth of men in crime. However, the number of women arrested is still relatively small and women tend to play minor roles in criminal behavior. Some researchers believe that women will become more involved in economic and occupational crimes as more women pursue careers in business and industry. In general, like male offenders, women arrested for crimes tend to come from poor families in which physical and substance abuse are present.

G. Assessing Theories of Criminality

The body of existing criminological theories addresses distinct aspects of criminal behavior, and some focus on specific types of offenders. Criminological theory would be improved by the development of integrated theory, which merges these disparate theories into a single theory of criminal behavior.

KEY TERMS AND CASES

victimology
classical criminology
positivist criminology
criminogenic
biological explanations
psychological explanations
sociological explanations
social process theories
social structure theories
anomie
social process theories
learning theories
theory of differential association
control theories
labeling theories
social conflict theories
life course theories

THEMES

2.A. Multidisciplinary Perspective

Sociology: Sociological theories about the causes of criminal behavior have their basis in sociologists' perspectives about the nature and causes of human behavior in society.

Political Science: Political scientists develop public opinion surveys that are used to measure the extent of victimization.

Psychology: Several theories about the causes of human beings' criminal behavior derive from the discipline of psychology.

Economics: The financial cost to society of crime, law enforcement, and the criminal justice system represents one means of measuring the extent and impact of crime upon American society.

History: History provides the basis for understanding crime trends and the persistence of crime in American society over time.

Biology: Several important early theories about criminal behavior employed genealogy to identify common behavior within families, and James Q. Wilson and Richard Herrnstein have resurrected the possibility of biological influences in their review of scholarly literature on the causes of criminal behavior.

2.B. Systems Perspective

The material in this chapter helps to illustrate the interconnections between society and rules defining criminal behavior. Criminal law and criminal justice institutions are not free-standing institutions. Instead, they reflect forces and developments within society. Specifically, society's authoritative institutions make and change the rules that must be enforced by the criminal justice process, and criminal justice institutions must respond to the social developments that determine the nature and extent of crime in society.

2.C. Policy Perspective

Policies will vary depending on the theory of the causes of crime that policy makers happen to adopt. For example, biological theories of criminality produced policies of sterilizing lawbreakers and their family members while sociological theories of criminality may encourage policies designed to alleviate difficult social conditions in certain segments of a community.

LECTURE SUGGESTIONS

2.1. Why have victims traditionally been ignored by the criminal justice system?

The primary purposes of the criminal justice system are to control and prevent crime; thus the system's focus is on the apprehension, processing, and punishment of offenders. Because criminal law punishes offenders for violating society's rules rather than for hurting individuals, the system operates by having the government proceed against the offender rather than having the victim as the focal point of attention. Theoretically, victims can take legal action through civil tort suits in order to seek compensation from those who harm them. Realistically, however, many offenders are poor and have little or nothing to recover in a civil suit. Thus an outlet has always existed for victims to use the legal system against criminal offenders, but the outlet has seldom been a productive focus for victims' energy and attention.

While criminal laws focus on offenders' transgressions against society, criminal procedure focuses on the rights of criminal defendants rather than on the rights of victims. Constitutional rights were developed to protect citizens from excessive governmental actions in the criminal justice process. No rights were established for victims and only in recent years have legislatures begun to give more attention, resources, and protection to crime victims.

2.2. Why did dominant theories about crime shift from classical approaches to positivist approaches? Classical approaches relied on the dominant understandings of human behavior during their eras of history. Religious approaches were dominant when shared religious beliefs tended to provide people with their understandings of how the world worked. Beccaria's theories later rested on philosophical assumptions about the nature of human beings as rational actors.

The development of positivist approaches coincided with the development of the ideal of science. In the nineteenth century, scholars developed theories and methods that they believed enabled them to examine, test, and understand human and other phenomena. Although positivist approaches diverge in their respective understandings of the causes of crime (e.g., biological, psychological, and sociological), these approaches share a common root in the assumption that scientific methods provide a basis for studying and theorizing about human behavior.

2.3. What are possible explanations for the differences in crime rates for men and women?

The possible influences or sources of difference in crime rates by gender are as varied as the range of positivist theories about the causes of crime. From a biological perspective, for example, there may be basic differences in men and women, such as difference in hormones or chromosomes that make men more aggressive and violent. From a psychological perspective, women may naturally have different personality traits, such as being nurturing or being better able to listen to antagonists in conflict situations that lead them to behave differently than men. These personality differences may stem from differences in the experiences of men and women as children. From a sociological/structural perspective, women may have been denied opportunities to engage in various crimes because they automatically assumed the twenty-four-hour-per-day job of raising children, cooking, cleaning, and regularly experiencing the physically limiting effects of pregnancy. Moreover, the rigid definition of women's roles meant that only men developed as criminal role models for male children who learned and emulated such roles.

CLASS DISCUSSION EXERCISE

2.1. In 1996, a proposal was presented in Congress to add a Victims' Rights Amendment to the U.S. Constitution. Students can be asked to analyze the likely consequences if the following amendment was added to the Constitution:

To ensure that the victim is treated with fairness, dignity, and respect, from the occurrence of a crime of violence and other crimes as may be defined by law pursuant to section 2 of this article, and throughout the criminal, military, and juvenile justice processes, as a matter of fundamental rights to liberty, justice, and due process, the victim shall have the following rights: To be informed of and given the opportunity to be present at every proceeding in which those rights are extended to the accused or convicted offender; to be heard at any proceeding involving sentencing, including the right to object to a previously negotiated plea, or a release from custody; to be informed of any release or escape; and to a speedy trial, a final conclusion free from unreasonable delay, full restitution from the convicted offender,

reasonable measures to protect the victim from violence or intimidation by the accused or convicted offender, and notice of the victim's rights.

In examining this proposed language, a number of questions arise:

1. Who are the "victims" who have these rights? Does it include relatives of the person victimized by the crime? Who are the "victims" in a homicide case?
2. Does the right to be heard include any affirmative obligation on the part of the government to provide transportation or other accommodations to assist the victims in attending hearings and other proceedings?
3. What if the victim's right to a speedy trial collides with the defendant's desire to have additional time to gather evidence?
4. What is "unreasonable delay" in the context of the victim's right to a speedy trial?
5. What is the remedy for the violation of any of these victim's rights? Is the victim able to file a civil rights lawsuit against the prosecutor or the judge? What about the traditions of prosecutorial and judicial immunity from lawsuits?
6. Are these victim's rights mostly symbolic since victims (and the public) can already attend judicial proceedings? Are they symbolic since a right to speak or to object to a negotiated plea does not imply that the judge must listen to or obey the victim?

WORKSHEET 2.1: THEORIES ABOUT THE CAUSES OF CRIME

On his way home from school, a fourteen-year-old boy from a poor family stops at a convenience store. When he thinks the clerk is not looking, he puts a bottle of orange juice under his coat and heads for the door. The clerk catches him and calls the police. How might one explain the boy's criminal action according to each of the following theories about causes of crime?

Biological Explanations _____

Psychological Explanations _____

Social Structure Theory _____

Social Process Theory _____
