Lecture Notes

# Chapter 1: Introduction to Criminology

**Summary**

There are various definitions of crime. If a legalistic approach is taken, then a crime can be defined as that which violates the law. Crime may also be defined in terms of *mala in se and mala prohibita*. *Mala in se* refers to acts that are inherently evil and immoral in nature. *Mala prohibita* refers to acts that are prohibited and are not inherently immoral. In comparison, deviant acts are not necessarily against the law but rather immoral acts. Criminology is the scientific study of crime. There are two perspectives of crime: the consensus and conflict perspectives. The consensus perspective of crime views the formal system of laws, as well as the enforcement of those laws. This perspective assumes that individuals agree, for the most part, on what is right and wrong, as well as how those norms have been implemented into laws and how those laws are enforced. The conflict perspective maintains that there is a conflict between various groups, with different interests. This conflict is often resolved when the group in power achieves control. There are six characteristics of good criminological theories: parsimony, scope, logical consistency, testability, empirical validity, and policy implications.

Criminal justice is the interrelated system of various criminal justice agencies and institutions. The criminal justice system is broken down into three components: law enforcement, courts, and corrections. Law enforcement is broken down into federal, state, and local levels. Federal agencies are highly specialized because they are often tasked with enforcing specific statutes. State agencies are divided into two general models: state police and highway patrols. State police agencies have general police powers and enforce state laws as well as routine patrols and traffic regulation. The primary focus of highway patrols is to enforce laws that govern the operation of motor vehicles on public roads and highways. Local agencies are divided into counties and municipalities. Local agencies are responsible for the “nuts and bolts” of law enforcement. The United States court system is broken down into fifty-two different systems (one for each state, the District of Columbia, and the federal government). Further, the court system is classified as a dual court system. That is, the court system consists of separate, yet interrelated, systems: the federal courts and the state courts. State courts consist of lower courts, trial courts, appellate courts, and the state’s highest court. The federal court system consists of a three-tiered model: U.S. district courts, U.S. court of appeals, and the United States Supreme Court. The correctional system handles the offender after they are convicted and sentenced. Once sentenced, offenders may be placed in a correctional institution (e.g., prisons, jails) or be placed in some type of community-based corrections program (e.g., house arrest, halfway houses, day reporting centers). The juvenile justice system is a distinct system. The primary objective of processing juveniles was to determine what was in the best interest of the child. A second distinctive feature of the juvenile justice system was to emphasize rehabilitation.

Another area of criminological research is the study of the nature and extent of crime and criminal justice systems across societies, known as comparative criminology. This is an expanding area of research given the complexities associated with crime, prevention, and detection in a high-tech, global environment. Due to globalization comparative criminology is no longer an option but a necessity when understanding crime.

Criminological theory informs the research criminologists perform and also the policies that are derived from such theories and research. Parsimony, scope, logical consistency, testability, empirical validity, and policy implications all contribute to a good theory. Without these characteristics the theory is a bad theory.

Victimology is a relatively new area of criminology, which is strange because there have been victims since the very beginning of human civilization. To understand crime from only the perspective of the criminal misses half the equation. Theories that address victimology include such elements as: why some individuals are more likely to be victimized, the legal rights of victims, and the incidence/spatial distribution of victimization in a given geographic area.

Learning Objectives

As students are reading this chapter, they should consider the following topics:

● Describe the various definitions of crime, including the difference between criminal behavior and deviant behavior.

● Distinguish between criminology and criminal justice.

● Determine whether a theory would be considered from a consensus or conflict perspective of crime.

● List and describe the three general components of the criminal justice system.

● Identify some of the key distinguishing features of the juvenile justice system compared with the adult criminal justice system.

● Identify the criteria that characterize a good theory.

● Identify key concepts associated with victimology

* Key Concepts to Understanding Criminology
  + What is a crime?
    - Various Definitions of Crime
      * Legalistic Approach
        + Crime is that which violates the law.
        + Issues with Defining Crime from a Legalistic Approach

One jurisdiction may designate an action as a crime while another jurisdiction does not recognize such an action as a crime.

* + - * *Mala in se*
        + Act is inherently and essentially evil.
        + It is immoral in its nature and injurious in its consequence, without any regard to the fact of its being noticed or punished by the law of the state.
      * *Mala prohibita*
        + A wrong prohibited.
        + Not inherently immoral, but becomes so because its commission is expressly forbidden by positive law.
      * Deviance
        + Not necessarily against the law but are considered atypical and may be deemed more immoral rather than illegal.
        + Other acts of deviance are not necessarily immoral but are considered strange and violate social norms.
        + Some acts are moving from being deemed deviant to illegal.
  + What is Criminology and Criminal Justice?
    - Criminology
      * Scientific study of crime.
      * First coined by Raffaele Garafalo in 1885 (Italian law professor).
      * In 1887, French anthropologist Paul Topinard used it for the first time in French.
      * In 1934, Edwin Sutherland (American criminologist) defined criminology as the body of knowledge regarding crime as a social phenomenon.
      * The scientific study of crime from that of journalists, philosophers, and legal explanations.
  + Consensus and Conflict Perspectives of Crime
    - Consensus Perspective
      * Views the formal system of laws, as well as the enforcement of those laws, as incorporating the norms in society on which there is a broad normative consensus.
      * Developed from the writings of late 19th and early 20th century sociologists such as Durkheim, Weber, Ross, and Sumner.
      * It is assumed that individuals, for the most part, agree on what is right and wrong, as well as how those norms have been implemented into laws and how those laws are enforced.
      * People obey laws not due to the fear of punishment but rather because they have internalized societal norms and values and perceive these laws as appropriate to observe rather than disobey.
      * More dominant during the early part of the 1900s.
      * Since the 1950s no major theorist has considered this to be the best perspective of law.
    - Conflict Perspective
      * Maintains that there is conflict between various groups, with different interests in society.
      * This conflict is often resolved when the group in power achieves control.
      * Criminologists such as Richard Quinney, William Chambliss, and Austin Turk maintained that criminological theory has placed too much emphasis on explaining criminal behavior; rather, theory needs to shift this focus toward explaining criminal law.
* Criminal Justice System
  + 1967 President’s Commission on Law Enforcement and Administration of Justice
    - Any criminal justice system is an apparatus society uses to enforce the standards of conduct necessary to protect individuals and the community.
    - Operates by apprehending, prosecuting, convicting, and sentencing those members of the community who violate the basic rules of group existence.
  + 3 Goals
    - Control crime;
    - Prevent crime; and
    - Provide and maintain justice.
  + 3 Components
    - Law enforcement;
    - Courts; and
    - Corrections.
  + Law Enforcement
    - Federal
      * Established to enforce specific statutes.
      * Units are highly specialized and often associated with specialized training and resources.
      * Agencies
        + Federal Bureau of Investigation (FBI)
        + The Drug Enforcement Administration (DEA)
        + U.S. Secret Service
        + U.S. Marshals Service
        + Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
      * Reorganized and restructured under President George W. Bush in 2002.
        + Became the Department of Homeland Security.
    - State
      * First state police agency was the Texas Rangers.
        + Founded by Steven Austin in 1823.
      * Two Models
        + State Police

Have general police powers and enforce state laws as well as routine patrol and traffic regulation.

Have specialized units to investigate major crimes, intelligence units, drug trafficking, juvenile units, and crime laboratories.

* + - * + Highway Patrols

Primary focus is to enforce the laws that govern the operation of motor vehicles on public roads and highways.

May investigate crimes that occur in specific locations or under certain circumstances such as on state highways or state property.

* + - Local
      * Divided into counties and municipalities.
      * Primary law enforcement office for most counties is the county sheriff.
        + The sheriff is an elected position.
      * Majority of local police officers are employed by municipalities.
      * Local agencies are responsible for the “nuts and bolts” of law enforcement responsibilities.
  + Courts
    - 52 Different Systems
      * One for each state, the District of Columbia, and the federal government.
    - Dual Court System
      * Federal Courts
        + 3-tiered model

U.S. District Courts (trial courts) and Other Specialized Courts

U.S. Court of Appeals

United States Supreme Court

* + - * State Courts
        + Lower Courts
        + Trial Courts
        + Appellate Courts
        + State Supreme Court
    - Jurisdiction
      * Before any case can be brought to a court, that court must have jurisdiction over those individuals involved in the case.
      * Categories
        + Limited

Lower Courts

Do not have power that extends to the overall administration of justice.

Do not try felony cases.

Do not have appellate authority.

* + - * + General.

Major Trial Courts

Have power and authority to try and decide any case, including appeals from a lower court

* + - * + Appellate

Appeals Courts

Limited in jurisdiction on matters of appeal from lower courts and trial courts.

* + Corrections
    - After an offender is convicted and sentenced, he or she is processed in the corrections system.
    - Can be placed on probation, incarcerated, or transferred to some type of community-based corrections facility.
    - Probation
      * An arrangement between the sentencing authorities and the offender.
        + Involves the offender to comply with certain terms, for a specified amount of time, in order to return to the community.
      * General Conditions
        + Offenders regularly report to their supervising officer, obeying the laws, submitting to searches, not being in possession of firearms or using drugs.
      * Specific Conditions
        + Participation in methadone maintenance, urine testing, house arrest, vocation training, or seeking psychological or psychiatric treatment.
    - Correctional Facilities
      * Jail
        + Often designated for individuals convicted of minor crime.
        + Used to house individuals awaiting trial.
      * Prison
        + Often convicted of more serious crimes with longer sentences.
        + Different types of prisons based on security concerns.

Supermax

Maximum

Medium

Minimum Security

* + - Alternatives to Traditional Incarceration
      * Halfway Houses
      * Work and Study Release
      * House Arrest
      * Electronic Monitoring
      * Day Reporting Centers
* Juvenile Justice System
  + Traditionally, juveniles were held to the same standards of behavior as adults.
  + Beginning in the early 1800s, many recognized the need for a separate system for juveniles.
    - Johann Heinrich Pestalozzi (Swiss educator)
      * Maintained that children are distinct from adults, both physically and psychologically.
  + First comprehensive juvenile court system was initiated in 1899 in Cook County, Illinois.
  + Parens Patriae
    - Literally means “the parent of the country.”
  + Primary objective of processing juveniles was to determine what was in the best interest of the child.
    - This resulted in the proceedings resembling more of a civil case rather than a criminal case.
      * The implications of this approach was that the juvenile’s basic constitutional rights were not recognized; these rights included the right to the confrontation and cross-examination of the witnesses, the right to protection against self-incrimination, and the compliance regarding the rules of evidence.
  + Another distinctive feature between the juvenile justice system and the adult criminal justice system is the use of different terms for similar procedures in each system.

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| Juvenile Justice System Term | Criminal Justice System Term |
| Adjudication | Conviction |
| Adjudication Hearing | Trial |
| Aftercare | Parole |
| Commitment | Sentence to Prison |
| Delinquent Act | Crime |
| Delinquent | Criminal |
| Detention Center | Jail |
| Disposition | Sentence |
| Disposition Hearing | Sentence Hearing |
| Institution | Prison |
| Petition | Indictment |
| Taken into Custody | Arrest |

* + U.S. Supreme Court Decisions
    - *Kent v. United States* (1966)
      * 1st U.S. Supreme Court case to address juvenile court procedures.
      * Juveniles who are facing a waiver to adult court are entitled to some essential due process rights.
    - *In re Gault* (1967)
      * U.S. Supreme Court ruled that a juvenile is entitled to certain due process protections constitutionally guaranteed to adults such as a right to notice of the charges, right to counsel, right to confront and cross-examine witnesses, and the right against self-incrimination.
    - *In re Winship* (1970)
      * The standard of proof in juvenile delinquency proceedings is proof beyond a reasonable doubt.
  + Transfer Provisions
    - 3 Types
      * Judicial Waiver
        + Juvenile court judge has the authority to waive juvenile court jurisdiction and transfer the case to criminal court.
        + May also be referred to as certification, remand, or bind over for criminal prosecution.
        + Others transfer or decline rather than waive jurisdiction.
      * Concurrent Jurisdiction
        + Original jurisdiction for certain cases is shared by both criminal and juvenile courts, and the prosecutor has discretion to file such cases in either court.
        + Transfer under concurrent jurisdiction provisions is also known as prosecutorial waiver, prosecutor discretion, or direct file.
      * Statutory Exclusion
        + State statute excludes certain juvenile offenders from juvenile court jurisdiction.

Cases originate in criminal rather than juvenile court.

* + - * + Also known as legislative exclusion.
  + All states have some type of provision that allows some juveniles to be tried in adult criminal court.
    - 34 states have what is termed “once an adult, always an adult” provision.
      * Juveniles who have been tried and convicted as an adult must be prosecuted in criminal court for any subsequent offenses.
* Introduction to Comparative Criminology
  + The study of the nature and extent of crime and criminal justice systems across societies.
  + Criminologist began to incorporate this perspective in the late 1960s and early 1970s.
  + The study of comparative criminology is no longer considered an option but, rather, a necessity.
* Criminological Theory
  + Characteristics of Good Theories
    - Parsimony
      * Attained by explaining a phenomenon, such as criminal activity, in the simplest way possible.
      * The simpler a theory, the better.
    - Scope
      * Trait that indicates how much of a given phenomenon the theory attempts to explain.
      * The larger the scope the better the theory.
    - Logical Consistency
      * The extent to which a theory makes sense in terms of its concepts and propositions.
    - Testability
      * The extent to which a theory can be empirically and scientifically tested.
    - Empirical Validity
      * The extent to which a theoretical model is supported by scientific research
    - Policy Implications
  + Three Requirements to Determining Causality
    - Temporal Ordering
      * Requires the predictor variable (X) must precede the explanatory variable (Y) if one is attempting to determine X causes Y.
    - Covariation or Correlation
      * The extent to which a change in the predictor (X) is associated with a change in the explanatory variable (Y).
    - Accounting for Spuriousness
      * To determine that X causes Y, other factors (typically called Z factors) that could be causing the observed association must be accounted for before one is sure that it is actually X causing Y.
* Theory Informs Policies and Programs
  + Criminological theory is only truly useful in the real world if it helps to reduce criminal offending.
  + Differential Association
    - Central tenant of this theory is the influence of close peer groups or other role models.
  + Social Structure
    - If individuals live in an environment that is considered disorganized, this could be deemed the root cause of crime.
* Victimology
  + Victimology can be defined as the scientific study of victims.
  + Victimology is a relatively new area of criminology, which is strange because there have been victims since the very beginning of human civilization.
  + The earliest use of term “victimology” is attributed to two scholars,
    - Frederick Wertham in his book The Show of Violence (1949)
    - Benjamin Mendelsohn, generally considered the “Father of Victimology,” in his 1956 article called “Victimology” in a foreign journal.
  + The most accurate measures of crime that exists is based on interviews with victims, which is called the National Crime Victimization Survey (NCVS).
  + Victim precipitation.
    - Victim precipitation is when an individual does or does not do something that increases the risk that he or she will be victimized.
      * Passive victim precipitation, because it was due to something they did not or forgot to do.
      * Active victim precipitation involves an individual actual does something that increases their probability of being offended against.
  + Incidence/Prevalence of Victimization
    - The type of individual who is most likely to be victimized.
    - Younger people are more likely to be victims
    - Intra-racial violence is more frequent.
    - Violent crime, particularly homicide, has dropped by rate in a very huge way.
  + Child Abuse and Neglect
    - Child abuse/neglect has decreased in rates in the last few decades, probably due to more acknowledgment and awareness
    - Several agencies have been created at the national level to measure rates of child abuse and to provide helpful services to them.
    - Like many other types of victims of violent crime, the Department of Justice has declared April as the National Child Abuse Prevention Month since 1983.
    - Various agencies have been created to help children who are victims of crime and promote awareness of their rights and services offered to them.
  + Compensation/Restitution
    - The main distinction between victim Compensation versus Restitution is that the former is given by the state/government, and the latter is given by the offender (typically as part of the sentence given).
    - Victim compensation programs are typically handled by the Victims’ Services Unit/Department at the local/county offices.
    - Regarding restitution, if the offender is given that as part of his/her sentence, victims likely do not fare well in getting it.
    - Most offenders are unemployed and/or broke, so to get that money as a victim is often never going to happen.
  + Victim Impact Statements
    - Victims Impact Statements are when a victim (often a family member) reports to the court about how an offender affected their life.
    - Victim impact statements are still accepted under the law during the post-verdict of guilty, during the sentencing phase presented to judges or juries.
    - VIS can only be given during the sentencing phase of a trial, not when the jury is determining the verdict. Thus, in most trials only the judge actually hears and rules based on such victim impact statements, which is likely why most studies show that such impact statements do not have much impact on the sentencing outcome.
  + Victim Rights Awareness
    - Increased attention to victims
    - The Victims of Crime Act (VOCA) was passed in 1984, which established the Federal Crime Victims’ Fund to support state compensation funds.
* Conclusion
  + Purpose of the Chapter
    - To provide students with a general understanding of different aspects related to the field.
    - To introduce students to criminological theory by initially discussing what criteria are considered when assessing whether a theory is deemed good.