Chapter Objectives

After completing this chapter, you should be able to:

- Distinguish between a social definition and a legal definition of crime, and summarize the problems with each.
- List the technical and ideal elements of a crime.
- Identify some of the legal defenses or legal excuses for criminal responsibility.
- Explain why crime and delinquency statistics are unreliable.
Chapter Objectives

- Identify the two major sources of crime statistics in the United States.
- Describe the principal finding of the national crime victimization surveys.
- Summarize the general finding of self-report crime surveys.
- Identify the costs of crime.
- Describe the extent of fear of crime in the United States and the characteristics of people most likely to fear crime.
- List the characteristics of people who are the most likely and the least likely to be victims of crime.
An appropriate definition of crime remains a critical unresolved issue in criminal justice.

- Many dangerous and harmful behaviors are not crimes.
- Many less dangerous or harmful behaviors are crimes.
A typical social definition of crime is behavior that violates the norms of society.

A norm is any standard or rule regarding what human beings should or should not think, say, or do under given circumstances.

Unfortunately:
- Norms vary from group to group.
- Norms are subject to interpretation.
- Norms change from time to time and place to place.
According to a typical legal definition, crime is an intentional violation of the criminal law or penal code, committed without defense or excuse and penalized by the state.

The major advantage of a legal definition of crime, at least on the surface, is that it is narrower and less ambiguous than a social definition of crime.
Problems with a Legal Definition

- Overcriminalization arises in the so-called victimless crimes:
  - Gambling
  - Prostitution involving consenting adults
  - Homosexual acts between consenting adults
  - Use of some illegal drugs, such as marijuana
Problems with a Legal Definition

- Nonenforcement is common for:
  - White-collar crimes
  - Government crimes
  - Nonenforcement causes disrespect for the law.
Problems with a Legal Definition

- Undercriminalization
  - Very harmful and destructive actions or inactions, that are not criminal, should be.
  - An example is a corporation’s intentional production of a potentially hazardous product to maximize profits.
A legal definition of crime is the basis of criminal justice in the United States.

Technically and ideally, a crime has not been committed unless the following elements are present:

1. Harm
2. Legality
3. *Actus reus*
4. *Mens rea*
5. Causation
6. Concurrence
7. Punishment

Equals the legal definition of a crime.
For crime to occur, there must be harm, either physical or verbal.

A harm is the external consequence required to make an action a crime.

Thinking about committing a crime is not a crime.

A verbal threat to strike another person is a crime.
A Legal Definition: Legality

Legality has two aspects:
- The harm must be legally forbidden
- A criminal law must not be ex post facto

Legality
- A harm must be legally forbidden for the behavior to be a crime and that the law must not be retroactive.

Ex post facto
- A law that (1) declares criminal an act that was not illegal when it was committed, (2) increases the punishment for a crime after it is committed, or (3) alters the rules of evidence in a particular case after the crime is committed.
A Legal Definition: Actus Reus

- *Actus reus* refers to intentional criminal conduct, or criminal negligence.

- Crime involves not only what people do but also things they do not do.
A Legal Definition: *Mens Rea*

- *Mens rea* refers to the mental aspect of crime.
- Criminal conduct usually refers to intentional action or inaction.
- Sometimes, negligence or reckless action can be criminal.
Legal Defenses for Criminal Responsibility

- In the United States, an offender is not considered responsible or less responsible if he or she:
  - Acted under duress
  - Was underage
  - Was insane
  - Acted in self-defense or defense of a third party
  - Was entrapped
  - Acted out of necessity
If a person did not want to commit a crime, but was forced to do so against his or her will, he or she committed the crime under duress.
Legal Defenses for Criminal Responsibility: Age

- Generally, a child under age 7 is not responsible for criminal acts.

- In most states, youth under age 18 are not considered entirely responsible for their criminal acts; they have committed juvenile delinquency.
Insanity is a legal term that rests on the assumption that someone who is insane at the time of a crime lacks the capacity to form mens rea.
Generally, people are relieved of criminal responsibility if they use only the amount of force reasonably necessary in self-defense or defense of a third party.
People are generally considered not responsible or less responsible for their crimes if they committed the crime through entrapment.
A necessity defense can be used when an act was committed with mens rea but under specific extenuating circumstances.
Causation

- In order for a crime to be a legal crime, there must be a causal relationship between the legally forbidden harm and the actus reus.
- The criminal act must lead directly to the harm without a long delay.
Concurrence

- There must be concurrence between the *actus reus* and the *mens rea*.
- The criminal conduct and the criminal intent must occur together.
For a behavior to be considered a crime, there must be a statutory provision for punishment or at least the threat of punishment.
Degrees or Categories of Crime

- Crimes can be distinguished by degree or severity of the offense by being divided into:
  - Felonies—severe crimes
  - Misdemeanors—less severe crimes
Another way of distinguishing crime is between:

- *Mala in se*: “Wrong in themselves.”
  - A description applied to crimes that are characterized by universality and timelessness.
  - Examples: Rape, murder

- *Mala prohibita*: Offenses that are illegal because laws define them as such.
  - They lack universality and timelessness.
  - Examples: Trespassing, gambling
Statistics about crime and delinquency are probably the most unreliable and most difficult of all social statistics.

- Behavior may be wrongly labeled.
- Crimes go undetected.
- Crimes are sometimes not reported to police.
- Crimes may be inaccurately recorded by police or not recorded at all.
- Statistics do not include the dark figure of crime.
The number of crimes not officially recorded by the police.
Crime Statistics

- Any record of crimes can be considered at most a crime index.
- Probably the best index of crime is offenses known to the police.
Indexes of Crime

Figure 2.3
Indexes of Crime

Most Accurate

- Crimes committed (true amount of crime)
- Crimes discovered
- Crimes reported to the police
- Crimes recorded by the police
- Arrests
- Criminal charges
- Trials
- Convictions
- Imprisonments

Least Accurate

The farther away from the initial commission of a crime, the more inaccurate crime indexes are as measures of the true amount of crime.
Crime Rates

- When crime indexes are compared, it is usually by crime rate.
- Crime rates are used because they are more comparable.
- Crime rates can change because of demographic changes or other factors.
Calculating Crime Rates

1960

9,110 murders & nonnegligent manslaughters

\[ \frac{9,110}{179,323,175} \times 100,000 = 5.1 \text{ per 100,000 people} \]

2000

15,517 murders & nonnegligent manslaughters

\[ \frac{15,517}{281,421,906} \times 100,000 = 5.5 \text{ per 100,000 people} \]
One of the primary sources of crime statistics in the United States is the **Uniform Crime Reports**.

Today, nearly 18,000 city, county, and state law enforcement agencies are active in the program.

They represent about 96% of the U.S. population.
A collection of crime statistics and other law enforcement information gathered under a voluntary national program administered by the FBI.

The UCR includes two major indexes:

- Offenses known to the police.
- Statistics about persons arrested.
Offenses known to the police include eight index crimes or Part I offenses.

Part I offenses in the FBI’s Uniform Crime Reports.
- Murder and nonnegligent manslaughter
- Forcible rape
- Robbery
- Aggravated assault
- Burglary
- Larceny-theft
- Motor vehicle theft
- Arson
The other major crime index in the UCR is based on arrest statistics, provided for the eight index crimes as well as 21 other crimes and status offenses.

**Status Offenses:** An act that is illegal for a juvenile but would not be a crime if committed by an adult.
## Table 2.2 Former Part I and Part II Offenses of the FBI’s Uniform Crime Reports

<table>
<thead>
<tr>
<th>PART I OFFENSES—INDEX CRIMES</th>
<th>PART II OFFENSES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Violent Crime</strong></td>
<td>1. Other assaults (simple)</td>
</tr>
<tr>
<td>1. Murder and nonnegligent manslaughter</td>
<td>2. Forgery and counterfeiting</td>
</tr>
<tr>
<td>2. Forced rape</td>
<td>3. Fraud</td>
</tr>
<tr>
<td>3. Robbery</td>
<td>4. Embezzlement</td>
</tr>
<tr>
<td>4. Aggravated assault</td>
<td>5. Stolen property: buying, receiving, possessing</td>
</tr>
<tr>
<td><strong>Property Crime</strong></td>
<td>6. Vandalism</td>
</tr>
<tr>
<td>5. Burglary—breaking or entering</td>
<td>7. Weapons: carrying, possessing, etc.</td>
</tr>
<tr>
<td>6. Larceny-theft</td>
<td>8. Prostitution and commercialized vice</td>
</tr>
<tr>
<td>7. Motor vehicle theft</td>
<td>9. Sex offenses</td>
</tr>
<tr>
<td>8. Arson</td>
<td>10. Drug abuse violations</td>
</tr>
<tr>
<td></td>
<td>11. Gambling</td>
</tr>
<tr>
<td></td>
<td>12. Offenses against the family and children</td>
</tr>
<tr>
<td></td>
<td>13. Driving under the influence</td>
</tr>
<tr>
<td></td>
<td>14. Liquor laws</td>
</tr>
<tr>
<td></td>
<td>15. Drunkenness</td>
</tr>
<tr>
<td></td>
<td>16. Disorderly conduct</td>
</tr>
<tr>
<td></td>
<td>17. Vagrancy</td>
</tr>
<tr>
<td></td>
<td>18. All other offenses</td>
</tr>
<tr>
<td></td>
<td>19. Suspicion</td>
</tr>
<tr>
<td></td>
<td>20. Vagrancy and loitering laws</td>
</tr>
<tr>
<td></td>
<td>21. Runaway</td>
</tr>
</tbody>
</table>
Four Measures of Serious Violent Crime

Figure 2.5

Four Measures of Serious Violent Crime

- Total violent crime
- Victimizations reported to the police
- Crimes recorded by the police
- Arrests for violent crime
The UCR also includes statistics on crime index offenses cleared by the police, which is a rough index of police performance in solving crimes.
National Incident-Based Reporting System (NIBRS)

- The NIBRS is the result of a joint task force of the Bureau of Justice Statistics (BJS) and the FBI aimed at improving the quality of information contained in the UCR.

- The NIBRS contains more data on more crimes than the UCR, making it possible to examine crimes in much more detail.
The other major source of crime statistics in the U.S. is the National Crime Victimization Surveys (NCVS).
National Crime Victimization Surveys (NCVS)

- A source of crime statistics based on interviews in which respondents are asked whether they have been victims of any of the FBI’s index offenses (except murder and nonnegligent manslaughter and arson) or other crimes during the past six months.

- If they have, they are asked to provide information about the experience.
Self-Report Crime Surveys

- Self-report crime surveys ask selected subjects (often high school students) whether they have committed crimes.

- Examples:
  - The National Youth Survey.
  - The National Institute on Drug Abuse surveys.
Self-Report Crimes Surveys

- Surveys in which subjects are asked whether they have committed crimes.

- Early self-report crime surveys of adults found an enormous amount of hidden crime in the United States.

- They found that more than 90% of all Americans had committed crimes for which they could have been imprisoned.
The 2009 total economic loss to victims of crime in the U.S. was $16.3 billion.

This includes:

- Losses from property theft or damage
- Cash losses
- Medical expenses
- Income lost from work because of injuries
- Police and court-related activities

This does not include:

- The cost of the criminal justice process
- Increased insurance premiums
- Security devices
- Losses to business
- Corporate crime
Costs of Crime

- When medical costs, lost earnings, and public program costs are added, the cost rises to $105 billion ($400 per U.S. resident).

- When intangible costs of pain, suffering, and reduced quality of life are added, the annual cost increases to $450 billion ($1,800 per U.S. resident).
Figure 2.6

Annual Cost of Crime in the United States

Other tangible costs: property damage and loss, and lost productivity
$87 billion

Tangible costs: medical and mental health care spending
$18 billion

Intangible costs: pain, suffering, and reduced quality of life
$345 billion

Total = $450 billion
Fear of Crime

- Fear of crime can be the most burdensome and lasting consequence of victimization.
- Fear of crime is contagious.
- There is a greater fear of being a crime victim in general than of being the victim of a specific crime.
In 2009, the NCVS revealed a total of 20 million crimes were attempted or completed against U.S. residents aged 12 or older.

This includes:
- 4.3 million violent crimes.
- 15.6 million property crimes.
The 2009 violent and property crime rates were the lowest recorded since the NCVS survey was first administered in 1974.
Who the Victims Are

Victimization, like fear, is not spread evenly through the U.S. population.

The most likely victims of violent crime are:
- Multirace
- Younger (age 12-24).
- Never married, divorced, or separated.
- Poor.
- Urban residents.
- Men.
- Living in the West.