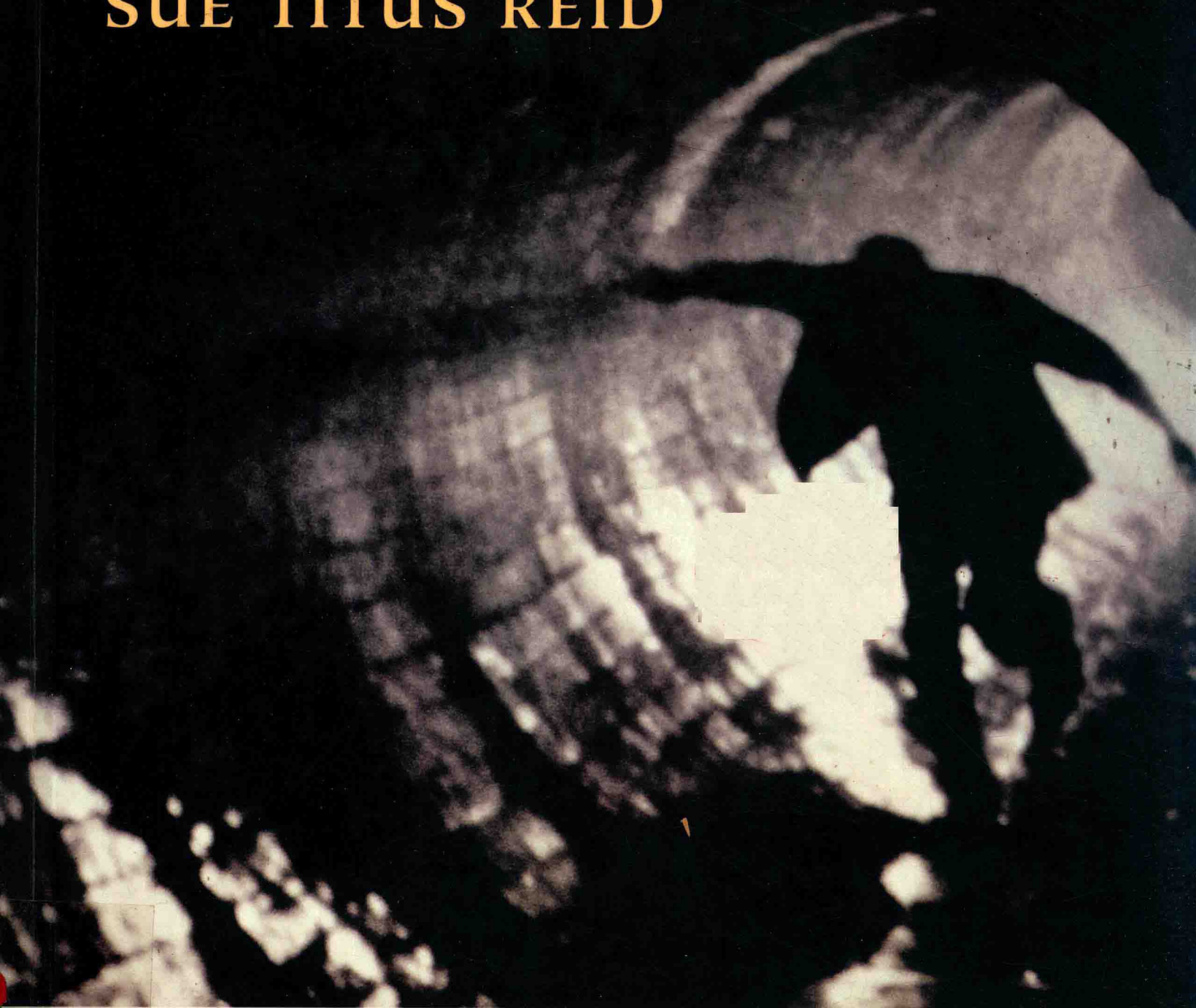


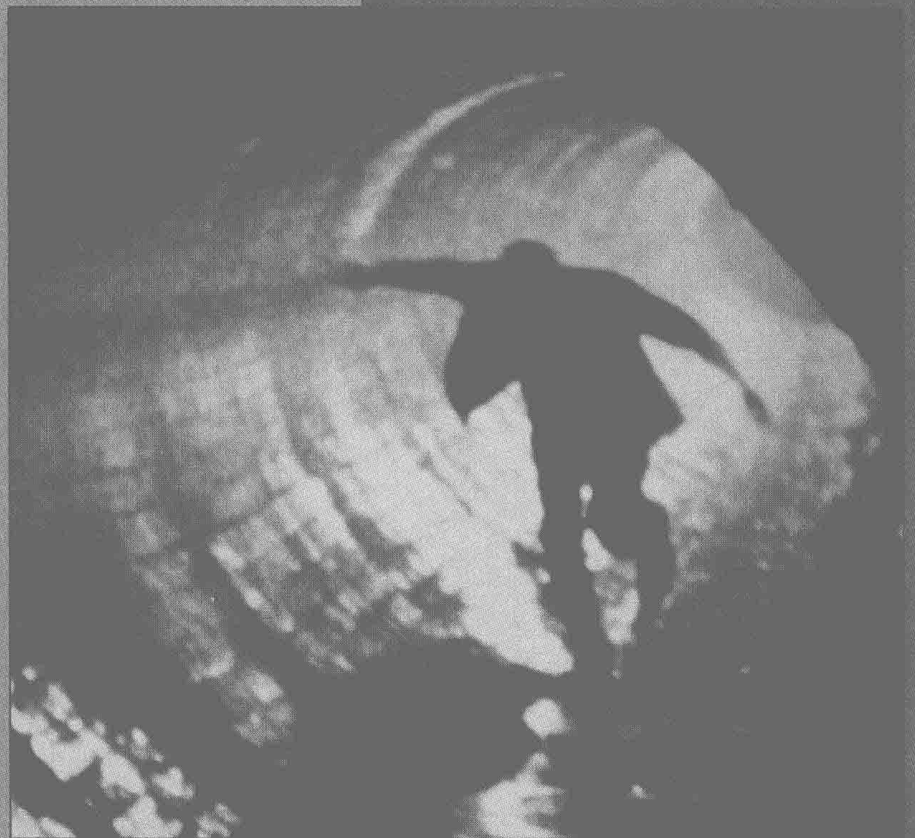
TENTH EDITION

# Crime and Criminology

SUE TITUS REID



# Crime and Criminology



# McGraw-Hill Higher Education

A Division of The McGraw-Hill Companies

## CRIME and CRIMINOLOGY

Published by McGraw-Hill, a business unit of The McGraw-Hill Companies, Inc., 1221 Avenue of the Americas, New York, NY, 10020. Copyright © 2003, 2000, 1997, 1994, 1991, 1988, 1985, 1982, 1979, 1976 by The McGraw-Hill Companies, Inc. All rights reserved. No part of this publication may be reproduced or distributed in any form or by any means, or stored in a database or retrieval system, without the prior written consent of The McGraw-Hill Companies, Inc., including, but not limited to, in any network or other electronic storage or transmission, or broadcast for distance learning. Some ancillaries, including electronic and print components, may not be available to customers outside the United States.

This book is printed on acid-free paper.

1 2 3 4 5 6 7 8 9 0 WCK/WCK 0 9 8 7 6 5 4 3 2

ISBN 0-07-248595-7

Editorial director: *Phillip A. Butcher*  
Senior sponsoring editor: *Carolyn Henderson Meier*  
Senior marketing manager: *Daniel M. Loch*  
Media producer: *Shannon Rider*  
Project manager: *Christina Thornton-Villagomez*  
Production supervisor: *Carol A. Bielski*  
Senior designer: *Matthew Baldwin*  
Photo research coordinator: *Judy Kausal*  
Photo researcher: *Romy Charlesworth*  
Lead supplement producer: *Marc Mattson*  
Cover/interior design: *Lucy Lesiak*  
Cover image: *GettyImages/John Schlesinger*  
Typeface: *10/12 Palatino*  
Compositor: *Carlisle Communications, Ltd.*  
Printer: *Quebecor World Versailles Inc.*

### Library of Congress Cataloging-in-Publication Data

Reid, Sue Titus.

Crime and criminology / Sue Titus Reed.—10th ed.

p. cm.

Includes index.

ISBN 0-07-248595-7 (alk. paper)

1. Criminology. 2. Crime—United States. 3. Criminal justice, Administration of—United States. I. Title.

HV6025 .R515 2003

364—dc21

2002025452



To Robin Reid, with my appreciation for 30 years of support for this text and for your friendship.

# ABOUT THE AUTHOR



**Sue Titus Reid**, a professor and director of the Undergraduate Program in the Reubin O'D. Askew School of Public Administration and Policy at Florida State University, Tallahassee, has taught law students, graduate students, and undergraduate students in many states. She has served on the board of the Midwest Sociological Society and the executive staff of the American Sociological Association. She has served as chairperson, associate dean, and dean. In 1985 she held the prestigious George Beto Chair in criminal justice at the Criminal Justice Center, Sam Houston State University, Huntsville, Texas.

Dr. Reid was influenced in her choice of career by her family background and early experiences in a small East Texas community. She graduated with honors from Texas Woman's University in 1960 and received graduate degrees in sociology (M.A. in 1962 and Ph.D. in 1965) from the University of Missouri-Columbia. In 1972 she graduated with distinction from the University of Iowa College of Law. She was admitted to the Iowa bar that year and later to the District of Columbia Court of Appeals. She has been admitted to practice before the U.S. Supreme Court as well.

Dr. Reid is unique among authors in the criminal justice field because of her distinguished qualifications in both law and the social sciences. She launched her publishing career in 1976 with *Crime and Criminology*, which has been widely adopted throughout the United States and in foreign countries. Dr. Reid's other titles include *Criminal Justice*, sixth edition; *The Correctional System: An Introduction*; and *Criminal Law*, fifth edition. She has contributed a chapter to the *Encyclopedia of Crime and Justice*, as well as to other books, in addition to publishing scholarly articles in law, sociology, and public administration.

Dr. Reid has traveled extensively to widen her knowledge of criminal justice systems in the United States and in other countries. In 1982 she was a member of the People-to-People Crime Prevention delegation to the People's Republic of China. Her several trips to Europe included a three-month study and lecture tour of 10 countries in 1985.

Dr. Reid's contributions to her profession have been widely recognized nationally and abroad. In 1982 the American Society of Criminology elected her a fellow "for outstanding contributions to the field of Criminology." Other national honors include the following: Who's Who among Women; Who's Who in Criminal Law; 2,000 Notable Women (Hall of Fame for Outstanding Contributions to Criminal Law, 1990); Personalities of America; and Most Admired Woman of the Decade, 1992. Her international honors include International Woman of the Year, 1991-92; International Who's Who of Intellectuals; and International Order of Merit, 1993. In 1998 she was elected to the International Professional and Business Women's Hall of Fame. In 1999 she was included in the Marquis Who's Who in America and appointed to the School of Justice Studies Advisory Board of Roger Williams University; she was also a featured speaker at the Oberlin Conference on Crime and Punishment at Oberlin College. In 1998 she received a university teaching award at Florida State University.

# PREFACE

As a discipline, criminology is concerned with the causes of crime—the traditional emphasis of sociologists—as well as with criminal justice and correctional systems. The exploration of these areas in this text features the integration of law with pertinent theories and empirical studies from the social sciences. This integrated approach is the result of my years of teaching criminology to undergraduates, my background as a law professor and legal consultant, and my experience as a social scientist.

In teaching undergraduates, I have been impressed with their eagerness to learn how law relates to the traditional topics covered in criminology and criminal justice courses, even to the point that they enjoy reading and briefing court cases. For this reason I have included within the text some excerpts from appellate opinions to illustrate concepts and to demonstrate the role of courts in criminal justice systems.

The responses to the nine previous editions of this text confirm that students and faculty find the integration of law and social science to be an interesting and effective approach to the study of criminal behavior. No less important to users of earlier editions has been the text's assessment of society's response to criminal behavior. Therefore, I have retained the text's integrated approach but have made some significant revisions and numerous updates, the most important of which are detailed in the section below titled "The 10th Edition."

As a social scientist, I want to ensure that the text discusses the results of sociological research on criminal justice systems and does so in a context of sociological theory. Summaries and critiques of classic works in criminology, analyses of recent social science research, and attention to major social science theorists who have contributed significantly to the study of crime are included.

## Features

As in the previous editions, I have included many learning aids to help students comprehend the text's wealth of material. The book has also been completely redesigned not only for visual appeal but also to better draw students into the text material. New photographs, figures, maps, graphs, and charts bring text material to life even further. Each chapter of the 10th edition begins with a brief overview, outline, and list of key terms that together serve as the student's road map to the chapter. To help students master criminology's vast array of vocabulary, key terms are identified in boldface within the text and are defined in the margins throughout; they are also collected in a comprehensive glossary at the end of the text for easy reference later. Finally, each chapter closes with a built-in study guide consisting of a chapter summary, plentiful review questions, brief essay assignments, Internet activities, and Internet resources for use when writing papers.

The numerous boxed inserts support the book's integration of social science research and law. Additional inserts, labeled "Exhibits," provide insights and background information on current events, legal decisions, and other topics of interest. The legal excerpts within the text show how legal decisions affect criminal justice systems. All legal citations have been checked to determine whether any changes have been made on appeal; all statutes are updated to the latest possible time during the production process.

New to this edition are boxed inserts featuring how the media have treated a particular subject (see page viii for a complete list). These additions illustrate how the media treatment of a crime can distort our views. For example, Media

Focus 2.1 (see Chapter 2, p. 27), “Media Headlines concerning Crime Data,” demonstrates how media headlines and discussions can be misleading, depending on the sources used for the report as well as the time periods it covers. But the media can also enhance our understanding of an event or issue. For example, Media Focus 12.1 (see Chapter 12, p. 396) summarizes a recent *New York Times* article that emphasizes the need to make policing more attractive to potential recruits, thus perhaps creating more public awareness of this critical need. Likewise, Media Focus 14.1 (see Chapter 14, p. 485), “The Crisis in Recruiting Correctional Officers,” also based on a *New York Times* article, explores the need to find ways to attract individuals to the profession of correctional officer.

Finally, Appendix A contains selected constitutional amendments to provide quick and easy reference to the reader who wishes to read the full amendment mentioned in the text. Appendix B discusses how to read a case citation. The indexes are divided by cases, names, and general subject topics.

## The 10th Edition

Significant content changes have been made in this edition as well. Although the text retains its 15-chapter format for ease of use in semester/quarter-length courses, changes have been made to some chapter titles and to the outlines within some chapters. These changes are enumerated within each part and chapter.

Part I, “Introduction to the Study of Crime and Criminology,” introduces the study of criminology and criminal law. Chapter 1, “Crime, Criminal Law, and Criminology,” explains and analyzes the concept of crime. Its discussion of the concept of law covers the nature and purpose as well as the limits of law, looking in particular at law as a method of social control. At the suggestion of reviewers, the chapter was simplified, with the discussion of torts eliminated, but the chapter contains considerable new material. It features two 2001 U.S. Supreme Court cases to illustrate the following topics: the legalization of marijuana for medicinal purposes, and the extent to which the criminal law should cover behavior such as failure to wear a seat belt and shoulder restraint while driving an automobile. The issue of using the criminal law to cover voluntary sexual behavior by adults is illustrated by a discussion of the recent changes in Vermont’s laws concerning same-gender relationships.

Chapter 2, “The Measurement of Crime and Its Impact,” focuses on the compilation of crime data through official and unofficial methods, using the most recent data available. In addition to overall data, this chapter includes information on social class and crime as well as a more extensive discussion of age and crime, including the topics of juveniles as criminals and as victims and the growing problem of crimes among the elderly. The section on the Cartographic School was deleted at the suggestion of reviewers and the previous edition’s Chapter 3 discussion of research was moved to Chapter 2 and revised.

Part II, “Explanations of Criminal Behavior,” contains four chapters on causation. Chapter 3, “Early Explanations of Criminal Behavior and Their Modern Counterparts,” begins with an exploration of the historical explanations of criminal behavior that have strongly influenced modern developments. The classical and positive schools of thought are explained, contrasted, and related to current philosophies of punishment and sentencing. I have updated the discussions of rehabilitation, retribution and revenge, and deterrence. In particular, the California movement toward treatment rather than punishment of first- and second-time nonviolent drug offenders is noted. The new edition features an enhanced discussion of the early philosophers, such as Beccaria and Bentham, along with the addition of the contributions of Montesquieu and Rousseau in

the Classical School and Lombroso, Garofalo, and Ferri in the Positive School. Additional critiques of these contributors are also included. This and the following theory chapters all contain exhibits that summarize the major theorists and their contributions discussed in the respective chapters.

Chapter 4, "Biological and Psychological Theories of Criminal Behavior," recognizes the increasing attention that is being given to variables such as chemical imbalance, substance abuse, psychological problems, and intelligence that may be related to criminal behavior, especially violence. A complete discussion of criminology cannot ignore these issues even though they remain controversial. This version of the chapter features several new boxed inserts, with topics such as "Policy Implications of Drug Addiction," "Can the Media Introduce the Public to Science?" and "The Human Genome Project."

Part II concludes with two chapters on sociological explanations of criminal behavior. Chapter 5, "Sociological Theories of Criminal Behavior I: The Social-Structural Approach," focuses on the relationship between social structure and criminal behavior. Due to the increased focus on juvenile crimes, this edition contains more on this topic. Traditional theories are utilized to explain such crimes; for example, Media Focus 5.1 is entitled "The Media and School Shootings: A Look at Feminist Theory."

Chapter 6, "Sociological Theories of Criminal Behavior II: The Social-Process Approach," deals with the processes by which criminal behavior may be acquired. Some changes have been made in the organization and outline. The discussion of Sutherland's theory of differential association is enlarged, and Exhibit 6.1 contains the listing of the theory's nine propositions. Akers's social learning theory is expanded, and several of the theories in the chapter have enlarged discussions on recent research. A new section in this edition is a discussion of the policy implications of all theories discussed in this and previous chapters to assist students in their applications of theory to real-world issues.

Part III, "Types of Crime," includes Chapter 7, "Violent Crimes," which introduces the study of criminology typologies. This chapter has several new additions. The section on terrorism was moved to this chapter and expanded to include the sentencing in the American embassy bombing case, the execution of Timothy McVeigh, the appeals of Michael Fortier and Terry Nichols, the June 2001 suicide bombings in Israel, the attack on America on 11 September 2001, and the latest data (December 2001) showing an increase in murders in some large cities despite the overall leveling off of crime in the United States.

The discussion on pornography was moved to Chapter 7 and enlarged to include the latest U.S. Supreme Court case concerning children and pornography, along with a reference to the case on virtual pornography that the Court has agreed to decide. The discussion of hate crimes was moved from Chapter 2 to this chapter and updated; the discussion of marital rape was moved from the section on domestic violence to the section on forcible rape. More information is included on the four major violent crimes. The inclusion of state statutes illustrates the various ways of defining the serious violent crimes. The chapter also includes more information on gun control, the fear of crime, and stalking.

Chapter 8, "Property Crimes," includes expanded and updated information on the four index property crimes—burglary, larceny-theft, motor vehicle theft, and arson—as well as some property crimes considered to be lesser offenses. Particular attention is given to crimes such as credit card theft as well as the problems of repeat offenders. The discussion of the crime of carjacking is updated. New to this chapter is an enhanced analysis of computer crimes (previously in Chapter 9) and the topics of cyberstalking and identity theft. The control of pornography on the Internet was moved from the previous edition's Chapter 6 and updated in this chapter.



Chapter 9, "Business and Government-Related Crimes," features several new or revised exhibits. Exhibit 9.2 includes a focus on Marc Rich and his controversial pardon by President Bill Clinton and the subsequent investigation of that action. Exhibit 9.3, "Workplace Violations and Criminal Law," details the case of an employer who was sentenced to 17 years in prison for providing an unsafe working environment, which led to the brain damage of a 20-year-old employee. Exhibit 9.4 includes discussion of 2001 cases on health care fraud. The chapter updates information on Bill Gates and Microsoft, Terry Nichols, Susan McDougal, Valujet and SabreTech, and Michael Milken, as well as the New York City Police Department case regarding the beating and sodomization of Abner Louima. That same department is featured in the case of Amadou Diallo, who was killed by four white police officers, all of whom were acquitted.

Chapter 10, has been renamed "Drug Abuse, Drug Trafficking, and Organized Crime" to reflect the move of the discussion on terrorism to Chapter 7 and the increased emphasis on drug abuse and drug trafficking. Data on drug abuse are discussed, along with the effects of the problem, such as fetal abuse, the economic cost, criminal activity, prison and jail overcrowding, and the influence of drugs on criminal justice personnel. The war-on-drugs discussion has been updated, and the discussion of the efforts to decriminalize marijuana, especially for medical purposes, is enhanced by a notation of the increased violence attributed to marijuana sales in New York City. New York's unsuccessful efforts to reduce drug penalties by revising the Rockefeller laws is noted, along with a more detailed discussion of California's new provisions for treatment rather than incarceration of first- and second-time nonviolent drug offenders.

The final focus of Chapter 10 is organized crime, featuring the history of the subject as well as a discussion of some of the modern players. The infiltration of organized crime into legitimate businesses—such as health care, food, construction, and cartage—is updated, as are attempts to control organized crime.

Part IV, "Criminal Justice Systems," includes three chapters. The outline of Chapter 11, "U.S. Criminal Justice Systems," has been revised. The chapter now begins with the concepts of U.S. criminal justice, followed by a discussion of the special characteristics of criminal justice systems and then the stages within the systems. Media Focus 11.1 discusses the changes that correctional officials are making due to the influx of teens in adult prisons. All legal discussions are updated, featuring many new cases, including *Illinois v. McArthur* (2001), *Dickerson v. United States* (2000), *Indianapolis v. Edmone* (2000), *Burdine v. Johnson* (1999), *Kyllo v. United States* (2001), and *Roe v. Flores-Ortega* (2000).

With its overview of the constitutional rights of defendants in the adversary system, this chapter, as in the previous edition, sets the stage for subsequent chapters in Part IV. It focuses on four major constitutional rights of defendants: the right to be free from unreasonable search and seizure, the right not to testify against oneself, the right to counsel, and the right to a trial by jury. This edition features expanded discussions of due process and equal protection, more material on victims' rights, and a notation of the \$50 million settlement that New York City is paying for the illegal strip searches of 50,000 or more people.

Chapter 12, "Police," has some outline changes, with the deletion of subheads, but it retains the major topics of the previous edition. The discussion on female and minority hiring is enhanced, and extensive information is included in the discussion of the FBI. Most exhibits are new to this edition, including one focusing on the security problems within the FBI, illustrated by the case of convicted spy Robert P. Hanssen, the Community Policing Act (COPS) of 1994, and one on the ways in which the media portray police in a

negative light. Information is also included on the role police played after the terrorist acts against America on 11 September 2001. This edition features a discussion on the zero tolerance policy, illustrated by the New York City administration, more information on police subculture and racial profiling, and a recent case (*United States v. Monero-Camargo*) holding that police cannot use ethnicity as a factor in deciding whether to stop an individual suspected of a crime. The discussion of the Los Angeles Police Department's Rampart scandal is updated, as is the discussion of the New York City Diallo case.

Chapter 13, "Court Systems," provides an overview of the criminal justice processes that occur in the courts, from pretrial to posttrial. Significant changes in court systems, especially in sentencing, are an important part of this chapter, with particular attention given in this edition to three-strikes legislation and the call for a moratorium on capital punishment. A new feature exhibit illustrates both the violence of young teens and the problems of plea bargaining, as it focuses on two Florida offenders, one of whom rejected a plea bargain of three years and was sentenced to life in prison. The U.S. Supreme Court's two most recent terms are summarized in Media Focus 13.1.

Part V, "Social Reactions to Crime: Corrections," contains two chapters. Chapter 14, "The Confinement of Offenders," includes a brief historical account of the emergence of prisons and jails for punishment; discusses U.S. contributions to this movement; and distinguishes jails, prisons, and community corrections. Jail and prison overcrowding is one focus of this chapter; the review includes an analysis of the attempted solutions to this serious problem. The inmate's social world within prison is discussed, as are prison violence and control. The chapter's overview of inmates' legal rights is updated, with discussion of a federal judge in Alabama who imposed fines for contempt of court for officials who do not remove inmates from county jails to state prisons as per his orders. New data on female inmates and their children are included, along with updates on the sexual abuse of female inmates by correctional officers. The topic of juvenile inmates being held in adult jails and prisons is highlighted, while new material on riots in adult prisons is summarized. The alleged beating that resulted in the death of a Florida death row inmate is featured, (including the results of the trial of the guards accused in that death. Health issues within prisons are noted, along with the effects of maxi-maxi prisons on prison conditions and inmate conduct. The impact of the Americans with Disabilities Act (ADA) is examined, and additional information is provided on privatization of prisons.

Chapter 15, "Corrections in the Community" contains a discussion of the types of community correctional facilities and programs along with updated information on probation and parole. Megan's laws continue to attract court attention, and those changes are updated. The discussion of shock incarceration and boot camps takes on a new focus, as some jurisdictions have eliminated their programs. Special attention is given to the recent death of a young offender in boot camp. Chapter 15 closes the text with a new discussion on the future of corrections. This analysis includes such topics as an evaluation of community corrections, the privatization issue, and juvenile justice.

## Supplements Package

As a full-service publisher of quality educational products, McGraw-Hill does much more than just sell textbooks. The company creates and publishes an extensive array of print, video, and digital supplements for students and instructors. This edition of *Crime and Criminology* is accompanied by the following valuable supplements:

- *Instructor's Manual/Testbank*: chapter outlines, key terms, overviews, lecture notes, discussion questions, a complete testbank, and more.

- *Computerized Testbank*: easy-to-use computerized testing program for both Macintosh and Windows computers.
- *Videotapes*: a wide variety of videotapes from the *Films for the Humanities and Social Sciences* series is available to adopters of the text.

All of the above supplements are provided free of charge to instructors. Orders of new (versus used) textbooks help us defray the cost of developing such supplements, which is substantial. Please contact your local McGraw-Hill representative for more information about any of the above supplements.

## Acknowledgments

The writing and production of a text requires the assistance and cooperation of many people. This one in particular was difficult because every phase of it occurred while the author was moving, building a home, moving again, and getting settled. The patience and understanding of my editor, Carolyn Henderson Meier, and my project manager, Christina Thornton-Villagomez is greatly appreciated. Christina has produced many of my texts and perhaps knows me too well, but she is uncanny in her ability to locate me, even when I am on the highway and almost out of cell-phone territory! The tedious process of selecting photographs to illustrate the book, deciding where they should be placed, and writing captions was easier than ever before because of the extraordinarily organized efforts of my photo researcher, Romy Charlesworth. As with several of the previous editions, the copy editing was done by Janet Renard. The end-of-chapter sections on brief essay assignments, Internet activities, and net resources were contributed by Leigh Herbst, from the University of Nebraska-Omaha.

The many editions of *Crime and Criminology* have benefited tremendously from the suggestions of reviewers. For this edition, I am grateful for the efforts of the following:

Robert Mutchnick—Indiana University of Pennsylvania  
Debra Kelley—Longwood College  
Anthony W. Zumpetta—Chester University  
Antonia Keane—Loyola College  
Joan Luxenburg—University of Central Oklahoma  
Greg Scott—DePaul University  
Robert Turner—Virginia Polytechnic Institute and State University  
Michael Brown—Ball State University  
Terry V. Alston Sr.—Chesapeake College  
David Pilgrim—Ferris State University  
Kathryn England Aytes—American Behavioral Studies Institute  
Ellen G. Cohn—Florida International University  
Pamela Tontodonato—Kent State University

As always, I am grateful to the undergraduates who take my course in The American Legal Systems at Florida State University. All sections of this seminar involve students who are planning to attend law school or graduate school in criminology or a related field. They are inspiring and rewarding as they show their enthusiasm for many of the topics discussed in this text. Many of them keep in touch after the course, and I delight in hearing about their studies, jobs, and personal lives.

Along with my family, I would like to thank three colleagues who have supported this text for a combination of over 90 years! Professors H.H.A. Cooper, David Fabianic, and Marlyn Mather have always been there, encouraging me in my teaching and writing experiences, and to each of them I owe a big debt for their professional assistance and personal friendship.

My move to New Hampshire has brought new friends, some of whom eased the problems of moving to a new home. Bob and Ann McGraw, Ed Cremo, and Judy Coleman transported and unpacked boxes and took care of many of the mechanical problems a move involves, while Pat and Paul Belluche took over the tedious job of hanging pictures to make the house look like a home. Judy, along with Amber Marsh, provided loving and efficient cat care while I traveled weekly to Florida. Thanks to all of them for helping me move and get settled while working on this book.

The pains of moving the contents of one's office (most of which was in storage for over six months)—along with selecting and adjusting to a new computer and other office equipment and trying to find files in a new environment—can be overwhelming. My computer issues were greatly eased by the work of Robin Reid, who not only set up my new equipment and transferred all the files from the old but served as a frequent phone or e-mail contact when I encountered a problem. Without his efforts this edition would not have been completed on time, and perhaps without his encouragement in 1972 the contract for the first edition of this text might not have been signed and the text written. Thanks, Robin, for your continued support. To you this book is dedicated.

Sue Titus Reid, J. D., Ph.D.

Professor and Director of the Undergraduate Program  
Reubin O'D. Askew School of Public Administration and Policy,  
Florida State University



# A Visual Walkthrough

This text is unique in its integration of law with theory and social science research in criminology. The text presents all of the material one would expect to find in any criminology text, from the definition and measurement of crime to sociological theories regarding the causes of crime, detailed discussion of types of crimes, and material on the criminal justice system. But what this text does better and more completely than any other criminology text available is consistently discuss the law as it relates to all of these topics.

## CHAPTER

# 5

## Sociological Theories of Criminal Behavior I: The Social-Structural Approach

► Lionel Tate, age 14, with two members of his defense team, psychology expert Lori Batts, (left) and co-counsel Denise Bragoff. Tate was sentenced to life in prison for the murder of Tiffany Eunick, age 6. He testified that they were play-wrestling. (Reuters/Getty Images)

### OUTLINE

#### Early Social-Structural Approaches

Ecological Theories  
Classic Anomie Theory  
Modern Anomie/Strain Theory

#### Subculture Theories and Their Forerunners

The Study of Gangs  
Lower-Class Boy and Middle-Class Measuring Rod  
Neutralization and Drift  
Differential Opportunity  
Education and Delinquency  
Lower-Class Boy and Lower-Class Culture  
Evaluation of Subculture Theories

#### Family Structure and Crime

#### Routine Activity Approach



This chapter analyzes sociological theories of criminal behavior, focusing on those that consider society's social structure or organization. The two basic approaches are consensus and conflict. The consensus approach views folkways, mores, and laws as reflections of society's values; some crime is seen as inevitable, even functional. In the conflict approach, criminal behavior emerges as a conflict between groups within society. This chapter's discussion of early theories is followed by a look at some of their modern counterparts. Examination of the conflict approach and of critical criminology includes a focus on feminist criminology.

### KEY TERMS

anomie  
concentric circle  
conflict  
consensus  
critical criminology  
culture conflict theory  
differential opportunity  
ecological school  
instrumental Marxism  
radical criminology  
routine activity approach  
status offenses  
strain theory  
structural Marxism  
subculture

### Media Focus 6.1

#### Should the Media Be Legally Liable for Violence?

The text discusses the impact the media are alleged to have on violence in real life. Exhibit 6.2 enumerates specific cases in which the media are cited as the reason for the criminal acts. Media company representatives deny any responsibility for criminal acts that follow their programs. With regard to his show, mentioned in one of the examples in Exhibit 6.2, Jerry Springer said some of the episodes are silly but that he should not be responsible for what some folks find entertaining.<sup>1</sup>

The parents of the three shooting victims of the December 1997 school shooting at Heath High School in Paducah, Kentucky, filed a lawsuit against 25 media companies. The parents argued that violent video games "trained" Michael Carneal, the shooter, to point and shoot a gun and thus become a more effective killer. Therefore, the parents argued,

the media should be legally liable. The trial court dismissed the lawsuit, ruling that the defendants had no legal duty to the parents under Kentucky laws. The parents have appealed.<sup>2</sup>

In a second recent lawsuit, a federal appellate court ruled that an Indianapolis, Indiana, city ordinance limiting minors' access to violent video games probably would not pass the constitutional tests regarding the First Amendment's right to free speech.<sup>3</sup>

<sup>1</sup> "Whether Media Should Be Liable for School Shootings," *USA Today*, January 17, 1999, p. 1C.  
<sup>2</sup> *Jones v. Mosaic Media Inc.*, 90 F.Supp. 2d 798 (W.D. Ky. 2000), discussed in "Broadcasting Violence: Debate Intensifies on Whether Media Should Be Liable for School Shootings," *ABA Journal* 87 (May 2001), p. 29.  
<sup>3</sup> *American Amusement Machine Association v. Kendrick*, 244 F.3d 572 (7th Cir. 2001), discussed in "Broadcasting Violence," *ibid.*

### CONTROL THEORY

In addition to trying to determine the process by which people become criminals, sociologists and psychologists have developed explanations of how behavior can be controlled. According to control theorists, deviance results when social controls are weakened or broken down; when controls are strong, deviance does not occur. The problem is to try to explain what can be done in a positive way to elicit appropriate behavior. The question is not how to prevent criminal behavior but how to train people to engage in law-abiding behavior.

Like many other explanations of criminal behavior, control theory is not a theory in the sense of rigorous scientific procedures of developing and testing hypotheses; rather, it is an approach or an explanation. Several theorists have articulated variations of control theory. In reading the discussion that follows, keep in mind that all of the variations have some common assumptions, articulated by one sociologist as follows:

1. That the human animal requires nurturing.
2. That differences in nurturing account for variations in attachment to others and commitment to an ordered way of living.
3. That attachment and commitment may be described as "internal controls," commonly called "conscience" and recognized in guilt, and "external controls," usually tested by the production of shame.
4. That evidence from experimental studies, longitudinal research, comparative studies, and cross-cultural investigation tells us that attachment and commitment are developed. Conversely, such evidence describes the situations that loosen the moral bond with others and that are, therefore, productive of crime.<sup>40</sup>

#### Reiss's and Nye's Control Theory

One of the first to apply control theory to delinquent or criminal behavior was Albert J. Reiss Jr., who maintained that such behavior results from the failures of personal and social controls. *Personal controls* are internalized, while *social*

**Control theory** An explanation of criminal behavior that focuses on the control mechanisms, institutions, and strategies for regulating human behavior, leading to conformity or deviance to society's norms, and that argues that deviance results when social controls are weakened or break down so that individuals are not motivated to conform to them.

Absolutely critical to any course in criminology is early, clear, comprehensive coverage of the major theoretical approaches to explaining criminal behavior—which you will find in Part II of this text.

This critical coverage is neatly encapsulated throughout Part II of the text, making it easier for students to grasp the differences between important theories and study for exams.

**WORLD TRADE CENTER, NEW YORK CITY; PENTAGON, WASHINGTON, D.C., 11 SEPTEMBER 2001**

Chapter 1 introduced us to the greatest terrorist acts that have ever occurred on American soil. More than 3,000 people died when carefully coordinated hijacked airplanes were flown into the twin towers of the World Trade Center in New York City—two of the tallest buildings in the world; representing the financial strength of the United States—and the Pentagon in Washington, D.C., one of the sources of U.S. government and military strength. A fourth hijacked plane, apparently headed for another Washington, D.C., building (perhaps the U.S. Congress or the White House), crashed in Pennsylvania after passengers presumably fought with the hijackers. The death toll would have been much higher, but thousands were able to evacuate the World Trade Center towers before they collapsed. The area, subsequently referred to as Ground Zero, became a hallowed burial ground as Americans, supported by allies around the world, mourned their dead and tried to reconstruct their lives.

President George W. Bush responded by freezing the bank accounts of persons thought to have financed the attacks, which he and others alleged were masterminded by Osama bin Laden, a Saudi Arabian millionaire hiding in Afghanistan, the leader of al Qaeda, the network blamed for the terrorist attacks. The president ordered air strikes and subsequently sent troops to Afghanistan in an attempt to destroy Afghanistan's ruling Taliban organization and capture or kill bin Laden. Although significant progress was made in the war, by the time of this publication it appeared that bin Laden remained at large.

vate automobiles and homes as well as businesses, and large numbers of people wore flag pins or other patriotic symbols.

President Bush appointed Pennsylvania governor Tom Ridge to head the newly created White House Office of Homeland Security and charged him and his agency to coordinate the efforts of dozens of agencies, ranging from the Federal Bureau of Investigation to the Federal Aviation Administration. Another key figure in the U.S. war against terrorism was U.S. attorney general John Ashcroft, charged with the investigation and possible trials of living persons connected to the terrorist acts.

As this manuscript went into production, many questions remained not only about the terrorist acts but also about the possibility of additional acts. Public debate centered on how to secure peace and safety in U.S. airports and other places in which large numbers of people gather. The terrorist acts of 11 September targeted the United States, but the nation's allies were aware that other countries could be next.

Shortly after the events of 11 September 2001, another form of what appeared to be a terrorist attack occurred when deadly anthrax spores were found in mail sent to various targets, including news media offices, the U.S. Congress, and the U.S. Supreme Court. Several people died after they came into contact with the anthrax-tainted letters, but no suspect has yet been connected with these events.

**TEL AVIV SUICIDE BOMBER, JUNE 2001**

In a deadly terrorist attack outside a nightclub in Tel Aviv, Israel, in early June 2001, at least 17 people were killed and several others injured. Most of the victims were teenagers and young adults who were waiting outside the nightclub.

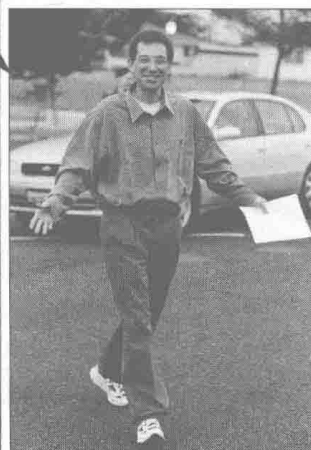
The city's mayor said the whole country is the other suicide bombings in previous weeks. The mayor expressed his horror that the crime under the cycle of violence.<sup>71</sup>

**EMBASSIES,**

the American embassies in Iran, resulted in the slaying of 12 Americans.

(continued)

Thorough updates throughout the text ensure that the text remains relevant to today's students; in Chapter 7, for instance, students will find a detailed discussion of terrorism, including the events of 11 September 2001 and their aftermath; in Chapter 8, coverage of cyberstalking, identity theft, and the rise in computer crime in general; and in Chapter 9, discussion of the Amadou Diallo and Abner Louima cases in New York, the Marc Rich pardon, and an important 2001 health care fraud case.



Computer hacker Kevin Mitnick arrives at a news conference early on 21 January 2000 after being released from the Federal Correction Institute in Lompoc, California. After five years behind bars, Mitnick, one of the nation's most notorious computer hackers, was released under the

condition that for the next three years he keeps his computers, modems, cell phones, and anything could give him Internet access. Mitnick, 36, caused millions of dollars of damage by hacking corporate and university computers. He was once the most wanted hacker. (AP)

**Types of Computer Crimes**

Computer crimes may involve the same kinds of crimes discussed elsewhere in this chapter as well as those discussed in previous chapters except that a computer is used in the perpetration of the crime. According to a white-collar crime expert, "Computer crime may also take the form of threats of force directed against the computer itself. These crimes are usually 'sabotage' or 'ransom' cases. Computer crime cases have one commonality: the computer is either the tool or the target of the felon."<sup>68</sup>

A special jargon has been developed to describe computer crimes:

1. *Data diddling*, the most common, the easiest, and the safest technique, involves changing the data that will be put into the computer or that are in the computer.
2. *The Trojan horse* method involves instructing the computer to perform unauthorized functions along with its intended functions.
3. *The salami technique* involves taking small amounts of assets from a larger source without significantly reducing the whole. In a bank account situation, for example, one might instruct the computer to reduce specified accounts by 1 percent and place those assets in another account.
4. *Superspreading* involves taking control of a computer's contents. Because computers at times malfunction, there is a need for what is sometimes called a "break glass in case of emergency" computer program. This program will "bypass all controls to modify or disclose any of the contents of the computer." In the hands of the wrong person, it can be an extremely powerful tool for crime.
5. *Data leakage* involves removing information from the computer system or computer facility.<sup>51</sup>

**Controlling Computer Crimes**

Legislation regulating computer crimes is relatively recent and reflects the varying definitions of this type of theft. Passage of a federal statute did not occur until the enactment of the Comprehensive Crime Control Act of 1984. Before that act, computer crimes were prosecuted under other statutes, such as those covering mail fraud and wire fraud, which excluded some types of computer crimes. In addition, the penalties were considered inadequate for computer crimes. The 1984 act has been amended several times, most recently as part of the Violent Crime Control and Law Enforcement Act of 1994.<sup>52</sup>

In 1995 Connecticut became one of the first states to enact legislation making harassment by computer a crime. Other jurisdictions have followed suit, but it is possible that the enactment of statutes designed to prevent computer crimes will not be as effective as some would like to think. First, many establishments might not want the public to know that their employees committed crimes with the company's computers. Second, in addition to a lack of reporting or willingness to prosecute and the difficulties of apprehension and prosecution, law



Justin A. Volpe, former New York City police officer, with his attorney before entering a guilty plea for the charge of beating and sodomizing Haitian immigrant Abner Louima. Volpe entered the plea after the trial began and damaging testimony was introduced. Volpe was sentenced to 30 years in prison. (© AFP/Corbis)

A. Volpe pleaded guilty to sodomizing Abner Louima, a Haitian immigrant, and threatening to kill Louima if he reported the incident. Volpe was sentenced to 30 years in prison. In 2001 Louima accepted an \$8.7 million settlement of his claims against the city for this brutality.<sup>71</sup>

In 2000 a jury acquitted four white New York City police officers who fired 41 times, killing an unarmed West African immigrant, Amadou Diallo. An anonymous juror reported that the prosecution did not prove its case beyond a reasonable doubt. In 2001 Diallo's mother criticized the police department for permitting the four officers to return to their jobs.<sup>72</sup>

**CONTROLLING BUSINESS AND GOVERNMENT-RELATED CRIMES**

The sampling of business and government-related crimes in this chapter pertains to those that may be committed by individuals in a business or government setting or by executives acting on behalf of the corporation. One issue in analyzing government or business-related crimes is whether the civil or criminal law should be invoked. Another is whether corporate managers should be held criminally liable for the actions of their employees or whether the civil law is sufficient for these cases.

Chapter 1 distinguishes between criminal and civil law and notes that in some cases corporations (or noncorporate employers) may be held criminally

1000

TABLE 1

20. How does terrorism differ from other violent crimes?	23. Discuss briefly the most recent terrorist incidents covered in this chapter.
21. How do terrorist victims differ from victims of other violent crimes?	24. Analyze recent developments in gun control.
22. What are the highlights of the Antiterrorism and Effective Death Penalty Act of 1996?	25. What is the relationship between pornography and crime?

1. Explain how and why definitions of murder and degrees of murder may vary from state to state.
2. Why is the line between theft and robbery hard to draw in some cases?
3. Distinguish between assault and battery. Why may some aggravated assaults not be counted in crime statistics?
4. According to Richard A. Gelles, why does a battered woman remain in a marriage?
5. Discuss the variables or correlates that are associated with the fear of crime.

1. Stalking continues to be a frequent and serious crime in this country. Learn more about the prevalence and impact of stalking by logging on to [www.stalkingassistance.com](http://www.stalkingassistance.com). What are the federal laws regarding this offense? Find your state statutes on this website. How are they similar or different from federal laws? Other information and facts about stalking can also be found at [www.anti-stalking.com](http://www.anti-stalking.com).
2. Search [www.fbi.gov/ucr/ucr.htm](http://www.fbi.gov/ucr/ucr.htm) for the latest report on hate crimes statistics. Find out how many police agencies in your state reported hate crimes and the total number reported. See if your college or university reports hate crimes. Information about legislation in your state regarding hate crimes can also be found at [www.unitedstateshate.org](http://www.unitedstateshate.org).

[www.vanprevention.org](http://www.vanprevention.org)

Sponsored by the Centers for Disease Control and Prevention, the National Violence Against Women Prevention Research Center website provides information and links on research related to women and the prevention of violence. Users can access reports and statistics concerning policy issues, judicial action, and advocacy and practice on this website.

[www.ncadv.org](http://www.ncadv.org)

The National Coalition Against Domestic Violence's website provides resources and research material (i.e., public policy and legislative issues) concerning domestic violence involving battered women and children. Links to other domestic violence sites and resources are also provided.



Unique Media Focus boxes in every chapter further heighten the book's accessibility and relevancy and illustrate how the media treatment of a crime can at times distort our views and at other times enhance our understanding of an event or issue, perhaps creating greater public awareness of critical needs.

### Crime in the Media

Television, movies, newspapers, and news magazines carry a recurrent theme of crime, especially violence. A recent *New York Times* article entitled "On TV, Crime Will Pay" enumerated the current popular crime-focused television shows and concluded,

New York may have many fancy addresses, but where prime-time television is concerned, the most impressive is One Police Plaza. So many New York badges glisten in the lights of the cameras these days, it might behoove the police brass to think about recruiting from the drama schools.<sup>1</sup>

The media also provide an important function in time of crisis, such as the events of 11 September 2001, when hijacked planes flew into the twin towers of the World Trade Center, demolishing those buildings and some surrounding ones, while another plane was flown into the Pentagon in Washington, D.C. A fourth hijacked plane crashed in Pennsylvania, apparently after passengers fought with the hijackers. Presumably the hijackers on that aircraft were headed for Washington, D.C., as well. The death toll is not final, but it is estimated that close to 3,000 people, including several hundred police and firefighters, died in these terrorist attacks. This most severe of all terrorist attacks on American soil has changed a nation and its people, many of whom now fear flying commercial airlines or occupying tall buildings. Following the 11 September events, letters contaminated with anthrax were sent to Senator Tom Daschle, NBC News anchor Tom Brokaw and others, leading to several deaths. According to a *New York Times* article, "Anthrax is what the Nobel laureate Joshua Lederberg calls a 'professional pathogen,' a hardy germ that could wreak havoc if inhaled. The trick was turning it into an aerosol that lingers."<sup>2</sup>

led the United States into war in Afghanistan, where the suspected terrorist was thought to be in hiding while directing his followers. As of this writing bin Laden has not been captured, but many of his allies have. Throughout the aftermath of 11 September, the media have played a key role in communicating the unfolding events to the American people. Although at times their presentations may have been excessive or misleading, the media probably have accounted for the intense display of loyalty and patriotism of the American people. The American flag is exhibited at homes, on cars, in businesses, and on mail boxes, and its image imprinted on clothing and numerous other objects. Patriotic songs are sung often, and signs outside businesses and churches proclaim GOD BLESS AMERICA, WE WILL NOT BE DEFEATED, or other statements that indicate a determination to eradicate terrorism.

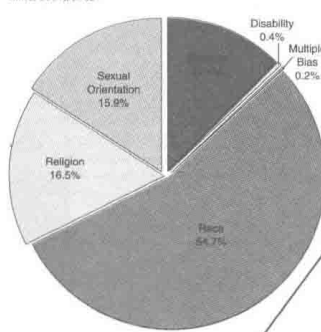
The media also play a role in relaying trials to the public. Criminal trials are televised in some courts (although others refuse to permit this practice), illustrated by the so-called trial of the century, the trial of O. J. Simpson for the murders of his former wife Nicole Brown and her friend Ronald Goldman. Each step in the lengthy trial was followed by legal commentary, which was reported in detail by the media, while even the lawyers on the losing side made fortunes from publications, media appearances, and new jobs. Simpson was acquitted of those murders, and his civil trial, in which he was found liable for them, was followed with far less publicity.

Such intense media coverage of crimes raises the issue of whether the media actually contribute to future criminal acts by providing a forum for those who seek attention, even if in a socially unapproved manner.

1. "On TV, Crime Will Pay," *New York Times* [11 May 2001], p. 18.

**FIGURE 7.8**  
Hate Crimes: Percent Distribution, 2000<sup>1</sup>

Source: Federal Bureau of Investigation, *Crime in the United States: Uniform Crime Reports 2000* (Washington, DC: U.S. Government Printing Office, 2001), p. 62.



<sup>1</sup> Due to rounding, the percentages do not add to 100.0.

primarily because of the defendant's bias or prejudice against a group." The statute does not enumerate specific groups.<sup>63</sup>

### Stalking

Stalking Defined in the National Violence Against Women Survey as "a course of conduct directed at a specific person that involves repeated visual or physical proximity, nonconsensual communication, or verbal, written or implied threats, or a combination thereof, that would cause a reasonable person fear." The term repeated means two or more times.

Some acts do not rise to the level of actual physical contact but are still frightening to potential victims. Stalking is an example. Stalking statutes are relatively new, with the federal one established in the fall of 1996, when President Bill Clinton signed into law the Interstate Stalking Punishment and Prevention Act. This act is aimed at stalking on federal property or across state lines.<sup>64</sup>

State stalking statutes are also relatively new, and they differ in their coverage. In general, stalking statutes are designed to punish individuals who watch, follow, and harass others repeatedly over a period of time. Some of the statutes, however, have been invalidated by courts taking the position that the laws are vague or too broad. For example, the Kansas antistalking statute was

### Identity Theft: Statements by the Media

During the past few years the media have frequently focused on the growing crime of identity theft, which, they claim, is reaching epidemic proportions. These informative accounts have alerted people to a crime that can cause severe economic damage as well as loss of personal time as victims cope with the results. Reports have appeared in media from the national television news to small-town newspapers.

Typical of the media reports was a 12 March 2002 news clip on CBS, which referred to identity theft as one of our fastest-growing crimes. According to this report, identity theft claims 750,000 new victims each year in the United States. Some victims spend weeks or even months trying to unravel the problems caused by identity theft. The report noted the need to maintain careful control over financial and other documents that contain numbers and other information that constitute an identity that can be stolen.<sup>1</sup>

On 5 February 2002 a small-town paper in New Hampshire reported that identity theft is becoming

"an increasing problem" in that state. Identity theft was the number one consumer complaint made in New Hampshire in 2001. The article noted that the state had enacted an identity theft law in 2000, following the national law passed in 1998. Finally, the report emphasized that New Hampshire might become a leader in the national fight against identity theft. The Franklin Pierce Law Center in Concord, New Hampshire, will offer a degree program in e-commerce and cyberlaw. The program will feature identity theft.<sup>2</sup>

Finally, an article reprinted in a Tallahassee, Florida, paper noted that, although most people eventually recoup the money they lose through identity theft, "they also suffer damage to their credit records and invasion of privacy."<sup>3</sup>

1. CBS National News, 12 March 2002.

2. "Identity Theft: An Increasing Problem in New Hampshire," *Conway Daily Sun* (5 February 2002), p. 3, [24 January 2002], p. 1E.

3. "Identity Theft Tops List of Frauds," *Tallahassee Democrat* 2.

enforcement officials may not have the technical expertise to solve computer crimes, and most cases that go to trial are highly technical, costly, and extremely time-consuming.

To help students master criminology's vast array of vocabulary, key terms are identified in boldface within the text and are defined in the margins throughout; they are also collected in a comprehensive glossary at the end of the text for easy reference later.

### GLOSSARY

**acquired immune deficiency syndrome (AIDS)** A deadly disease discovered in 1979 and spreading throughout the world. The virus that causes AIDS (the human immunodeficiency virus or HIV) is spread through the exchange of bodily fluids, which occurs most frequently during sexual contact but may occur in other ways such as blood transfusions and the use of contaminated needles. There is no known cure for the disease.

**administrative law** Rules and regulations made by agencies in which power has been delegated by the state legislature or the U.S. Congress. Administrative agencies investigate and decide cases concerning potential violations of these rules.

**adversary system** One of two primary systems for settling disputes in court. The accused is presumed to be innocent. A defense attorney and a prosecuting attorney attempt to convince a judge or a jury of their respective versions of a criminal case. See *inquisitorial system*.

**aggravated assault** Technically, an assault is a threat to commit a battery, but often the term is used to refer to a battery. In that case, aggravated assault involves an assault or a battery intended to cause serious injury or death and often includes the use of a deadly weapon.

**anomie** A state of social anomie in society that may be caused by decreased homogeneity and that provides a setting conducive to crime and other antisocial acts.

**antitrust laws** State and federal statutes designed to protect trade and commerce from unlawful restraints, such as price fixing, price discrimination, and monopolies.

**appeal** A step in a judicial proceeding, permitting a higher court to review a lower court's decision.

**appellant** The losing party in a lower court who appeals to a higher court for review of the decision.

**appellee** The winning party in a lower court who argues on appeal that the lower court's decision should not be reversed.

**arraignment** In criminal practice, the stage in criminal justice systems when the defendant appears before the court, hears the charges, is given instructions on his or her legal rights, and enters a plea.

**arrest** The act of depriving persons of their liberty; taking suspects into custody for the purpose of charging them formally with a crime.

**arson** The willful and malicious burning of the property of another with or without the intent to defraud. Burning of one's own property with the intent to defraud is included in some jurisdictions.

**assault** See *aggravated assault*. **attempt crimes** Crimes in which the offender engages in some effort to commit a crime but does not carry through with it.

**baile** The release of a defendant from custody pending a legal proceeding, such as a trial. See *discovery bond*.

**discovery bond** A legal document stating the terms under which a defendant is granted release from jail prior to a legal proceeding, such as a trial. The bail bond may or may not be secured with money or property pledged by the defendant or others. Technically, if the defendant does not appear at the time and place designated in the document, the court may require the forfeiture of any money or property used to secure the bail bond.

**disturbed person syndrome** A syndrome arising from a cycle of abuse by a special person, often a parent or a spouse, that leads the battered person to perceive that violence against the offender is the only way to end the abuse. In some cases the battered person murders the batterer, and in some jurisdictions evidence of the battered person syndrome constitutes a defense to the murder.

**bioethnology** The introduction of biological variables into the study of criminology.

**blackmail** The unlawful demand for money or property by threatening bodily harm or exposure of information that is disgraceful or criminal. See also *extortion*.

**bookings** The process of recording an arrest officially by entering the suspect's name, offense charged, place, time, arresting officer, and reason for arrest, usually done at a police station by the arresting officer.

**boot camp** Correctional facilities designed to detain offenders, primarily juveniles or young adults, for short periods, such as six months; they usually include a regimented daily routine of physical exercise, work, and discipline, resembling military training. Most of the programs include rehabilitative measures such as drug treatment and educational courses.

**bootlegging** The illegal production, use, or sale of alcoholic beverages; the term was used particularly during Prohibition.

**boothery** Churning money, goods, services, information, or anything else of value for the purpose of



denied when Grimshaw accepted a reduction of the punitive award from \$125 million to \$2.5 million. Ford appealed on a number of legal issues; Grimshaw appealed on other issues. The appellate court upheld the lower court and the judgment stood.

The Pinto represented Ford's attempt in the early 1970s to produce a compact car that would sell for \$2,000. The design and production were on a rush schedule. The reasons for considering the design of this car defective are complicated, but at issue was the location of the fuel tank. For design reasons, it was placed behind rather than over the rear axle, as was the custom in other compacts at that time. Because this made the car less crush-resistant, death by fire was more probable in a Pinto than in other compact cars. Evidence revealed that the design defects were known to Ford's corporate executives and that they were warned of the dangers. The cost of adding additional crush space was \$15.30 per car, but high-level officials decided to go ahead with the project for cost-saving reasons. The court concluded as follows:<sup>41</sup>

#### Grimshaw v. Ford Motor Company

Through the results of the crash tests Ford knew that the Pinto's fuel tank and rear structure would expose consumers to serious injury or death in a 20 to 30 mile-per-hour collision. There was evidence that Ford could have corrected the hazardous design defects at minimal cost but decided to defer correction of the shortcomings by en-

gaging in a cost-benefit analysis balancing human lives and limbs against corporate profits. Ford's institutional mentality was shown to be one of callous indifference to public safety. There was substantial evidence that Ford's conduct constituted "conscious disregard" of the probability of injury to members of the consuming public.

The *Grimshaw* case illustrates how gross negligence can be used in a civil suit to award punitive damages to a plaintiff. The fact that Ford was acquitted in the criminal trial does not mean that in a similar case another corporation will not be convicted. Corporations engaging in conduct that is grossly negligent or reckless may find themselves convicted of crimes.

In fact, in December 1989 SabreTech, a corporation dealing with aircraft maintenance, was convicted of charges stemming from the 11 May 1996 fatal crash of a ValuJet Airlines plane. All 110 persons on board the flight from Miami to Atlanta were killed when the plane went down in fire in the Florida Everglades. SabreTech was ordered to pay \$11 million in damages to the families of the victims. The company was convicted of improper handling of the hazardous materials that caused the fire in the aircraft.<sup>42</sup>

Defective design and defective manufacture may occur in any product, and the law may

deceased).  
criminal pe  
other consu  
imposed on  
in deciding

In a de  
Food, Drug  
tance of pro  
Court, rats  
the Court, t  
that he or s

## APPENDIX A

### Selected Amendments of the U.S. Constitution

#### Amendment I (1791)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### Amendment IV (1791)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### Amendment V (1791)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

#### Amendment VI (1791)

In all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have the assistance of counsel for his defense; and to have the assistance of counsel for his defense.

#### Amendment VIII (1791)

Excessive bail shall not be required, nor excessive fines imposed, nor unusual punishments inflicted.

#### Amendment X (1791)

The powers not delegated to the United States by the Constitution, nor prohibited to the States by the States, are reserved to the States or to the people.

In keeping with the text's commitment to integrating law, theory, social science research, and the criminal justice system in a single text, excerpts detailing legal decisions are included throughout the text to show how such decisions affect the study of criminology. Also included are two unique appendixes to aid in this same effort: Appendix A, with selected constitutional amendments to provide quick and easy reference to the reader who wishes to read the entire amendment mentioned in the text, and Appendix B, on how to read a case citation.

## APPENDIX B

### Guide to Legal Citations of Reported Decisions

*Pugh v. Locke*, 406 F.Supp. 318 (M.D. Ala. 1976), *aff'd*, remanded sub nom., *Newman v. Alabama*, 559 F.2d 283 (5th Cir. 1977), *reh'g denied*, 564 F.2d 97 (5th Cir. 1977), and *rev'd in part sub nom.*, 438 U.S. 781 (1978), *later proceeding sub nom.*, 466 F.Supp. 628 (M.D. Ala. 1979), *later proceeding*, *Newman v. Alabama*, 688 F.2d 1312 (11th Cir. 1982), *cert. denied*, 460 U.S. 1083 (1983), *later proceeding sub nom.*, 740 F.2d 1513 (11th Cir. 1984), *dismissed*, 1988 U.S. Dist. LEXIS 18634 (M.D. Ala., Dec. 28, 1988).

This case has a number of citations, which is not common among all cases but is common among those involving unconstitutional conditions in prisons and jails. The case is used here because it illustrates so many elements of case citations. There are other citations to *later proceedings* that have been eliminated from the lengthy citation.

#### Original Citation

[*Pugh v. Locke*]<sup>1</sup> [406]<sup>2</sup> [F.Supp.]<sup>3</sup> [318]<sup>4</sup> [M.D. Ala.]<sup>5</sup> [1976].<sup>6</sup>

1. Name of case.
2. Volume number of reporter in which case is published.
3. Name of reporter; see Abbreviations for Commonly Used Reporters, later in this appendix.
4. Page in the reporter where the decision begins.
5. Court deciding the case.
6. Year decided.

#### Additional Case History

[*aff'd*, remanded sub nom.:]<sup>7</sup> [*Newman v. Alabama*]<sup>8</sup> [559]<sup>9</sup> [F.2d]<sup>10</sup> [283]<sup>11</sup> [(5th Cir. 1977)]<sup>12</sup> [and *rev'd in part sub nom.*]<sup>13</sup> [438]<sup>14</sup> [U.S.]<sup>15</sup> [781]<sup>16</sup> [1978]<sup>17</sup> [*later proceeding sub nom.*]<sup>18</sup> or [*later proceeding*]<sup>19</sup> [*cert. denied*]<sup>20</sup> [*dismissed*]<sup>21</sup>

7. Affirmed and remanded (sent back for further proceedings) under a different name. The appellate court told the lower court that it agreed with part of its decision but that some aspect of the decision needed to be reconsidered.
8. The name under which the case was affirmed and remanded.
9. Volume number of the reporter in which case is published.
10. Abbreviated name of reporter (Federal Reporter, second series).
11. Page number on which the opinion begins.
12. The court deciding the case and the date decision was given.
13. Additional history—appeal to U.S. Supreme Court, which reversed the