

**second edition**

# **Fundamentals of CRIMINOLOGY**

**Henry W. Mannle  
J. David Hirschel**

**2<sup>nd</sup> edition**

---

# **FUNDAMENTALS OF CRIMINOLOGY**

**Henry W. Mannle**

**J. David Hirschel**



PRENTICE HALL, Englewood Cliffs, NJ 07632

*Library of Congress Cataloging-in-Publication Data*

MANNLE, HENRY W.

Fundamentals of criminology.

Includes index.

I. Crime and criminals. I. Hirschel, J. David.

II. Title.

HV6024.M36 1988 364 87-12786

ISBN 0-13-332552-0

Editorial/production supervision: Merrill Peterson  
Manufacturing buyer: Lorraine Fumoso



© 1988, 1982 by Prentice Hall  
A Division of Simon & Schuster  
Englewood Cliffs, New Jersey 07632

All rights reserved. No part of this book  
may be reproduced, in any form or by any means,  
without permission in writing from the publisher.

Printed in the United States of America  
10 9 8 7 6 5 4 3 2 1

ISBN 0-13-332552-0 025

Prentice-Hall International (UK) Limited, *London*  
Prentice-Hall of Australia Pty. Limited, *Sydney*  
Prentice-Hall Canada Inc., *Toronto*  
Prentice-Hall Hispanoamericana, S.A., *Mexico*  
Prentice-Hall of India Private Limited, *New Delhi*  
Prentice-Hall of Japan, Inc., *Tokyo*  
Simon & Schuster Asia Pte. Ltd., *Singapore*  
Editora Prentice-Hall do Brasil, Ltda., *Rio de Janeiro*

# Preface

Crime is a complex, multifaceted problem with seemingly more issues than answers. Acquiring a mastery of the subject requires a firm grasp of statistical procedures, research methodology, and theoretical constructs. Because of time restraints or insufficient preparation, this presents a formidable task for the beginning student or interested layperson. Unfortunately, many current textbooks confuse rather than clarify the issues by attempting to cover all of the bases.

This text is not designed to provide a complete exploration of criminology. It is, as the title indicates, an attempt to present the fundamentals. Statistics are used to illustrate relatively stable and broad trends, not as narrow or immutable facts in and of themselves. Research findings are sparingly selected for their capacity to enrich a given topic rather than to supply the introductory student with a working bibliography. Theoretical discussions are geared to providing readers with a general overview of past and present explanations of crime with a minimal use of abstract jargon. Finally, substantive areas dealing with offenses, offenders, the law, police, courts, corrections, and crime control are written to be informative through a concise, not exhaustive, coverage of subjects.

The book's format is also intended to facilitate comprehension. Each chapter outlines learning objectives, subdivides material at appropriate points, and provides learning checks. Instructors should encourage students to complete the chapter quizzes and reread troublesome material before advancing to the next chapter.

## ACKNOWLEDGMENTS

The authors wish to acknowledge those who have assisted the project in one way or another. Heartfelt gratitude goes to our wives, Beth and Fran, for many long and frenzied hours of critiquing, inspiring and cajoling. And to Fran Hirschel, who undertook prime responsibility for much of the learning materials in this book, the authors are much indebted.

The scheduled completion of the manuscript would not have been possible without the skills and talents provided by Robin Greenwood. Recognition is also accorded to Cheryl Scott Brumley for her contributions to the project as well as the exemplary service given to the local judicial system by her and her mother, the late Mrs. Polly Scott. Our special thanks to Julia Horner, Betty Winters and the late Ted Winters and Edith Mannle for their timeless interest and encouragement. To our good friends, Professors Dennis Dorin and Peter Lewis, we extend our appreciation for their comments and suggestions. Likewise, acknowledgment is also due the reviewers, Gary R. Perlstein and Phillip Quinn, for their necessary and constructive input.

Finally, we wish to express sincere appreciation to our editor, Matt McNearney, and the staff at Prentice-Hall for their professional advice and guidance in the production of this manuscript.

Henry W. Mannle  
and  
J. David Hirschel

## ABOUT THE AUTHORS

Henry W. Mannle is presently Professor of Criminology and Director of the Criminal Justice Program at Tennessee Technological University. J. David Hirschel is currently an Associate Professor of Criminal Justice at the University of North Carolina at Charlotte.

# Contents

**Preface, xvii**

---

## **section 1 THE STUDY OF CRIME**

---

**1**

---

### **Definition of Crime, Criminals, and Criminology, 1**

Objectives, 1. Definition of Crime, 3. Definition of the Criminal, 7.  
Definition of Criminology, 8. Summary, 8.  
Suggested Activities, 9. Review, 9. References, 10.

**2**

---

### **Significance of the Crime Problem, 13**

Objectives, 13. Nature of Crime, 13. Cost of Crime, 16.  
Crime as a Social and Public Policy Issue, 17. Crime and the Media, 18.  
Summary, 19. Suggested Activities, 20. Review, 20. References, 21.

---

3

**Scope of the Study, 23**

Objectives, 23. Criminal Etiology, 24.  
Development and Application of Law, 26. Social Control of Crime, 29.  
Crime Control Agencies, 30. Criminology Today and Criminal Justice, 31.  
Summary, 32. Suggested Activities, 32. Review, 33. References, 34.

---

**section 2 CRIME STATISTICS**

---

4

**Sources and Criticisms of Existing Crime Statistics, 35**

Objectives, 35. Sources of Data, 35. Weaknesses of Crime Statistics, 38.  
An Overview of Crime Statistics, 40. Summary, 45.  
Suggested Activities, 46. Review, 46. References, 47.

5

**Crime and Population Characteristics, 49**

Objectives, 49. Crime and Residence, 49. Crime and Age, 52.  
Crime and Sex, 56. Crime and Race, 58. Crime and Social Class, 59.  
Summary, 61. Suggested Activities, 62. Review, 62. References, 63.

---

**section 3 THEORIES OF CRIME**

---

6

**The Classical School, 65**

Objectives, 65. The Devil, Crime, and the Law, 66.  
The Enlightenment Philosophers, 66.  
The Classical School of Criminology, 68.  
The Neoclassical School of Criminology, 71. Summary, 71.  
Suggested Activities, 72. Review, 73. References, 74.

---

7**Biological and Psychological Theories of Crime, 75**

Objectives, 75. The Positivist School of Criminology, 76.  
 Biological Theories of Crime, 78. Psychological Theories of Crime, 81.  
 Summary, 85. Suggested Activities, 86. Review, 86. References, 87.

---

8**Sociological Theories, 89**

Objectives, 89. Crime, Society, and the Environment, 90.  
 Crime, Society, and Interactional Forces, 92.  
 Crime, Society, and Internal Restraints, 95. Summary, 97.  
 Suggested Activities, 98. Review, 99. References, 100.

---

9**Political Explanations, 101**

Objectives, 101. Crime, Economics, and Class Conflict, 102.  
 Crime and Political Conflict, 103. Summary, 106.  
 Suggested Activities, 107. Review, 107. References, 108.

---

**section 4 TYPES OF CRIME**

---

---

10**Violent Crime, 109**

Objectives, 109. Homicide, 109. Assault, 113. Rape, 115.  
 Robbery, 117. Summary, 118. Suggested Activities, 119. Review, 119.  
 References, 120.

---

11**Property Crime, 123**

Objectives, 123. Burglary, 123. Larceny, 125.  
 Motor Vehicle Theft, 127. Arson, 128. Summary, 128.  
 Suggested Activities, 129. Review, 130. References, 131.



---

12

**Victimless Crime, 133**

Objectives, 133. Gambling, 134. Voluntary Sexual Practices, 135.  
Drug Usage, 138. The Pros and Cons of Victimless Crime, 143.  
Summary, 144. Suggested Activities, 144. Review, 144.  
References, 146.

---

13

**Organized Crime, 149**

Objectives, 149. Definition of Organized Crime, 149.  
The Nature of Organized Crime, 152. Summary, 157.  
Suggested Activities, 158. Review, 159. References, 160.

---

14

**Occupational and Career-Oriented Crime, 163**

Objectives, 163. Occupational Crimes, 163. Career-Oriented Crimes, 168.  
Summary, 171. Suggested Activities, 172. Review, 172.  
References, 173.

---

15

**Political Crime, 175**

Objectives, 175. Attacks against Government, 176.  
Crimes by the Government, 178. Summary, 180.  
Suggested Activities, 180. Review, 181. References, 181.

---

**section 5 TYPES OF CRIMINALS**

---

---

16

**Violent Criminals, 183**

Objectives, 183. Murderers and Assaulters, 183. Rapists, 185.  
Types of Robbers, 186. The Victim's Role in Violent Crime, 188.  
Summary, 189. Suggested Activities, 190. Review, 190.  
References, 191.

17

---

**Property Offenders, 193**

Objectives, 193. Burglars, 193. Larcenists, 196. Auto Thieves, 197.  
Summary, 198. Suggested Activities, 199. Review, 200.  
References, 201.

18

---

**Offenders of Public Morality, 203**

Objectives, 203. Sex Offenders, 203. Substance Abusers, 207.  
Summary, 210. Suggested Activities, 210. Review, 211.  
References, 212.

19

---

**Career and Occupational Criminals, 215**

Objectives, 215. Crime as a Central Activity: Career Criminals, 215.  
Crime as a Spin-off of Legitimate Business or Professions: Occupational  
Criminals, 218. Politicians for Profit, 221. Summary, 222.  
Suggested Activities, 222. Review, 223. References, 224.

---

**section 6 THE CRIMINAL LAW**

20

---

**Nature and Purpose of Law, 225**

Objectives, 225. The Meaning and Purpose of Law, 225.  
The Elements of Law, 226. Natural and Positive Law, 228.  
Statute and Case Law, 229. Government Constitutions, 229.  
The Bill of Rights, 230.  
Legislative Functions within the United States, 230.  
Substantive and Procedural Law, 231. The Enforcement of Law, 231.  
Summary, 231. Suggested Activities, 232. Review, 233.  
References, 234.

**21**

---

**Origins and Features of Criminal Law, 235**

Objectives, 235. The Emergence of Criminal Law, 236.  
Major Features of Criminal Law, 238.  
The Distinction between Criminal and Civil Law, 238.  
Crimes *Mala in Se* and *Mala Prohibita*, 239.  
Felonies and Misdemeanors, 239. Summary, 240.  
Suggested Activities, 240. Review, 241. References, 242.

**22**

---

**Law and Social Control, 243**

Objectives, 243. Social Control, 243. Law and Morality, 244.  
Use of Criminal Law as a Mechanism of Social Control, 246.  
Sex, Alcohol, and Drugs, 247.  
Use of Civil Law as a Mechanism of Social Control, 251. Summary, 252.  
Suggested Activities, 253. Review, 253. References, 254.

**23**

---

**Law and Interest Groups, 257**

Objectives, 257. Interest Groups, 258. Direct and Indirect Interests, 258.  
Alcohol and Drugs, 259.  
Interest Groups and the Enforcement of Laws, 262.  
Summary, 262. Suggested Activities, 263. Review, 263.  
References, 264.

**24**

---

**Criminal Responsibility, 267**

Objectives, 267. *Actus Reus* and *Mens Rea*, 268.  
Lack of Criminal Capacity, 269. Lack of Criminal Culpability, 273.  
Summary, 275. Suggested Activities, 275. Review, 276.  
References, 277.

## **section 7 THE POLICE**

---

### **25**

---

#### **History of the Police, 279**

Objectives, 279. Public Versus Private Law Enforcement, 280.  
 The Development of Public Law Enforcement, 280.  
 Federal, State, and Local Law Enforcement Agencies, 284. Summary, 286.  
 Suggested Activities, 287. Review, 287. References, 288.

### **26**

---

#### **Role of the Police, 289**

Objectives, 289. The Diversity of Police Agencies, 289.  
 Law Enforcement, Order Maintenance, and Service Functions, 290.  
 The Police and the Community, 294. Summary, 295.  
 Suggested Activities, 296. Review, 296. References, 297.

### **27**

---

#### **Police Professionalism, 299**

Objectives, 299. Professionalism, 299.  
 Minimum Entrance Requirements, 301. Training, 302. Police Chiefs, 303.  
 Police Organizations, 304. Police Accountability, 305. Summary, 306.  
 Suggested Activities, 306. Review, 306. References, 307.

### **28**

---

#### **The Police and Suspects, 309**

Objectives, 309.  
 Packer's Crime Control and Due Process Models of the Criminal Process, 310.  
 The United States Constitution, 311. Consent and the Police Process, 311.  
 Arrest and Search and Seizure, 312.  
 Stop and Frisk and Other Limited Intrusions, 313.  
 Confessions and other Incriminating Statements, 313. Right to Counsel, 314.  
 The Exclusion of Illegally Obtained Evidence, 314. Summary, 315.  
 Suggested Activities, 316. Review, 316. References, 317.

---

## **section 8 THE COURTS**

---

**29**

---

### **The Criminal Courts, 319**

Objectives, 319. The Courts, 320. Civil and Criminal Courts, 320.  
Federal and State Courts, 321. The Federal Criminal Courts, 322.  
The State Criminal Courts, 323. Summary, 324.  
Suggested Activities, 325. Review, 325. References, 326.

**30**

---

### **Judges and Lawyers, 329**

Objectives, 329. The Judges, 329. Public Prosecutors, 333.  
Defense Attorneys, 335. Summary, 337. Suggested Activities, 337.  
Review, 338. References, 339.

**31**

---

### **Initial Stages of the Court Process, 341**

Objectives, 341. The Criminal Court Process, 341. Bail or Jail?, 344.  
Summary, 347. Suggested Activities, 347. Review, 348. References, 349.

**32**

---

### **Case Resolution, 351**

Objectives, 351. Plea Bargaining, 352. The Trial Process, 354.  
Summary, 357. Suggested Activities, 358. Review, 359.  
References, 360.

---

## **section 9 CORRECTIONS**

---

**33**

---

### **Sentencing the Convicted Offender, 361**

Objectives, 361.  
Retribution, Rehabilitation, Incapacitation, and Deterrence, 362.  
The Sentencing Structure, 364. The Death Penalty, 365.  
The Sentencing Process, 368. Sentencing Disparity, 369. Summary, 371.  
Suggested Activities, 372. Review, 372. References, 374.

**34****Noninstitutional Corrections, 377**

Objectives, 377. Fines, 378. Restitution, 378.  
 Community Service Orders, 379. Probation, 380. Summary, 384.  
 Suggested Activities, 385. Review, 385. References, 387.

**35****Institutional Corrections, 389**

Objectives, 389. History of Imprisonment in the United States, 390.  
 Modern Penal Institutions, 391. The Prison Population, 393.  
 Prison Programs, 393. Prison Conditions, 396. Prison Discipline, 397.  
 Prison Subculture, 398. Summary, 399. Suggested Activities, 400.  
 Review, 400. References, 401.

**36****Reintegrating the Offender, 403**

Objectives, 403. Reintegration, 404.  
 Furloughs and Work and Study Release, 405. Parole, 406.  
 Halfway Houses, 410. Measuring Success, 411. Summary, 413.  
 Suggested Activities, 415. Review, 415. References, 417.

**section 10 CONTROLLING CRIME****37****Controlling Crime: Outlook for the Future, 419**

Objectives, 419. Social Programs, 420. Decriminalization, 420.  
 The Police Role in Crime Prevention, 421. Private Security, 422.  
 Security Measures, 423. Problem Resolution, 425. Summary, 427.  
 Suggested Activities, 427. Review, 428. References, 429.

**Index, 431**

# 1

---

# Definition of Crime, Criminals, and Criminology

## OBJECTIVES

After studying this chapter, the student should be able to:

- State a social definition, a strict legal definition, and a less rigid legal definition of crime.
- Define *corpus delicti* as well as the two major elements that form the *corpus delicti* of a crime.
- Compare common law and statutory law.
- Distinguish between crimes which are felonies or misdemeanors and crimes which are *mala in se* or *mala prohibita*.
- Define crime, criminal, and criminology according to the concepts that will be used in this book.

On a Friday evening, a man enters a “singles bar” and introduces himself to an attractive woman who has just seated herself at an adjoining table. After some drinks, an occasional dance, and much small talk, the conversation assumes sexual overtones. Both parties seem to be mutually interested in one another, and both appear to be free to discontinue their interaction at will. Responding to perceived cues, the man propositions the woman. The woman smiles and they leave, hand in hand, for the man’s apartment.

During the same evening, another man walks into a lounge and strikes up a conversation with a woman seated next to him at the bar. After some drinks, occasional dances, and much small talk, the man’s remarks begin to have sexual implications. As

in the first instance, both individuals seem to be mutually interested in one another, and both appear to be free to part company at will. Responding to perceived cues, the man propositions the woman. The woman, however, frowns, announces that she is a vice officer, and that he is under arrest for soliciting for purposes of prostitution. This couple leaves, "hand in hand," for the nearest police precinct station.

In both cases we have two parties who are not acting under duress or force. In both cases we have an exchange of favors (dancing, buying of drinks, and so on). In both cases there is an apparent mutual interest in a potential sexual encounter. Nevertheless, in the latter case we might assume that the proposition included a more direct financial condition. This second episode also included an exchange involving a party with sworn arrest powers whose intention, unbeknownst to the man, was not to generate a sexual relationship.

Why is one situation possibly considered part of the "dating game" while the other may be dealt with as criminal behavior? Is it simply because the latter case involved money in exchange for sexual favors? If sex for money is the distinguishing feature, one could conceivably argue that some marriages between rich elderly men and young women should be classified as crimes.

Frequently what seems to be very clear and straightforward is, in fact, quite complicated. Arriving at a definition of crime is a difficult task. Defining a criminal act is much easier on an impersonal or abstract level than on a personal, case-by-case basis. For example, most of us would agree that the unjustifiable or inexcusable killing of a human being is a crime, that is, criminal homicide. Suppose, however, that the following circumstances have occurred:

A recently divorced man meets his former wife who is pregnant by another man with whom she is currently living. The ex-husband says, "I hear you're pregnant. If you are, you had better stay away from the girls [their children] and from here." Upon a closer look at his wife, the former husband becomes angry and says, "You sure are [pregnant]. I'm going to stomp it out of you." He then kicks her in the abdomen and strikes her face several times. The unborn child is delivered by Caesarian section and is dead.

Physicians later testify that the fetus [a girl]: (1) weighed 5 pounds and was 18 inches in length, (2) was 31½ to 36 weeks old [the average full-term pregnancy is approximately 40 weeks], (3) would have had a 75 percent to 96 percent chance of survival had it been prematurely born under normal conditions at the time of the alleged offense, and (4) died of a skull fracture with consequent cerebral hemorrhaging likely as a result of force applied to the mother's abdomen by her ex-husband.<sup>1</sup>

Given the circumstances described, has a criminal homicide taken place? What do you think?

This incident actually occurred some years ago in California. The prosecutor filed a charge of murder against the defendant, stating that the defendant did "unlawfully kill a human being . . . with malice aforethought." However, based on a writ of prohibition,<sup>2</sup> the California court subsequently ruled that the petitioner could not be charged with murder because he had not killed a human being. At the time of the



alleged offense, California law stated that a fetus must be in the process of being born before it is considered a human being and is thus subject to the homicide statute. In this case, the fetus was not in the process of being born when attacked by the ex-husband.

## DEFINITION OF CRIME

Before any problem can be systematically studied, it must be adequately defined. The criminologist's major concern over the definition of "crime" is the extent to which that definition affects the specific field of inquiry. If "crime" is too narrowly defined, then one's research will omit much of what should be studied. On the other hand, if "crime" is too broadly defined, then the term may become meaningless and lost in a sea of conflicting or overlapping concepts.

### The Relative Nature of Crime

Crime is not absolute. Crime is relative. That is, what is a crime varies with time and place. There was a period when crime was not officially defined and criminal acts were handled through private vengeance. Justice was left to the concerned individuals. Punishment was intended to satisfy revenge. No outside parties acted as referees. Reactions to crime eventually passed from those of private vengeance to the kinship or blood revenge.

Blood feuds involved the administration of unspecified punishments by the victim's family or tribe against the offender's kinship group. Crimes as well as punishments were not typically codified under this system. The concept of crime and criminal law developed with the beginning of the state or monarchy.

At first, only acts against the monarch were considered crimes by the state. In the due course of events, the notion of collective state responsibility and financial compensation acted to eliminate private vengeance and blood feuds. Consequently, the state through the ruler's authority assumed the administration of justice by defining crimes, codifying laws, establishing fines, and implementing the jury system. The development of law in Western society is more fully explored in Section 6.

Today we have specific laws that pertain to income tax evasion and skyjacking. At the turn of the century such laws were nonexistent because there was no federal income tax and air piracy was not a problem for a nation that lacked a commercial airline industry. Likewise, our drug laws that make the possession or sale of certain substances a crime were unheard of prior to World War I.

In the past there have been laws making it a crime to teach blacks to read, to sell firearms to American Indians, and to teach the biological theory of evolution. Some rather curious, outdated laws still remain on the books in some states even though they are rarely enforced. According to Hyman's investigation, it is illegal (or was so until recently) to hunt or shoot camels in Arizona, to use a beanshooter in Arkansas, to slap