

# READINGS IN CRIMINOLOGY

**Judson R. Landis  
Thomas M. Kando**

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**Judson R. Landis**  
**Thomas M. Kando**  
*California State University*



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# PREFACE

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After almost a year, O.J. Simpson's trial was finally eclipsed by an even more captivating event—the April 19 bombing of the federal building in Oklahoma City. Nothing captures the country's undivided attention more than criminal events.

In putting together a collection of articles about crime, we have tried to present some of the issues, events and concerns which currently cause so much debate, controversy and anxiety.

We have both been teaching criminology courses for some time. This collection reflects the way in which we organize our courses. We spend considerable time in class discussing a number of important and emotionally charged issues: among them, the causes of crime, capital punishment, gun control. Several selections deal with each of these issues. Also included are articles which deal with definitions and the measurement of crime, the police and the courts, the prison system and three specific areas of crime: white collar crime, delinquency and international crime. The current turmoil in the former Soviet Union is one development which gives timely relevance to this last topic. Thus, the selections represent our own interests, and we have not tried to cover the entire field of criminology.

This anthology is intended to be a supplement to other books and an introduction to the discussion of issues, theories and practices in criminology and criminal justice. In our classes, we use these articles as supplements to two or three other books, including a textbook.

The readings are drawn almost entirely from popular sources, perhaps more so than any other similar book. They are free of jargon and research technicalities. We hope that such a user-friendly approach will stimulate the students' interest in pursuing the serious study of criminology.

The selections represent various and sometimes conflicting viewpoints. We hope that the readings will generate lively dialogue and the indepth discussion of the important issues raised in the articles. We hope that the book will serve such a purpose both in academically oriented criminology

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courses, and in the more practical courses offered in departments such as criminal justice and police science. The book can help both types of majors to approach the subject matter in an interesting and topical manner.

We would like to thank a few people who have helped us to complete this project. They include Kendall/Hunt Publishers; several members of the Sociology Department at Cal State, Sacramento, whose ideas and research have stimulated us; the departmental staff, especially Verica Dering and J.D.; Steve Rossi, who helped with the study questions; and our spouses, Sheron and Anita.

Judson R. Landis  
Thomas M. Kando

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# Section I

## DEFINING AND MEASURING CRIME

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All societies from the most primitive to the most modern have rules that regulate behavior. These rules are designed to help produce conformity and predictability in people's conduct. We are always more comfortable if we have some idea how others will behave—which side of the road they will drive their car on, or which hand will be offered when we meet. Imagine for a moment that you walk into your college class one day and strange things are going on—3 people are having a picnic on one side of the room, 2 students are playing a racquetball game off the back wall, the instructor is asleep in one corner, a student is slowly taking apart all the desks, and another arrives in full scuba gear. This is much too strange and if you're a perceptive sociology student you'd probably comment that "there is serious norm violation going on here . . . ." We use the concept "norms" to describe what is appropriate behavior for people in specific situations. Norms are the rules for conduct. Milder norms, actions we *should* or should not do, are called folkways. Stronger, more obligatory norms, actions we *must* or must not do, are called mores.

Norms that a society feels strongly about may be formalized into laws. Law can be divided into civil and criminal categories. Civil law deals with the private rights of people and the legal proceedings connected with these. Civil law concerns such incidents as an argument over a property line, an injury in an automobile accident, or the dissolution of a marriage. Consequences may

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be a court-ordered demand to do something (remove your property from your neighbor's land), or to stop doing something, or an award for damages.

Criminal law deals with what a society finds to be the most serious of offenses. In fact, if one violates criminal law (commits a crime), it is treated as offense against the state rather than against a particular individual. The most serious crimes are called felonies. A felony (armed robbery would be an example) is punished by anywhere from a year or more in state prison, to a maximum of death. Less serious crimes are called misdemeanors. A misdemeanor (drunk and disorderly, for example) is punished by up to a year in a county jail. The least serious of offenses are called infractions. An infraction (a traffic offense, for example) is typically punished by a fine.

There is a long list of criminal offenses and the list may even vary slightly from one state to another. About serious offenses (felonies), however, there is general agreement. In fact, most data or information reported about crime in the media is about what are referred to as the 8 major or index crimes. These are homicide, aggravated assault, rape, robbery, burglary, larceny-theft, motor vehicle theft, and arson. You will, of course, read about other crimes—kidnappings, sex offenses other than rape, drug offenses—but most crime data is collected on and concerns the 8 major crimes listed above.

The crime data that is reported in the news, as well as that used by criminologists and social scientists, comes from one of several sources. Probably the most used source is the Uniform Crime Reports (UCR). The UCR comes out annually and contains two types of information: number of crimes people *report* to police, and number of crimes in which police make an *arrest*. Accuracy of the UCR depends on people's willingness to report crimes that have happened to them. If the crime was minor, if they think the police don't have the time to work on it, if they fear retaliation, if they are worried about self-incrimination, or if they are embarrassed by what happened, they may not report the crime. The accuracy of the UCR also depends on police agencies accurately reporting (not inflating or deflating) their arrest statistics. Table 1 shows reported crime and arrests for 1993 according to the UCR.

A second source of data is the National Crime Survey (NCS). The Bureau of Justice Statistics annually publishes the results of a survey conducted of 60,000 housing units across the country. These housing units are randomly selected and the occupants are interviewed (most interviews are done by telephone) and they are asked if certain things have happened to them. For example, one question is: "Did anyone beat you up, attack you or

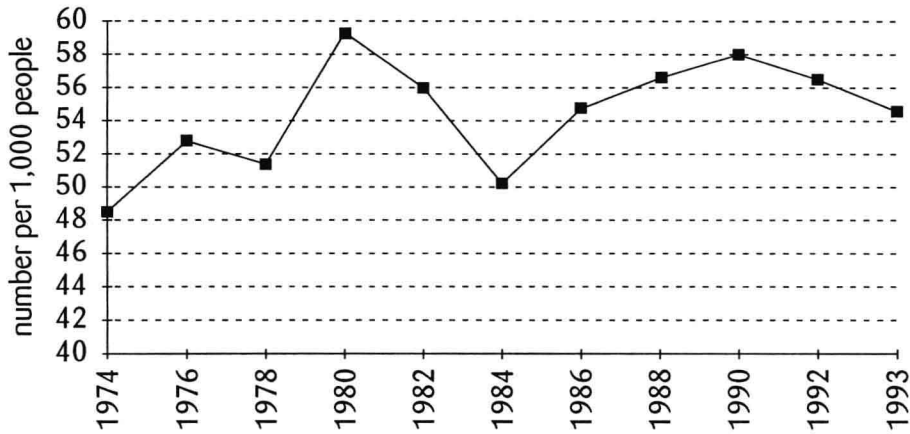
**Table 1 Reported Crime and Arrests, 1993**

UCR—1993	Reported Crime	Arrests
Homicide	24,530	23,400
Aggravated assault	1,135,100	518,670
Rape	104,810	38,420
Robbery	659,760	173,620
Burglary	2,834,800	402,700
Larceny-theft	7,820,920	1,476,300
Motor vehicle theft	1,561,000	195,900
Arson	95,760	19,400
Total	14,236,680	2,848,410

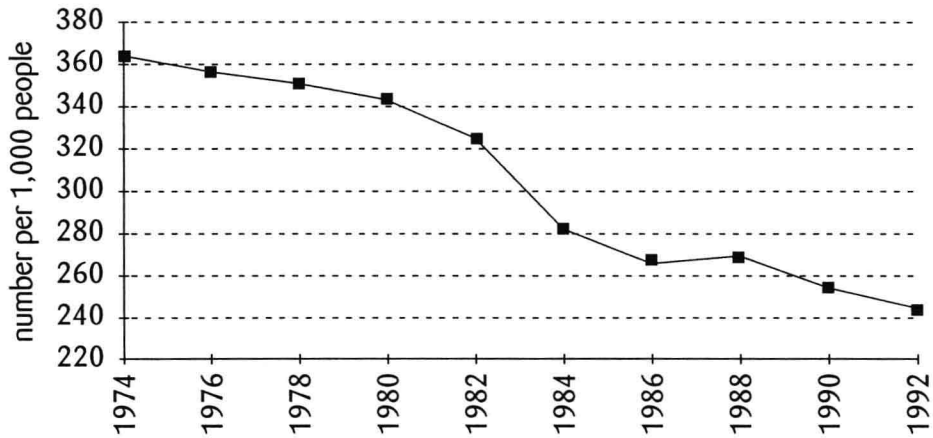
hit you with something, such as a rock or bottle?” The answers are then translated into crime events—answering “yes” to the question above would mean that the person was likely the victim of an assault. Accuracy of the NCS would depend on methodological care—for example, careful selection of the sample, and use of sophisticated interviewing techniques. Probably most important for accuracy would be the truthfulness of the people being interviewed. Will people accurately report their victimization when interviewed by representatives of a government agency?

We have two quite different ways of measuring crime, the UCR and the NCS. The next question is, What do they tell us? One hopes that their descriptions are similar. Well, take a look at Figures 1 and 2. Figure 1 shows UCR reported crime rates from 1974 to 1993. According to Figure 1, crime has *increased* over the past twenty years, although there were several short periods when it declined: between 1980 and 1984, and from 1990 to 1993. Figure 2 shows the pattern and amount of criminal victimizations from the NCS over the same period. It shows victimizations steadily *decreasing*! Finally, look at the numbers in the left-hand margins of the two figures: Figure 1 (UCR) tells us that we had about 56 reported crimes for every 1,000 people in 1992; Figure 2 (NCS) shows about 240 victimizations for every 1,000 people for the same year, almost 5 times as many!! (There are some similarities between the two—the drop in crime between 1980 and 1984, and 1990 to the present appear in both,) Clearly what is going on here is that the two measures look at different factors—they look at slightly different lists of

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**Figure 1. Reported Crime (UCR)**



**Figure 2. Criminal Victimization (NCS)**

crimes, for example. Further, people don't report all the crimes that happen to them, which would reduce the UCR figure. When is a more accurate portrayal of the overall crime picture? Probably the NCS.

Two readings follow. In the first, California legislative analyst Elizabeth Hill examines the facts of crime in California and tries to interpret what they mean. She also explores the pattern and wisdom of current trends in spending. In the second reading, Daniel Patrick Moynihan analyzes how we define crime and deviance, and suggests several reasons why behavior is redefined. If he is right that these definitions constantly change, does comparing rates of crime or deviance at different times really make any sense?

Recently, There has been a lot of talk about crime in California. In the midst of the crime debate, it is easy for the facts to be buried by rhetoric. Depending on whom you listen to, crime is an ever-growing wave about to crash over society or it's just a cyclical blip that is likely to subside.

As with many such debated, the truth lies somewhere in the middle, as a recent report—"Crime in California"—from my office suggests. In some instances, the reality of crime lines up with public perceptions; in other cases, it does not.

### What Are The Trends?

Over the long run, crime is up. Since 1952 when data was first collected, total crime has increased, growing faster (290 percent) than the state's population (169 percent).

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*Elizabeth G. Hill is the legislative analyst for the state.*

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Over the shorter run, crime is actually down. Total crime peaked in the state in 1980 and today is below that high water mark. Much of the decline is due to a significant drop in property crime—down 12 percent since 1982—which accounts for the bulk (about 70 percent) of crime in the state.

Violent crime is increasing. With the excep-

tion of the most recent reporting period (January-June 1993), violent crime has continued to increase steadily—a 34-percent increase since 1982. Despite this increase. Americans are more likely to suffer an accident at home than be the victim of a violent crime. Homicide, one of the most horrifying of crimes, has increased substantially over the years, although it remains a very small percentage of overall violent crime.

Victims of crime are young men. While women and the elderly express the greatest fear of crime, the group at greatest risk of being victimized is young men. In violent crimes, blacks are most often the victims with a victimization rate that is about 50-percent higher than for whites. Teenage black males in particular are

much more likely than other groups to be the victims of violence.

Crime rate remains stable, despite sharp increases in imprisonment. The state's prison population, which was about 40,000 in 1983-84, has almost tripled over the past 10 years and is expected to reach 171,000 inmates by 1999, assuming no change in existing laws. During this time of rapidly increasing prison population, the crime rate has remained relatively flat.

Prison costs have soared. Due to the increasing number of people in prison, corrections

# Crime In California

*Elizabeth G. Hill*

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spending has grown much faster than other state spending since 1983-84 (as the chart on page 8 illustrates) and now accounts for about 7 percent of the state's 1993-94 budget. We currently spend more state General Fund dollars to keep people in state prison than we do to educate students at California's 20 state universities and 107 community colleges combined.

Given the strong public feelings about crime, policy-makers will increasingly feel the pressure to "do something about it." In the process of fashioning their responses, they should keep the following in mind:

Recognize that the criminal justice system deals with a small portion of total crimes. About two-thirds of all crimes go unreported to or undiscovered by police, and only 22 percent of reported crimes are solved. If policy-makers wish to affect a larger share of crime, it will require a significantly larger investment of funds than is currently being spent by government.

Recognize the interrelationships among the parts of the criminal justice system. The components of the state's criminal justice system are, by necessity, closely interrelated—persons arrested by the police are prosecuted by district attorneys, decisions as to their fate are made by courts, and punishment/treatment is applied by probation and corrections officials. Increasing the number of police on the streets may determine some crimes, but will also mean increased costs throughout the system.

Recognize the importance of demographics in crime. A larger amount of crime is committed by young people (particularly those ages 11 to 24). The decline in crime rates in California in the 1980s was due, at least in part, to the aging of the population. The boom in juvenile population that is projected

to occur in the early part of the next century should result in a return to the high rates of the late 1970s and early 1980s.

Recognize that the greater use of imprisonment may have limited effect on crime. There is no question that incarceration has an important role in the criminal justice system. Offenders who are "career criminals" and persons who commit particularly violent acts should be incarcerated for long periods. However, the ability of increased imprisonment to significantly reduce crime is unclear. For instance, a criminal who views the probability of being apprehended as close to zero may be deterred more by an increased police presence than by longer sentences.

### What Should Be Done?

Crime data have important implications for decision-makers as they evaluate possible changes to California's criminal justice policies. Given scarce government resources, it is critical to select cost-effective strategies that will achieve desired results. When balancing costs and benefits, decision-makers should:

- ◆ Target violent crime. Violent crime has risen in California in recent years as property crime has declined. Given this trend, and the significantly greater negative consequences of violence, crime reduction efforts should be targeted at reducing violent crime.
- ◆ Target offenders who are most at risk of committing crime. There is substantial evidence that a small number of offenders commit a large number of total offenses. To have the greatest impact, special efforts should be made to imprison or treat these offenders.
- ◆ Zero in on rehabilitation programs have been shown to work with certain offender

populations, but to have little or no impact on other populations. For this reason, it is important to design rehabilitation programs for offenders most likely to benefit from these services, which usually means focusing on first-time offenders. Substance abuse programs are probably the most important given that so many offenders commit violent offenses while under the influence of drugs or alcohol.

- ◆ Place priority on prevention and early intervention. Today it costs \$32,000 a year to house a juvenile offender in the state Youth Authority, but \$4,200 to educate a student in K-12 schools. Given the high costs of crime to society and research that indicated that efforts to rehabilitate chronic offenders have limited success,

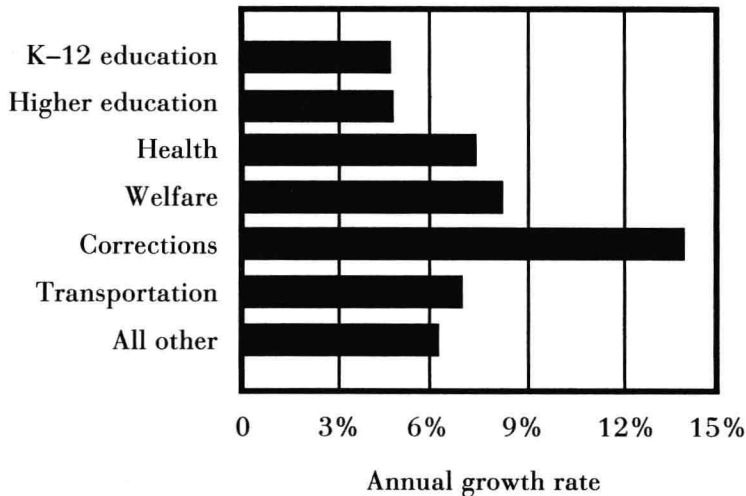
the best course may be to place emphasis on intervening with potential offenders early to prevent future criminal activity. There is some truth to that old saying: “Pay for it now, or pay for it later”—and potentially a lot more later.

The choices policy-makers make this year for the direction of the state’s criminal justice system will have important fiscal and policy implications for years to come in California. By their nature, the impact of changes made now—whether for increased sentences, increased prevention or some combination of the two—will not be felt for several years. These choices are all the more acute given the increasing number of young people projected in the state shortly after the turn of the century. We owe it to this new generation to choose as wisely as we can.

## Corrections spending has grown much faster than other state spending

1983-84 through 1993-94

### Total growth rate for all categories



- ◆ Spending for corrections increased, on average, about 14 percent annually since 1983-84 while total state spending increased about 7 percent per year.
- ◆ The principal reason that corrections expenditures have grown the most is that the prison inmate population has increased much faster than the caseloads of most other programs, such as K-12 and higher education and welfare.

Source: Legislative Analyst's Office



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*'A society that loses its sense of outrage is doomed to extinction.'*

*—New York Supreme Court Judge Edwin Torres*

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In One of the founding texts of sociology, *The Rules of Sociological Method* (1895), Emile Durkheim set it down that “crime is normal.” He wrote, “It is completely impossible for any society entirely free of it to exist.” By defining what is deviant we are enabled to know what is not, and hence to live by shared standards. He does not imply that we ought to approve of crime— “[plain has likewise nothing desirable about it”— but we need to understand its function.

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*Daniel Patrick Moynihan is the senior U.S. senator from New York. This article is excerpted from The American Scholar.*

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Seventy years later, in 1965, Kai T. Erickson published, *Wayward Puritans*, a study of “crime rates” in the Massachusetts Bay Colony. The plan, as Erikson

put it, was “to test [Durkheim’s] notion that the number of deviant offenders a community can afford to recognize is likely to remain stable over time.” The notion proved

out very well indeed. Despite occasional crime waves, as when itinerant Quakers refused to take off their hats in the presence of magistrates, the amount of deviance in this corner of 17th century New England fitted nicely with the supply of stocks and whipping posts.

It is a simple logistic fact that the number of deviancies which come to a community’s attention are limited by the kinds of equipment it uses to detect and handle them. A community’s capacity for handling deviance can be roughly estimated by counting its prison cells and hospital beds, its policemen and psychiatrists, its courts and clinics. Most communities, it would seem, operate with the expectation that a rela-

tively constant number of control agents is

# Fight Crime the American Way: Change Its Name

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*Daniel Patrick  
Moynihan*

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“Defining Deviancy Down” by Daniel Patrick Moynihan. *The American Scholar*, Vol. 68, Number 1, Winter 1993. Reprinted by permission.