Chapter **5** Crime and Violence

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Learning Objectives

5.1 Describe the nature of crime and crime statistics, including police discretion and problems of accuracy.
5.2 Compare different types of crimes and the people who commit them.
5.3 Evaluate biological explanations for crime and violence.
5.4 Contrast the sociological explanations for crime and violence.
5.5 Identify ways to control crime and violence.
5.6 Explain the policy considerations surrounding gun control.

Clay just got himself in big trouble. Never one to do very well in school, and tired of being a loner, 16-year-old Clay has been hanging around a group of older kids who think school is a waste of time and would rather hang out on the streets. He looks up to these kids, “Man, they do want they want to do . . . they don’t just go with a crowd and stay in school because they are supposed to . . . they think for themselves,” he says. One day, they decided to dare one another to break into a house in the neighborhood and steal some small items that they could easily pawn, “You know, jewelry and stuff like that, nothing too big or fancy.” Clay wasn’t very sure about this idea; he had never done anything like this before. But he didn’t want his new friends to think poorly of him so he remained quiet. They walked by a few houses, but something didn't look right in them. Maybe someone was home, or a dog was barking, or a radio was on. Finally, they found a house that looked empty, and it had a side window sized just right for one of the smaller guys to crawl through. After his friend made it inside and opened the door for the rest of the group, the search began for jewelry, prescription drugs, silverware, and other small items. Clay even found a stash of money, at least a hundred dollars' worth! All seemed cool. As they were leaving and about to jump into the car, a neighbor yelled at them, "Hey, what are you doing? What's going on?" They sped away, but apparently the neighbor had a good look at the license plate. Eventually, the police caught up with all of them, and now they all face counts of burglary. Clay, along with the others, will face jail time.

Americans consistently rank crime as among the most serious social problems in the United States. Depending on their concerns about issues such as health care or the state of the economy, they may rank any of these problems as more serious at a given moment. But for many decades, crime has been ranked at or very near the top of the list of major social problems. Yet, at the same time, crimes have actually decreased in number. The overall rate of violent crime has been cut in half since 1994, and the decline in property crimes comes close to that.

While these numbers are quite encouraging, it is also true that the United States has far higher rates of crime than do most other developed nations. It also is a leader in rates of imprisonment of its citizens, despite falling crime rates.

This chapter examines these and other trends in crime and violence more fully. You will see that there is a good deal of argument among experts about whether these trends are likely to continue. One reason for the disagreement is that it is difficult to measure actual crime rates. An annual survey of U.S. households by the U.S. Department of Justice asks respondents detailed questions about their experiences with crime. This survey reveals that the actual rates of violent personal and property crime are two to three times higher than the official rates reported to the police. Many victims do not report crimes to the police because they believe nothing can be done.

The Nature of Crime and Crime Statistics

5.1 Describe the nature of crime and crime statistics, including police discretion and problems of accuracy.

There is no single, universally agreed-on definition of crime. In the words of one of the world's foremost historians of crime, the late Sir Leon Radzinowicz, crime

> is something that threatens serious harm to the community, or something generally believed to do so, or something committed with evil intent, or something forbidden in the interests of the most powerful sections of society. But there are crimes that elude each of these definitions and there are forms of behavior under each of them that escape the label of crime. The argument that crime is anything forbidden, or punishable, under the criminal law is open to the objection that it is circular. But at least it is clear cut, it refers not to what ought to be but to what is, and it is an essential starting point.
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> *(**Radzinowicz and King, 1977**, p. 17)*[1]
>
> *1Radzinowicz, L. & King, D. F. S. (1977) The Growth of Crime: The International Experience. New York: Hamilton.*

According to this argument, a **crime** is any act or omission of an act for which the state can apply sanctions. This definition is most frequently used to define crime and the one we will use in this chapter. However, keep in mind that what activities constitute crime are subject to changing values and public sentiments; moreover, as you will see shortly, factors such as police discretion play a major role in the interpretation of certain behaviors as crimes.

crime
Any act or omission of an act for which the state can apply sanctions.

The **criminal law** in any society prohibits certain acts and prescribes the punishments to be meted out to violators. Confusion frequently arises because, although the criminal law prescribes certain rules for living in society, not all violations of social rules are violations of criminal laws. A swimmer's failure to come to the aid of a drowning stranger, for example, would not constitute a criminal act, although it might be considered morally wrong not to have done whatever possible to save the victim, short of risking one's own life.

criminal law

The practice wherein society prohibits certain acts and prescribes the punishments to be meted out to violators.

Many acts that are regarded as immoral are ignored in criminal law but are considered civil offenses. Under **civil law**—laws that deal with noncriminal acts in which one individual injures another—the state arbitrates between the aggrieved party and the offender. For example, civil law is involved when a person whose car was destroyed in an accident sues the driver responsible for the accident to recover the cost of the car. The driver at fault is not considered a criminal unless he or she can be shown to have broken a criminal law, for instance, to have been driving while intoxicated.

civil law

Laws that deal with noncriminal acts in which one individual injures another.

5.1.1 Police Discretion

In addition to problems of definition, such as ambiguity about whether loitering is a crime, certain other factors contribute to the difficulty of knowing what crimes are committed in a particular society. A significant factor is the role of police discretion (**Brown, 1988**). In practice, the definition of criminality changes according to what the police believe criminal behavior to be. Given the thousands of laws on the books, police officers have considerable discretion about which laws to ignore, which laws to enforce, and how strongly to enforce them. This discretionary power, in turn, gives them many opportunities to exercise their own concept of lawful behavior in decisions about what complaints merit attention, whom they should arrest, and who should be released (**Lee, Vaughn, and Lim, 2014**).

In a classic study of two groups of adolescents in the same high school, William Chambliss (**Chambliss, 1973**) examined how the biases of the local police affected their treatment of middle- and lower-class delinquents. A group of middle-class boys (the Saints) had been truant almost every day of the two-year period during which they were studied. They drove recklessly, drank excessively, and openly cheated on exams. Yet only twice were members of the Saints stopped by police officers; even then, nothing appeared on their school records. The members of the other group (the Roughnecks) all came from lower-class families. Unlike the

Saints, who had cars and could “sow their wild oats” in parts of town where they were not known, the Roughnecks were confined to an area where they could be easily recognized; they therefore developed a reputation for being delinquent.

The demeanor of the two groups of boys differed markedly when the police apprehended them. The Saints, who were apologetic, penitent, and generally respectful of middle-class values, were treated as harmless pranksters. The Roughnecks, who were openly hostile and disdainful toward the police, were labeled deviant. These results demonstrate that factors such as low income, unemployment, or minority status are not the only ones that have a bearing on the commission of juvenile crimes. Although these factors did account for a higher rate of detection and punishment, the rates of actual misbehavior in Chambliss’s study were virtually the same for both groups. Differences in the official records of the two groups reflect the discretionary power of the police (**Chambliss, 2000**).

> ### What Do You Think?
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> The study involving the Roughnecks and the Saints was conducted over 40 years ago. Describe how things have changed, or how they have remained the same.

5.1.2 Problems of Accuracy

Another issue that contributes to the problem of determining the level of crime in a society is that police statistics depend on police reports, which in turn depend on the level and quality of police personnel in a given area. Because police are assigned to lower-income communities in greater numbers, there is a tendency for police records to show higher crime rates for those communities and lower rates for more affluent areas.

If official data on crime are less than fully accurate on a local level, it is possible that similar problems undermine the accuracy of national crime statistics. One standard index of criminal activity in the United States, the **Uniform Crime Reports (UCR)**, is a national database of nearly 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention. Since 1930, the FBI has administered the UCR Program and continued to assess and monitor the nature and type of crimes committed. The program’s primary objective is to generate reliable information for use in law enforcement administration, operation, and management (Federal Bureau of Investigation, 2017). Criminologists, sociologists, legislators, municipal planners, the media, and other students of criminal justice use the data for varied research and planning purposes (**Federal Bureau of Investigation, 2017**).

The UCR supplies demographic data as well, such as the racial and economic profiles of people arrested for crimes such as murder, rape, assault, and robbery. Data support the long-held assumption that minority group members and poor people are more likely than nonminority and wealthier individuals to be involved in crimes. Yet it must be remembered that UCR statistics cite only individuals who are apprehended. If adult offenders in middle- and upper-class groups are less likely to be caught or punished, like the Saints in the **Chambliss (1973)** study, then UCR-based data become inaccurate. Because those data do not profile those who successfully evade apprehension and prosecution, the UCR fails to reveal the entire range of criminal activity in the United States.

Acting on this idea, researchers attempted to devise other ways of tracking criminal activity. Self-report studies, such as the National Crime Victimization Survey (NCVS) sponsored by the U.S. Department of Justice, ask respondents detailed questions about their experiences with crime, whether or not the crime was reported to the police. Whereas higher crime rates occur among minorities and poor people when judged by UCR data, self-reporting techniques indicate that rates of criminal activity are more similar among people of different racial or income groups than originally imagined (**Dunaway et al., 2000**).

Although they cover a set of similar crimes, the UCR and the NCVS differ in significant ways. First and foremost, the programs serve different purposes. The UCR Program's primary objective is to provide a reliable set of criminal justice statistics for law enforcement administration, operation, and management. The Department of Justice established the NCVS to provide previously unavailable information about crime (including crime not reported to police), victims, and offenders (**Planty, Langton, and Barnett-Ryan, 2014**).

With these caveats in mind, according to the UCR there has been a steady decline in the number and the rate (which is adjusted for the size of the population) of violent crime. This decline is shown in **Table 5–1**. For example, the rate of violent crimes has dropped by nearly half between 1994 and 2016, from 714 to 386 crimes per 100,000 people in the population (**FBI Uniform Crime Reports, 2017a**).

Table 5–1

Number of Violent Crimes, and Rate of Violent Crime per 100,000 People, 1994, 2000, 2016

Year	Number of Violent Crimes	Violent Crime Rate (per 100,000 people)
1994	1,857,670	714
2000	1,425,486	507
2016	1,248,185	386

Source: Data from ***FBI Uniform Crime Reports, 2017a***

The UCR also reported that the number of property crimes has been decreasing substantially, as reported in **Table 5–2**. Property crimes include burglary, larceny-theft, and motor vehicle theft. Property crimes since 1994 have dropped 40 percent. These numbers are somewhat surprising because, even during severe economic recession, property crime continued to decline.

Table 5–2

Number of Property Crimes, and Rate of Property Crime per 100,000 People, 1994, 2000, 2016

Year	Number of Property Crimes	Property Crime Rate (per 100,000 people)
1994	12,131,873	4,660
2000	10,182,584	3,618
2016	7,919,053	2,451

Source: Data from ***FBI Uniform Crime Reports, 2017a***

As expected, the data supplied by the NCVS shows that crime is more prevalent than depicted in the UCR. For example, while the UCR reported 1,248,185 violent crimes reported to the police in 2016, as shown above, the NCVS indicates that 3,629,180 individuals claim to have been victims of violent crime that year. **Table 5-3** indicates the percentage of victimizations that were reported to the police in 2016. As you can see, people are least likely to report rape and thefts (**Morgan and Kena, December, 2017**).

Table 5–3

Percentage of Victimizations That Are Reported to the Police, 2016

Type of Crime	Percent
Violent Crime	**42%**
Rape	23%
Robbery	54%
Assault	42%
Intimate Partner Violence	47%
Property Crime	**36%**
Household Burglary	50%
Motor Vehicle Theft	80%
Theft	30%

Types of Crimes and Criminals

5.2 Compare different types of crimes and the people who commit them.

This section reviews several major types of crimes and criminals. These categories include (1) violent personal crimes such as murder; (2) property crimes such as theft; (3) occupational crimes, which are sometimes nicknamed white-collar crimes and include acts such as embezzlement for personal gain; (4) corporate crimes, which can include offenses such as defrauding employees or falsifying company records; (5) organized crime, which might include global crime syndicates; (6) public-order crimes such as gambling or prostitution; (7) hate crimes, which are the commission of a traditional offense like murder, arson, or vandalism with an added element of bias; and (8) gender-based violence (slow to be recognized as hate crimes), which are offenses such as sexual assault or sex trafficking that are targeted primarily toward women. Note that these are not official classifications used by the FBI but are useful here as a point of discussion.

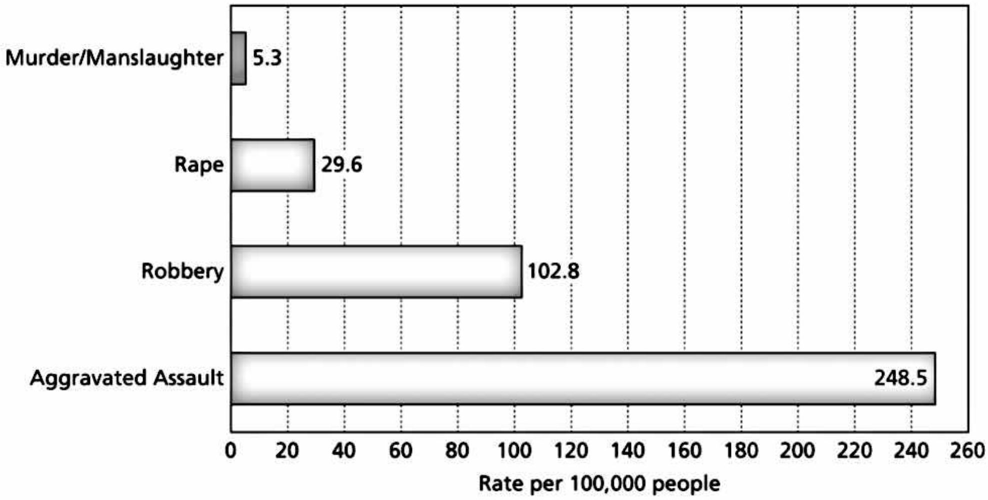
The murder rate in the United States has been declining for many years; however, it remains among the highest of any developed nation.
Stephen Barnes/Bowline Images/Alamy Stock Photo

5.2.1 Violent Personal Crimes

Violent personal crimes include rape, assault, robbery, and various types of homicide—acts in which physical injury or death is inflicted or threatened. Their frequency within the U.S. population is shown in **Figure 5–1**, represented as a rate per 100,000 people. As you can see, the most serious crimes occur less frequently than those that are less serious. For example, the murder/homicide rate in 2016 was 5.3 per 100,000 people, while the rate for aggravated assault was over 248 per 100,000 people (**FBI Uniform Crime Reports, 2017a**).

Figure 5–1

Violent Crime Rate, per 100,000 People, 2016



Source: Based on ***FBI Uniform Crime Reports, 2017a***

Although robberies and assaults occur most often between strangers, rapes and murders are very often perpetrated on “friends,” acquaintances, or relatives. For example, federal sources reveal that at least 80 percent of rape victims know their attacker—an issue that will be explored more fully in **Chapter 8**—and about 75 percent of all solved homicides involve victims who are related to or acquainted with their assailants (**Breiding et al., 2014**; National Institute of Justice, 2017; **Smith et al., 2017**).

According to the U.S. Department of Justice, **rape** refers to “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”[2] Given this definition, men can be raped as well. Rape is still rape if the victim was drunk, high, drugged, or passed out and unable to consent. Many rape victims fail to report the crime because they feel shame or perceive threats from the perpetrator (Munzer, Fegert, Ganser, Loos, Witt, and Goldbeck, 2016).

2U.S. Department of Justice, January, 2012.

rape

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Criminal homicide takes two forms: **murder** is defined as the unlawful killing of a human being with malice aforethought; **manslaughter** is unlawful homicide without malice aforethought. In practice, it is often difficult to distinguish between them. Someone may attack another person without intending to kill, but the attack may result in death. Depending on the circumstances, one case might be judged to be murder and another to be manslaughter. Often the deciding factor is the extent to which the victim is believed to have provoked the assailant. In this discussion of violence, we will use the term *murder* for both terms without distinguishing the degree of malice aforethought, as does the FBI when they record statistics.

murder
Unlawful killing of a human being with malice aforethought.

manslaughter
Unlawful homicide without malice aforethought.

Paradoxically, most murderers do not have a criminal record. Of course, there are those who use actual or threatened violence as tools in a criminal career, but these individuals are exceptions. As a rule, professional criminals try to keep murder to a "necessary" minimum because of the "heat" it would bring from the law. Instead, most murderers do not see themselves as real criminals, and until the murder occurs, neither does society.

Murder does, however, follow certain social and geographic patterns. Guns tend to be the weapon of choice: guns were used in more than 70 percent of all murders. The FBI reports that murders occur most often in large cities. There are also regional differences; for example, murder is more likely to occur in the southern United States, even though it is one of the more rural parts of the country (**FBI Uniform Crime Reports, 2017a**). This tendency seems to be a result of the culture of the region, which tends to legitimize personal violence and the use of weapons, coupled with high levels of gun ownership. For example, in Louisiana, which has a murder rate that is four times the national average, almost half of all households own at least one gun. In contrast to Louisiana, in Hawaii, which has a murder rate only about half of the national average, less than 10 percent of households have guns (**Violence Policy Center, 2015**).

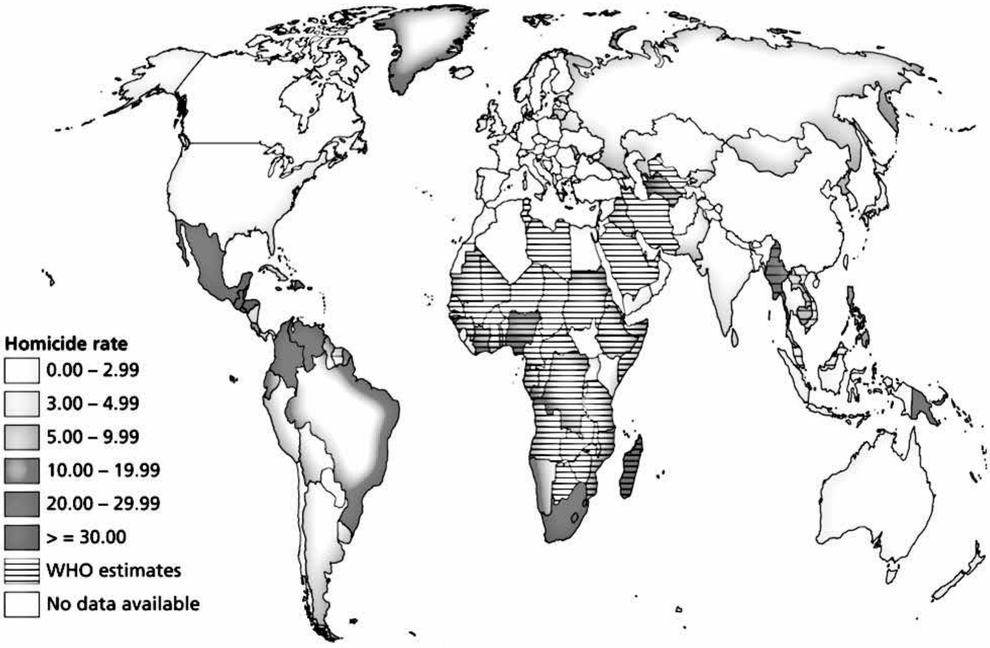
Men are more likely to commit murder than are women. Men are socialized to be more violent than women and may have more experience with guns because of recreation or military use. Most of the time, the killer and the victim are of the same race. Approximately 85 percent of white murder victims were slain by white offenders, and about 90 percent of black victims were slain by black offenders (**FBI Uniform Crime Reports, 2017a**). For black men in the United States, the chances of living beyond age 40 are worse than in the poorest nations of the world, mainly because of the toll taken by gun violence.

More significant than the demographic characteristics of murderers and their victims is the relationship between them. Several studies have indicated that this relationship is generally close; often the victim is a member of the killer's family or is an intimate partner. This is especially true for women—over half of women who are murdered are killed by an intimate partner (**Petrosky et al., 2017**).

Overall, murder and other violent crimes have been on the decline over the past several decades. Despite this progress, the level of deadly violence remains higher in the United States than in any other urban industrial nation (**United Nations Office on Drugs and Crime, 2013**), as illustrated in **Map 5–1** . Although rates of interpersonal violence are higher in some poorer nations that are riddled with gang or drug violence, no major industrialized nation has murder rates as high as those in the United States.

Map 5–1

Homicide Rates, by Country or Territory, 2012 or Latest Year



Source: ***United Nations Office on Drugs and Crime, 2013***

The widespread availability of guns and the contribution of drugs to violence are important factors in this situation, but those who study the problem also point to the pervasiveness of violence in our culture. Increasingly frequent incidents of aggressive driving, often referred to as "road rage," increases in fights at sports events and school outings, high rates of family violence, and outbreaks of deadly violence in workplaces have drawn attention to the underlying levels of interpersonal violence.

5.2.2 Property Crimes

Like violent crime, property crimes have also declined over the past decades. Property crimes include acts of theft, vandalism, check forgery, shoplifting, arson, burglary, and auto theft. Many of these crimes are impulsive and rather unsophisticated, with the offenders lacking the skills of the professional criminal. Because occasional offenders commit their crimes at irregular intervals, they are not likely to associate with habitual lawbreakers. Nonprofessional shoplifters, for example, view themselves as respectable law-abiders who steal articles from stores only for their own use. They excuse their behavior claiming that what they steal has relatively little value and that the "victim" is usually a large, impersonal organization that can easily replace the stolen article. Neither nonprofessional shoplifters nor nonprofessional check forgers are likely to have a criminal record for other types of activities. Like vandals and car thieves, they usually work alone and are not part of a criminal subculture; they do not seek to earn a living from crime.

Some people who commit property crimes, however, are more professional in nature and may be embedded in a criminal subculture. They have a more sophisticated operation and may have a network of scouts to help avoid detection, and a middleman to help transfer the stolen goods.

One type of crime has gained widespread attention in recent years —**identity theft**. Although the FBI and the Bureau of Justice Statistics have a unique category for such crimes, for the sake of discussion here, it makes sense to think of identity theft as a type of property crime. The type of property stolen is an identity, which can then lead to a misuse of a credit card, bank account, or other theft. In 2014, Target announced that personal contact information for 110 million customers had been compromised. The method used was not particularly inventive; someone installed malware in Target's security and payments system designed to steal every credit card used at the company's 1,797 U.S. stores.

identity theft
Stolen identity, which can then lead to a misuse of a credit card, bank account, or other theft.

No one knows exactly how widespread this form of theft is, but an estimated 17.6 million Americans—about 7 percent of U.S. residents age 16 or older—were victims of identity theft in 2014 (Bureau of Justice Statistics, 2015). Most victims (86 percent) experienced the misuse of an existing credit card or bank account. About 4 percent of victims had their personal information activity stolen and used to open a new account or for other fraudulent activity.

The widespread use of online databases has given computer hackers an incentive to work with conventional criminals to "phish" through millions of online computers in search of openings that will enable them to invade private and corporate computers and steal identity data. As widespread as this computer "phishing" has become, however, experts on identity theft point out that even more identity information is obtained through old-fashioned means like stolen wallets, lost identification cards, and rummaging through trash bins. Nevertheless, much of the effort to develop ways of fighting identity theft focuses on increasing security for critical databases in government and the corporate sector (**U.S. Department of Justice, 2015**). The U.S. Department of Justice offers tips for avoiding identity theft, listed in **Table 5–4**.

Table 5–4

SCAM to Avoid Becoming a Victim of Identify Theft or Fraud

S	Be **stingy** about giving out your personal information to others unless you have a reason to trust them. Adopt a "need to know" approach to your personal data. If someone you do not know calls you on the phone asking for your personal data, such as a request for funds for a charity event, ask him or her for a written request. If the person refuses, hang up.
C	**Check** your financial information regularly, and look for what should be there, for example, monthly statements from credit card companies itemizing every transaction. Also look for what should not be there, such as unauthorized purchases or credit cards that you did not request.
A	**Ask** periodically for a copy of your credit report. Your credit report should list all bank and financial accounts under your name, and it will provide other indications of whether someone has wrongfully opened or used any accounts in your name.
M	**Maintain** careful records of your banking and financial accounts. Even though financial institutions are required to maintain copies of your checks, debit transactions, and similar transactions for five years, you should retain your monthly statements and checks for at least one year, preferably longer.

Source: U.S. Department of Justice, 2015.

5.2.3 Occupational (White-Collar) Crimes

The phenomenon of occupational crime was defined and popularized by sociologist Edwin H. Sutherland, first in a 1940 article and then in his 1961 book *White Collar Crime*. Sutherland analyzed the behavior of people who break the law as part of their normal business activity for personal gain: corporate directors who use their inside knowledge to sell large blocks of stock at tremendous profits, accountants who juggle books to conceal the hundreds of dollars of company funds that they have pocketed, executives who use the company for money laundering, and rank-and-file employees who slowly and quietly embezzle money. Such acts do not raise as much attention in society as other types of property crimes. They may not come to the criminal courts, and even if they do, they are rarely judged as severely as other kinds of criminal activities. Since Sutherland first described it, the category of occupational crime has broadened to include both individuals committing illegal acts in the course of their jobs and entire corporations circumventing the law. It has come to include acts such as embezzlement, fraud, false advertising, violations of labor laws, insurance fraud, money laundering, and black-market activities.

The occupational offender is far removed from the popular stereotype of a criminal. Few people imagine that a lawyer or stockbroker is likely to engage in illegal activities. Because of their respectable appearance, it is difficult to think of these offenders as criminals. In fact, occupational offenders often consider themselves respectable citizens and do everything possible to avoid being labeled as lawbreakers—even by themselves.

Sutherland's theory of differential association asserts that occupational criminality, like other forms of systematic criminal behavior, is learned through frequent direct or indirect association with people who are already engaging in such behavior. (We discuss this theory later in the chapter.) Thus, people who become occupational criminals may do so simply by going into businesses or occupations in which their colleagues regard certain kinds of crime as the standard way of conducting business.

One well-known example of white-collar crime, and perhaps the most expensive, involves a man named Bernard Madoff. Wealthy investors gave him millions of dollars to invest for them in his trading accounts. But he never invested their money. He was paying earlier investors with money he was collecting from the new ones who flocked to his legendary brokerage firm. Madoff was known to pay "safe returns, 10 percent, give or take," year after year, not the higher but more fickle interest rates of hedge funds. When the mortgage bubble burst in 2008, many rich people found themselves short of funds and began asking Madoff for amounts that he could not deliver. Shortly thereafter, facing complete ruin, he gave himself up to the authorities. Investors, including many universities, foundations, and nonprofit organizations, lost an estimated total of $52 billion. Madoff is now serving a life sentence in federal prison. His type of investment fraud is called a Ponzi scheme after one of the earliest known such swindles. Charles Ponzi brought the idea to America from Europe in the 1920s, telling investors he was buying international stamps that would appreciate in value. Instead, he used new money to pay off earlier investors and to support his lavish lifestyle. All Ponzi schemes will eventually fail, but along the way, many people lose a great deal of money. It must be said, however, that investors in Ponzi schemes almost always have the hope of unrealistic gain, which makes them prone to be taken in (**Matulich and Currie, 2008**).

5.2.4 Corporate Crimes

Related to white-collar crime are corporate crimes, that is, crimes that are committed by a corporation or an individual working on behalf of an organization (rather than an individual working on his or her own behalf), usually for monetary gain. Corporate crime may include acts such as defrauding of employee pension plans, clandestine environmental pollution, illegal labor practices, falsification of company records, price-fixing, antitrust violations, or bribery of public officials. Recent disclosures of corporate crime in the tobacco and food industries commanded large headlines and large lawsuits. The financial and housing crises of the mid-2000s also have a basis in corporate crime. Former Attorney General Eric H. Holder proclaimed in 2015, "We have never hesitated to investigate and prosecute any individual, institution or organization that attempted to exploit our markets and take advantage of the American people."[3] He made this claim when the Justice Department announced that Standard & Poor's (the ratings agency) had agreed to pay $1.4 billion to settle civil charges that it inflated ratings on mortgage-backed securities at the heart of the financial crisis (**Stewart, 2015**). But who are the specific individuals involved? As is often the case with corporate crimes, low-level employees are charged with crimes, but higher-level executives manage to skirt prosecution.

3"Remarks for Attorney General Eric Holder Press Conference Announcing Settlement with S&P," Washington, February 3, 2015.

A researcher from the University of Virginia law school analyzed 303 cases with corporations from 2001 to 2014 in which companies avoided guilty pleas by paying fines and agreeing to other measures. His results are found in his book *Too Big to Jail* (**Garrett, 2014**). It would seem obvious that *individuals* actually committed the crimes, since corporations are legal entities and cannot be charged unless their employees engaged in wrongdoing. Yet the researcher found that individuals were charged in only 34 percent of the cases. And of those, only 42 percent received any jail time.

One particularly grievous case involves Pfizer, the large pharmaceutical company that has a string of nonprosecution agreements and guilty pleas. In the most recent instance, Pfizer paid $2.3 billion, including a criminal fine of $1.2 billion, for bribing doctors to prescribe an off-label painkiller and an antipsychotic drug. None of its senior executives have ever been charged or convicted (**Garrett, 2014**).

In another recent case, Tyson Foods entered into a deferred prosecution agreement and paid a $4 million fine after disclosing what would seem to be a clear-cut case of bribery at its Mexican subsidiary. Yet no individuals were charged or even named. Meanwhile, the highest-ranking executive involved took early retirement and got a send-off of $1 million in cash, a multi-million dollar consulting deal, reimbursement of his country club dues, and use of the corporate jet (**Stewart, 2015**).

The Wells Fargo scandal involved the creation of millions of fraudulent checking and savings accounts. The bank admitted that 3.5 million accounts were opened in their customers' names between 2009 and 2016 without the consent of the customers. Wells Fargo employees moved funds from their customers' existing accounts into the newly created accounts without their customers' knowledge or consent. The phony accounts, opened with their customers' real money, earned the bank unwarranted overdraft and other fees and allowed bank employees to boost their sales figures, leading to higher commissions and bonuses. Also without their customers' knowledge or consent, Wells Fargo employees submitted applications for 565,443 credit card accounts in their customers' names. Unlike most other corporate crimes, in which a certain few are doing bad things, these actions were widespread at the bank, with thousands of employees engaged in secretly creating fraudulent new bank and credit card accounts. Over 5,000 Wells Fargo employees have been fired, including the CEO, and the bank's once-sterling industry reputation lies in tatters. The company ended up paying $185 million to regulators and settled a class-action lawsuit for $142 million (**Egan, 2017**; **Sweet, 2017**).

5.2.5 Organized Crime

Organized crime includes many types of criminal organizations, from large global crime syndicates that originated in Sicily and Italy (the Mafia) and, more recently in Mexico and Central and South America, to smaller local organizations whose membership may be more transient (**World Economic Forum, 2016**). Many benefits of globalization such as easier and faster communication, movement of finances, and international travel, have also created opportunities for transnational organized criminal groups to flourish, diversify, and expand their activities (United Nations Office on Drugs and Crime, 2018).

The groups that we usually think of as representing organized crime tend to be large and diversified regional or national units. They may organize initially to carry on a particular crime such as drug trafficking, extortion, prostitution and human trafficking, or gambling. Later, they may seek to control this activity in a given city or neighborhood, destroying or absorbing the competition. Eventually, they may expand into other types of crime, protecting their members from arrest through intimidation or bribery of public officials (**Salinger, 2004**).

Unlike other types of crime, organized crime is a system in which illegal activities are carried out as part of a rational plan devised by a large, often global organization that is attempting to maximize its overall profit. There is no single structure under which groups function—they vary from hierarchies to clans, networks, and cells, and may evolve into other structures. These groups are typically insular and protect their activities through corruption, violence, international commerce, complex communication mechanisms, and an organizational structure exploiting national boundaries (**FBI, 2018**).

> ### Slide Show
>
> ### Examples of Corporate Crime
>
> Corporate crimes are those crimes that are committed by a corporation, or an individual working on behalf of a corporation, for monetary gain. When caught, the corporation may have to pay a fine, which of-

ten is little more than a slap on the wrist, or underlings are punished while key executives go free. This slideshow illustrates some recent examples of corporate crime in the United States.

An investigation by the New York State attorney general's office into store-brand supplements being sold at Walmart, Walgreens, GNC, and Target found that many did not contain the herbs shown on their labels and some included potential allergens not identified in the ingredients list.
Scott Olson/Getty Images

Wells Fargo bank employees opened millions of checking and savings accounts and submitted credit card applications for unsuspecting clients. They made millions of dollars in overdraft penalties and other fees.
digitallife/Alamy Stock Photo

Thousands of construction companies broke employment laws and cheated on their taxes to gobble up a slice of the federal stimulus money that kept the building industry afloat during the recession. Thousands of companies avoided state and federal taxes, cheated vulnerable workers, and undercut law-abiding competitors.
Mario Tama/Getty Images

Pfizer, a large pharmaceutical company, has had repeated violations and many nonprosecution agreements that resulted in large fines. However, to a multibillion-dollar company, the fines are relatively minor.
Oli Scarff/Getty Images

Former U.S. Attorney General Eric Holder takes a question during a news conference to make a major financial fraud announcement in 2015 at the Justice Department in Washington, D.C. Ratings agency Standard & Poor's (S&P) agreed to pay a $1.37 billion fine to resolve allegations that S&P had engaged in a scheme to defraud investors in structured financial products known as Residential Mortgage-Backed Securities (RMBS) and Collateralized Debt Obligations (CDOs).
Alex Wong/Getty Images

Critical Thinking

> What type of penalties should be levied on corporations that are found guilty of committing high-level crimes? Is fining the corporation sufficient? Why or why not?

To operate most efficiently, organized crime relies on the division of labor in the performance of numerous diverse roles. Within a typical organized crime syndicate in a large metropolitan area, there will be groups in the stolen car and parts business, others in gambling, and still others in labor rackets. In each of these and other businesses, there will be specific occupations such as enforcer, driver, accountant, lawyer, and so on. Another major feature of organized crime is that the crime syndicate supplies goods and services that a large segment of the public wants but cannot obtain legally. Without the public's desire for gambling or drugs, for example, organized crime's basic means of existence would collapse.

A large and growing source of revenue for organized crime focuses on human trafficking, particularly selling and buying women and girls for sexual servitude. Millions of girls and women have been forced into sexual slavery, although not all of this is related to organized crime, of course. Human trafficking is discussed in depth later in this chapter.

Drug trafficking is organized crime's other important source of revenue. Its direct dealings in narcotics tend to be limited to imports from abroad and wholesale distribution. The United Nations Convention on Transnational Organized Crime identified cybercrime, identity-related crimes, trafficking in cultural property, environmental crime, piracy, organ trafficking, and fraudulent medicine as new and emerging crimes of concern. The emergence of these new crime types gives rise to the need for law enforcement response to adapt its efforts and capacities accordingly (United Nations Office on Drugs and Crime, 2018).

It is particularly hard to fight organized crime, for several reasons. A major one is the difficulty of obtaining proof of syndicate activities that will be accepted in court. Witnesses rarely come forward; either they fear retaliation or they themselves are too deeply implicated. Since the top levels of the syndicate's hierarchy are so well insulated from those below them, witnesses are rarely able to testify against them. Documentary evidence is equally rare, since the transactions of organized crime are seldom written down. Finally, corruption of government officials hinders effective prosecution of organized crime.

Despite these obstacles, in recent decades the FBI has made immense progress in its battle against organized crime; today, numerous reputed syndicate leaders are under indictment or in jail. Experts credit this breakthrough to several factors, the most prominent of which is that the FBI now devotes about one-quarter of its personnel to combating organized crime. Other important factors are using undercover agents in long-term investigations, pooling the resources of agencies that formerly competed with one another, and giving the FBI jurisdiction in narcotics cases. Especially significant has been the use of sophisticated surveillance techniques and computer technology. The witness protection program, in which witnesses are offered new identities, support, and protection in moving away from their organized-crime contacts, has also proven successful in several instances.

5.2.6 Public-Order Crimes

In terms of sheer numbers, public-order offenders constitute the largest category of criminals; their activities far exceed reported crimes of any other type. Public-order offenses include prostitution, gambling, use of illegal substances, drunkenness, vagrancy, disorderly conduct, and traffic violations. These offenses are often called "victimless crimes" because some people believe that they cause no harm to anyone but the offenders themselves (although prostitution is being reevaluated as a victimless crime as connections to human trafficking become clearer). Society considers these crimes because they violate the order or customs of the community.

Public-order offenders usually do not consider themselves criminals or view their actions as crimes. The behavior and activities of prostitutes and drug users, however, tend to isolate and segregate them from other members of society, and these individuals may find themselves drawn into criminal roles.

Prostitution is a particularly relevant example of public-order crime because of the way young women (and young men or adolescents) are exploited by older adults in the sex trade, both in the United States and in developing countries (**Kristof and WuDunn, 2009**, **2014**). Prostitution is illegal everywhere in the United States except in some counties of Nevada. There is little pressure on other states to follow Nevada's example; however, proponents of legalization claim that prostitution will continue to however, proponents of legalization claim that prostitution will continue to exist regardless of the law and that recognizing this fact would bring many benefits: Legalization would make prostitutes' incomes taxable; it could eliminate or reduce the frequent connection of prostitution with crime and government corruption; and health regulations for prostitutes could be enacted and enforced, reducing the incidence of sexually transmitted diseases. They argue that prostitution is a victimless crime and that the legalization of brothels would result in a reduction of streetwalking and public solicitation, which disturb residents of the neighborhoods where they occur.

However, others say that prostitution does indeed have a victim: the prostitute (**Matthews, 2015**; **Menaker and Franklin, 2018**). Many prostitutes have been trafficked for sex and are not working of their own free will. Prostitutes do not keep most of the money they earn, and they are subject to manipulation, violence, and the control of a pimp. Those against legalized prostitution also believe that society is the ultimate victim of prostitution and that legalization would not necessarily remove the prostitute from exploitation by pimps or organized crime figures. Moreover, legalizing prostitution might make it seem increasingly normative, which might encourage more young women to enter "the life" and encourage more men to exploit these women. Many opponents of legalization support decriminalization, meaning that, while not legal, prostitutes should not be considered criminals.

5.2.7 Hate Crimes

> Marcus was attacked by a group of white supremacists, targeted simply because he was black and walking in "their" neighborhood.
>
> Colton was accosted by a group of men shouting "Die faggot," as he was leaving a gay bar. They chased Colton down as he tried to run away and they stabbed him.
>
> Mohammad had his car spray-painted with the word "terrorist" while it was parked at the mall.
>
> Lindsey walked up to a Sikh teen in the school hallway and said, "I'm going to cut your hair!" The Sikh teen replied, "For what? It is against my religion to cut my hair!" Lindsey replied, "I don't care," and later snuck up be-

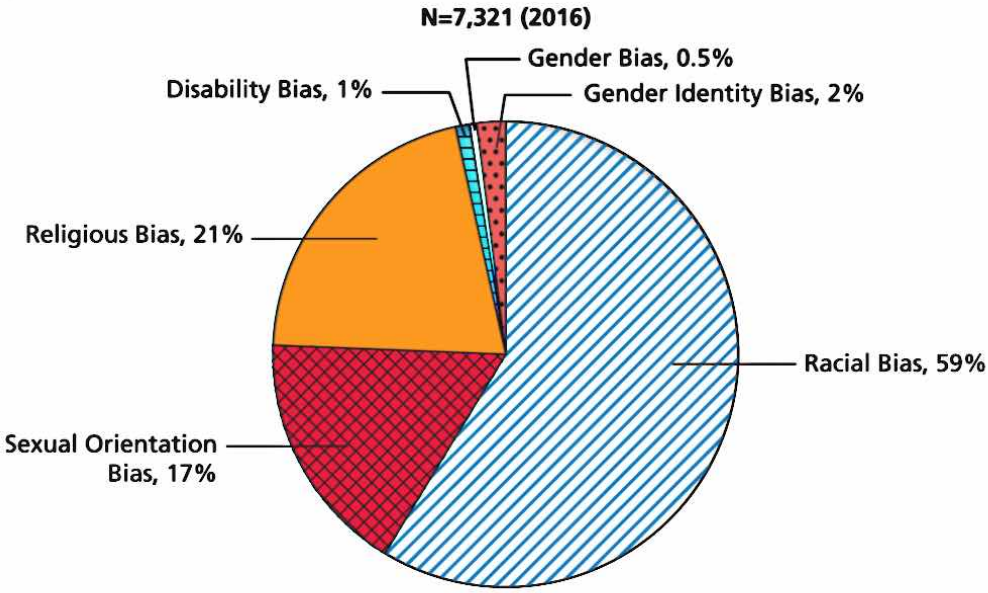
hind the Sikh teen and cut the victim's hair.

A hate crime is a traditional offense like murder, arson, or vandalism with an added element of bias. For the purposes of collecting statistics, the FBI Uniform Crime Reporting (UCR) Program collects hate crime data regarding criminal offenses motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity (**FBI Uniform Crime Reports, 2017b**). Only recently has the FBI begun keeping data on crimes motivated by bias related to gender (sex) and gender identity (transgender and gender nonconforming). Because determining the offender's subjective motivation is difficult to do, bias is to be reported only if investigation reveals sufficient objective facts to lead a reasonable person to conclude that the offender's actions were motivated, in whole or in part, by bias.

In an exhaustive study of hate crimes, the FBI concluded that 59 percent of such incidents in 2016 were racially motivated, 21 percent were motivated from religious biases, and 17 percent resulted from bias toward sexual orientation, as shown in **Figure 5–2**. Almost two-thirds of hate crimes are against people; the other third involve crimes against property, such as vandalism against a house or car. Of those crimes against people, intimidation was the single most frequently reported hate crime offense, but simple assault and aggravated assault were not far behind (**FBI Uniform Crime Reports, 2017b**).

Figure 5–2

Types of Hate Crimes (N = 7,321), 2016



Source: Based on ***FBI Uniform Crime Reports, 2017b****.*

The FBI investigated the types of crimes that we now call hate crimes as far back as World War I; however, the FBI began to look at the issue more closely after the Civil Rights Act of 1964 was passed. This legislation moved the protection of civil rights from a local to a federal function. In particular, the murder of civil rights workers Andrew Goodman, James particular, the murder of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in Mississippi in June 1964 provided the impetus for a stronger federal effort to protect and foster civil rights for black Americans. The case was called MIBURN (for Mississippi Burning), and became the largest federal investigation ever conducted in Mississippi. Three years later, seven men were convicted of conspiring to violate the civil rights of the murdered civil rights workers and were sentenced to prison.

Even when hate crimes do not result in murder and mayhem, these criminal acts reveal hatreds and violent propensities that go far beyond what we usually see in violent or property crimes. Hatred of gays or people of other races and religions is widespread in all societies; the propensity to express it through violent acts tends to be a phenomenon primarily of youth and young adults. Nevertheless, the emotions that motivate the deeds are taken from the adults who socialize young people.

5.2.8 Gender-Based Violence

> Cutiyo lives in a camp for internally displaced persons (IDPs) with her four children near Somalia's capital city, Mogadishu. Last night, she heard a woman being attacked, and the screams brought back the trauma of her own experiences of rape. Cutiyo believes that rape has become more pervasive at the camp and the situation for women and girls has deteriorated since she herself was first raped two years ago. "When we saw someone, we used to say, 'How are you.' Now when we see each other we ask, 'Were you raped today?'" The first time Cutiyo was raped she was asleep in her makeshift shelter with two of her youngest children. "The men took turns raping me while one of them stood guard outside. There were five of them. I struggled and screamed, but no one came to help me. My children were terrified." The next day, as word of the assault spread, the camp manager came to check on her and took her to the police station. As she explained the details of the assault, she got sick and vomited. They told her to go home and forget about the assault, but before they let her go,

> they made her clean the floor. She never returned to the police station to pursue the case. She was afraid the assailants would come after her and "do something worse." Four months later, Cutiyo was raped again at night in her tent by a different gang of assailants. Two months after that, her oldest daughter was raped. She was eleven years old.

Violence is a widespread problem around the world, and women and girls are overwhelmingly its victims. Because violence against women and girls is so common, it is often described as **gender-based violence**, defined by the United Nations General Assembly as any act of gender violence that results in or is likely to result in physical, sexual, or psychological harm and suffering to women, including threats of such acts, coercion, or arbitrary deprivations of liberty, whether occurring in public or private life.

gender-based violence
Any act of gender violence that results in or is likely to result in physical, sexual, or psychological harm and suffering to women, including threats of such acts, coercion, or arbitrary deprivations of liberty, whether occurring in public or private life.

Gender violence would include, among other things:

- Intimate partner violence
- Sexual abuse
- Forced prostitution
- Female genital mutilation
- Rape
- Honor killings
- Selective malnourishing or infanticide of female children

Gender-based violence is an epidemic and occurs in both developed and developing nations (**Kristof and WuDunn, 2009; United Nations Population Fund, 2017**). It causes more death and disability in women between the ages of 15 and 44 than cancer, malaria, traffic accidents, and war combined. Human Rights Watch, the World Health Organization, the United Nations, and Amnesty International are international organizations dedicated to protecting the human rights of people around the world, and report that many countries have horrendous records on addressing violence against women and girls. For example, in sub-Saharan Africa, many women are infected with HIV and will eventually die because the government has failed in any meaningful way to condemn, criminalize, or prosecute violence against women in the home. In Niger, which has one and usually not by choice (**UNICEF, 2017**). In Somalia, rape is so common that it has been reported as "normal" (**Human Rights Watch, 2014**). Women in Ecuador face prison sentences of one to five years for securing an abortion that results from a rape (**Human Rights Watch, 2013**). Global estimates published by WHO indicate that more than 1 in 3 (35 percent) women worldwide have experienced either physical and/or sexual intimate partner violence or nonpartner sexual violence in their lifetime (**World Health Organization, November, 2017**).

Another important form of gender-based violence found all over the world is **human trafficking**, which is the illegal and highly profitable business of recruitment, transport, or sale of human beings into all forms of forced labor and servitude (**United Nations Office on Drugs and Crime, 2018b**; **U.S. Department of State, 2017**). Perhaps 20 to 30 million adults and children are in forced labor or sexual servitude at any given time, although precise numbers are impossible to know. It is estimated that at least 70 percent of persons trafficked are women and girls.

human trafficking
The illegal and highly profitable business of recruitment, transport, or sale of human beings into all forms of forced labor and servitude.

Some victims are forced into manual, military, or domestic labor, but most become sexual slaves. They are coerced, kidnapped, sold, deceived, or otherwise trafficked into sexual encounters, as illustrated in the story of Anu and Reeta in the box **A Global View: "Anu and Reeta."** Increasingly around the world, girls are sought out in the mistaken belief that they are less likely to be HIV-positive. In reality, they are most vulnerable to HIV infections because their bodies are physically unready for sex and may tear more easily. Sex trafficking victims are exposed to pelvic inflammatory disease, HIV/AIDS, and other sexually transmitted infections. Human traffickers may force pregnant victims to undergo abortions, usually in unsafe conditions, posing further trauma and health risks. In addition to physical harm suffered, the range of recurrent emotional and psychological abuse victims often experience can lead to a host of disorders, such as anxiety, depression, and panic attacks. In addition to injuries and disease associated with multiple sexual encounters, they become dangerously attached to pimps and brothel operators and become financially indebted to them. Moreover, they may become addicted to drugs that have been given to subdue them. If women and children do manage to escape and return to their families, they may be rejected because of the stigma associated with prostitution.

Human sex trafficking is not only slavery but also big business (**Kristof and WuDunn, 2009, 2014**). In fact, it is the fastest-growing business of organized crime and among the largest criminal enterprise in the world. Most sex trafficking is international, with victims taken from places such as South and Southeast Asia, the former Soviet Union, Central and South as South and Southeast Asia, the former Soviet Union, Central and South America, and other less developed areas. They are then moved to more developed nations, including Asia, the Middle East, Western Europe, and North America, including the United States (**United Nations Office on Drugs and Crime, 2018b**; **Walker-Rodriguez and Hill, 2011**).

Sexual trafficking results from a broad range of factors, including poverty, inequality, and economic crises. Globalization has triggered an influx of money and goods to certain groups, further aggravating disparities between rich and poor and promoting new levels of consumerism. Influenced by patriarchal norms in which women and girls are disvalued, some families sell their daughters to traffickers or put them in vulnerable positions as domestic workers in far-off urban locations. Husbands, who have virtually complete control over their wives, may sell or "rent" them out for money.

A GLOBAL VIEW

Anu and Reeta

Sudip Pokhrel/Alamy Stock Photo

For millions of people, Bombay is a city of dreams. It was the land of plenty, where the rich people lived. Among these people who harbored such ideas were Anu and Reeta, who were two teenage mountain girls from a small mountainous village about 105 kilometers northwest of the Nepalese capital, Kathmandu. Life was very difficult in their poor village where hardship, starvation, and scarcity were a villager's daily way of life. Sensing that their only hope was to run away, one spring day the two girls left their village along with a group of other young girls and two men. Their journey brought them to a large market center for hand-made woolen carpets. Anu and Reeta got jobs in one of these factories and joined other carpet weavers, most of whom had come from the mountain regions to start a new life.

After about three months, an old woman who lived in Bombay offered to take them there. For the girls, it was as if their dreams had come true! The silk sarees and golden ornaments of the women returning from Bombay, and most of all their prestige, had made a deep impression on Anu and Reeta.

They eagerly agreed to go with the woman on the trip, having no idea what was in store for them. After many days of travel, when the girls were lost and confused, the woman sold them to an infamous brothel in Calcutta for 25,000 rupees each. Anu and Reeta were imprisoned by the man who bought them and were beaten, raped, and tortured. Once "broken," they were forced to become sex slaves in one of the largest red-light areas in the world, where dozens of young girls are brought every day through trickery, just like Anu and Reeta. Most of the 40,000-plus prostitutes in this area of Calcutta are from Nepal.

After three cruel years of being forced to service men sexually, a seemingly magical change happened in their lives. Two of their regular customers rescued and married them. As it turned out, little changed in their lives; their husbands brought "customers" home and insisted that Anu and Reeta have sex with them. Their husbands beat and tortured their wives if they refused and kept all the money earned for themselves.

One day, Anu's husband told her they were leaving to go to Bombay. This long-held dream was now a nightmare because it separated her from her best friend, Reeta. Anu begged to stay put, but her husband ignored her pleas. After arriving in Bombay, her husband immediately sold her to a brothel for 12,000 rupees in another large red-light area in Asia, harboring around 100,000 prostitutes. Her husband disappeared. Anu met several other Nepali women in the brothel where she lived and worked and learned that all of them had a more or less similar story to tell.

Anu spent about 18 months in a dark room of this brothel receiving, on the average, four or five customers daily. She was let out of the room for only 20 minutes a day for "exercise." Anu was forced to entertain all types of customers, regardless of what they wanted from her. For her services, she received nothing but two meals a day and, occasionally, small tips given to her by kind customers. Bombay, once her land of dreams, was now nothing more than the dark room and filth of the brothel area.

She became infected with several sexually transmitted diseases and was admitted to a hospital where she was treated for several months. A sympathetic doctor was able to get her released from the brothel, realizing that Anu was dying and had little time left to live.

She returned to her village after leaving the hospital, now having been gone for almost five years. Some of her relatives sympathized with her and her tragic situation and took her in. Others were less sympathetic but left her alone. She died soon after.

As for Reeta, no one knows what happened to her.

Critical Thinking

Why didn't Anu and Reeta simply leave the brothel in Calcutta if they were unhappy there? If you were in Anu's position, what would you have done differently, if anything? What can be done to eliminate human trafficking?

Another example of a gender-based crime is **nonconsensual pornography (NCP)**, commonly known as "revenge porn" and has been referred to as the cyberwar against women. NCP is defined as the nonconsensual distribution of private, sexually explicit images, which can be distributed through social media networks, messaging platforms, and websites. The photo or video may have been taken voluntarily (i.e., by the person pictured—a selfie—or by a friend or significant other) or involuntarily (i.e., by a voyeur or a hidden camera placed to capture a sexual encounter), and then shared with others without consent. NCP can be motivated by revenge, a desire to make money, blackmail, or so-called "entertainment." Laws around revenge pornography have not yet kept up with the ease of transmitting images across the web. As this book goes to press, Congress is considering whether NCP should be a federal crime; currently it falls to state statutes, which vary considerably. As of 2017, 38 states and the District of Columbia have specific laws outlawing distribution of revenge porn. However, revenge porn laws are still relatively new and the laws are continuing to develop (**FindLaw, 2018**; **Morris, November, 2017**).

nonconsensual pornography (NCP)
The nonconsensual distribution of private, sexually explicit images, which can be distributed through social media networks, messaging platforms, and websites. It is often referred to as "revenge porn."

Why do some people commit crimes, and others don't? Here we will look at a variety of explanations, framing them under the headings of (1) biological explanations; and (2) sociological explanations of crime.

Biological Explanations of Crime

5.3 Evaluate biological explanations for crime and violence.

A medieval law stated that "if two persons fell under suspicion of crime, the uglier or more deformed was to be regarded as more probably guilty" (Ellis, 1914; quoted in **Wilson and Herrnstein, 1985**, p. 71).[4] This law and others like it illustrate the age-old and deep-seated belief that criminality can be explained in terms of certain physical characteristics of the criminal. An example of this point of view is the theory of crime advanced by an Italian physician, Cesare Lombroso, in the late nineteenth century. Lombroso was convinced that there is a "criminal man," a type of human being who is physically distinct from ordinary human beings. He believed, in short, that there was such a thing as a "born criminal." Although this explanation was wrong, it served to initiate scientific inquiry into the causes of crime.

4Ellis, 1914; quoted in Wilson, J. Q., & Hernstein, R. J. (1985) *Crime and human nature: The definitive study of the causes of crime*. New York: Simon & Schuster (p.).

In the twentieth century, Lombroso's theory and other biologically based explanations of crime were discredited and supplanted by sociological theories. However, some theorists (e.g., **Wilson and Herrnstein, 1985**) defend the identification of biological characteristics that appear to be predisposing factors in criminal behavior rather than full explanations of it. They believe certain inherited traits, such as an extra Y chromosome or a particularly athletic physique, may be correlated with a greater-than-average tendency to engage in criminal behavior. Research on the possibility of a link between criminality and an extra Y chromosome has consistently failed to demonstrate such a relationship.

5.3.1 Biology, Violence, and Criminality

Is violence simply part of human nature? With the growth of sociobiologists and evolutionary pscychologists in the mid-twentieth century, this question has been fiercely debated (**Winking, 2018**). These perspectives are based on the premise that some behaviors (social and individual) are at least partly inherited and can be affected by natural selection (**Miczek, 2001**). Because violence is such a common occurrence, some social scientists have argued that human aggressive tendencies are inherent or instinctual. Harvard biologist E.O. Wilson referred to warfare as "humanity's hereditary curse" (Taylor, 2016).[5] According to this view, it is our forms of social organization that help to keep violent tendencies under control.

5Taylor, S. (Sept. 25, 2016) "How Natural is War to Human Beings?: The Case for a Peaceful Past," *Psychology Today*.

Other experts argue that aggression is natural, but violence is not. In an exhaustive review of research on the causes of interpersonal violence, a panel of experts convened by the National Academy of Sciences concluded that there is no solid evidence to support the early neurological or biological explanations of violent behavior among men. The panel did note, however, that findings from studies of animals and humans point to several features of the nervous system as possible sources of such explanations and recommended continued research (**Reiss and Roth, 1993**).

In her response to the report, **Dorothy Nelkin (1995)**, a well-known evaluator of scientific panels, argued that "biology is not destiny" and "it is not necessary to explain through biology why a child exposed to poverty and racism might become violent."[6] The real source of violence, she believes, can be found in the growing inequality in the United States and other societies. More modern social scientists agree with the beliefs that the causes of crime and violence are rooted in our social structure, and social inequality is a prime suspect (**Coccia, 2017**; **Metz and Burdina, 2018**). This argument is an important sociological viewpoint, to which we will return in later chapters.

6Nelkin, D. "Biology Is Not Destiny," *New York Times* (1995 September 28); p. A27.

5.3.2 Sex Differences and Crime

Women and men are equally likely of being crime victims (**Morgan and Kena, December, 2017**). However, men are far more likely than women to commit crimes (based on arrest data). Indeed, sex is one of the most obvious correlates of criminality. Women commit about 20 percent of violent crimes, and 38 percent of property crimes (**FBI Uniform Crime Reports, 2017a**).

What explains sex differences in crime rates? Different arrest rates for men and women may be a result of biological differences between men and women, along with different patterns of socialization, as discussed in **Chapter 8**. On average, males are biologically more aggressive than females. Higher levels of testosterone and androgens play a large part in this aggression.

However, in our society, men have been raised to be more aggressive than women, and they have therefore been more likely to commit certain crimes. Women generally have been regarded more protectively by the police and the courts; therefore, they have been less likely to be arrested and, if arrested, less likely to be punished severely, especially if they are wives and mothers. Despite the persistent sex differences in arrest numbers, the number of crimes committed by women has increased substantially over the past several decades.

Sociological Explanations of Crime

5.4 Contrast the sociological explanations for crime and violence.

Demographic factors do not offer a complete explanation of who commits, or who is a victim of, crime. Statistics do not, for example, explain why some juveniles and young adults drift into long-term criminal careers or why some young people never commit crimes. Nor do they tell us why some individuals, such as white-collar criminals, begin breaking laws during adulthood and middle age. Thus, in addition to demographic analyses of crime, sociologists have proposed several theoretical approaches to explain why some people become criminals and others do not.

The first theoretical approach discussed here has evolved from conflict theory; it claims that most crime is either a form of rebellion by disadvantaged groups or a form of illegal exploitation by the rich and powerful. A second approach, derived from the functionalist perspective, holds that crime stems from the uncertainty about norms of proper conduct that accompanies rapid social change and social disorganization. A third major explanation applies the interactionist perspective to the study of how people drift toward criminal subcultures and become socialized for criminal careers.

The cast of *Orange Is the New Black*, the popular television show that profiles female inmates in a women's federal prison. The lead character, Piper Chapman, is a woman in her thirties who is sentenced to prison after being convicted of a decade-old crime of transporting money for her drug-dealing girlfriend.
Splash News/Alamy Stock Photo

5.4.1 Conflict Approaches

Conflict theorists identify inequalities of wealth, status, and power as the underlying conditions that produce criminal behavior. The groups in society that are more disadvantaged than other groups, such as the poor and racial minorities who experience discrimination, are thought to be likely to rebel against their situation. Criminality, in this view, is one way in which disadvantaged individuals act out their rebellion against society.

Inequality and Crime

As noted earlier in the chapter, official statistics show a high incidence of crime among members of the lower socioeconomic classes. Those statistics have fueled a sociological debate over the relationship between social class and criminality. For much of the twentieth century, many sociologists believed that people in lower socioeconomic classes were more likely than those in higher classes to commit crimes. Current research suggests that crime is distributed among all the social classes, but arrests are most often made in lower-class neighborhoods and prosecuted most strictly where defendants have limited access to legal help (**Sanchez-Jankowski, 2008**). While that finding may be true, social inequality—that is, the gap between haves and have-nots in a society—seems also to produce its own incentives for crime (**Coccia, 2017**; **Metz and Burdina, 2018**).

Cross-Cultural Research

The United States has experienced tremendous increases in economic inequality in the past several decades. In comparison with other advanced nations to which it compares itself, the United States has developed one of the largest gaps between the rich and the poor segments of its population. Worldwide, there is a correlation between social inequality and homicide rates. This correlation does not prove that inequality causes homicide, but it suggests that the anger and resentment of people who do not share in the benefits of a rich society often find violent, even murderous, ways to vent their frustrations (**Daly, 2016**; **Enamorado et al., 2014**; **Wilkinson and Pickett, 2010**). In the nations of the former Soviet Union, or in Mexico and several countries in Central and South America for example, there have been rapid increases in poverty and in the number of wealthy individuals, many of whom have made their fortunes in connection with organized crime or other criminal activity. This rapid social change, in which it is no longer clear what the rules of behavior are or whether laws will be enforced, tends to produce lawlessness, corruption, and crime.

Race, Ethnicity, and Crime

Study of crime based on official data shows that blacks are overrepresented among those who are arrested, convicted, and imprisoned. Blacks represent 38 percent of arrests for violent crime, and 28 percent of arrests for property crime, despite being only 13 percent of the population (**FBI Uniform Crime Reports, 2017a**).

It is possible that the overrepresentation of blacks in official crime statistics is partly due to greater surveillance of black communities by the police and to the greater likelihood that blacks who commit crimes will be arrested and imprisoned. The famous cases of Trayvon Martin, a 17-year-old African American in Florida, who was fatally shot by George Zimmerman, a neighborhood watch volunteer; Freddie Gray, a 25-year-old black man from Maryland who died of a spinal injury while in police custody; Michael Brown, a young unarmed black man who was shot and killed by a white police officer in Ferguson, Missouri; and Eric Garner in New York City who, while selling untaxed cigarettes, was placed in a chokehold by a white police officer, which resulted in Garner's death, demonstrate the likelihood that race continues to be an influencing factor in how blacks are treated by the police.

However, victimization surveys show that police and court bias cannot be the sole cause of high rates of crime among blacks. Blacks are far more likely than whites to be victims of crime, and it is unlikely that these higher victimization rates are caused by whites who enter black neighborhoods to commit crimes.

A more plausible explanation is the disproportionately high percentage of blacks in the lower classes that, as you saw earlier, is associated with higher crime rates. Research by **William Julius Wilson (1996)** points to the growing isolation of some black communities from sources of jobs and income. This trend is especially marked in and around cities that have lost large numbers of manufacturing jobs, which once provided a relatively decent livelihood for black and other minority workers. In communities where legal employment is in short supply, people often turn to illegal activities. Another key social factor that contributes to higher crime rates is racial discrimination (**Burt, Lei, and Simons, 2017**; Sykes, Piquero, and Gioviano, 2017).

5.4.2 The Functionalist View and Anomie Theory

Functionalists focus on issues to explain crime that are different from those proposed by conflict theorists. Anomie theory, also known as the goals-and-opportunities approach, is favored by many scholars who seek explanations of crime. **Robert K. Merton (1968**) argued that a society has both approved goals and approved ways of attaining them. When some members of the society accept the goals (e.g., home ownership) but do not have access to the approved means of attaining them (e.g., earned income), their adherence to the approved norms is likely to be weakened, and they may try to attain the goals by other, socially unacceptable means (e.g., fraud). In other words, criminal behavior occurs when socially approved means are not available for the realization of maintains that the United States is such a society. Identifying anomie as a basic characteristic of U.S. society, he lists several kinds of common adaptations. One of these, innovation, consists of rejecting approved practices while retaining the desired goals, which seems to characterize the behavior of certain lower-class gang members who have adopted socially approved goals but have abandoned socially approved methods of attaining them.

anomie
The feeling of being adrift that arises from the disparity between goals and means.

This rejection of approved practices occurs widely in groups with the greatest disjuncture among goals, norms, and opportunities. In this country, anomie of this type is most often found among those who have the greatest difficulty in obtaining a good education or training for high-paying jobs, particularly members of disadvantaged minority groups. Higher crime rates among such groups are not automatic, but they can happen when society erects barriers to the attainment of valued goals. If more attainable goals were set for people in lower socioeconomic classes, presumably there would be less disjuncture between goals and means and hence less anomie. For example, if low-cost rental housing were more widely available as a goal, more poor people could see how even low-wage jobs would improve their lives. When only luxury homes are available (and shown as models on television), then poor people sense the futility of conventional jobs or other approved means.

Research has provided some support for the premise on anomie (**Schaible and Altheimer, 2016**), although there are types of crimes that it fails to explain adequately, such as assault for purposes other than monetary gain. This inability of the theory to explain certain crimes is related to the question most frequently raised about Merton's theory: Are financial success and material possessions only middle-class goals? Do members of the lower classes have different values and aspirations? Many sociologists believe that people in the lower classes tend to hold two sets of beliefs simultaneously. That is, they share the norms and values of the larger society but are forced to develop standards and expectations of their own so that they can deal realistically with their particular circumstances. For example, people in the lower classes share the view with the affluent that crime is bad, but they lack conventional means to attain goals such as secure jobs. They may consider illegal "hustles" as an alternative means to some goals, especially when these crimes seem justified by the behavior of others outside their communities whom they observe buying drugs or sex or other illicit goods and services. It is not surprising, therefore, that studies have supported Merton's view that anomie, rather than poverty itself, is a major cause of crime and delinquency.

Anomie is a feeling of being lost or adrift that can result from the disparity between goals and means. Jackson wants a better life than the one he was dealt, but how does he get there?
Paolese/Fotolia

5.4.3 Interactionist Approaches

Interactionist explanations of criminal behavior focus on the processes by which individuals internalize the norms that encourage criminality. This internalization results from the everyday interaction that occurs in social groups. Interactionist theories differ in this respect from anomie theory, which sees criminal behavior as the result of certain aspects of social structure or from conflict theory which sees income inequality as the primary culprit of crime. Two examples of interactionist theories of criminality are (1) Edwin Sutherland's theory of differential association and (2) the subcultural approach to the study of juvenile delinquency.

Differential Association

Introduced by Sutherland in 1939, the approach known as **differential association**, with some later modifications, still seems to explain the widest range of criminal acts. According to this theory, criminal behavior is a result of a learning process that occurs chiefly within small, intimate groups—family, friends, neighborhood peer groups, and the like. The lessons learned include both the techniques for committing crimes and, more importantly, the motives for criminal behavior. Law is defined not as a set of rules to be followed but as a hindrance to be avoided or overcome (**Dobrow, 2015**).

differential association
A theory that suggests that criminal behavior is a result of a learning process that occurs chiefly within small, intimate groups—family, friends, neighborhood peer groups, and the like.

People internalize the values of the surrounding culture, and when their environment includes frequent contact with criminal elements and relative isolation from noncriminal elements, they are likely to become delinquent or criminal. The boy whose most admired model is another member of his gang or a successful neighborhood pimp will try to emulate that model and will receive encouragement and approval when he does so successfully.

Delinquent Subcultures and Conflicting Values

Subcultural theories of criminality view criminal behavior as *normal* learned behavior. These theories of crime focus on the content of learned behavior rather than the process of learning that behavior. Subcultural theories tend to focus on class and ethnic subcultures, including lower social class and inner-city communities (**Black, 2014**).

The issue of status is especially relevant to the study of delinquent subcultures. **Albert K. Cohen (1971)**, for example, viewed the formation of delinquent gangs as an effort to alleviate the difficulties that gang members encounter at the bottom of the status ladder. Gang members typically come from working-class homes and find themselves measured, as Cohen put it, with a "middle-class measuring rod" by those who control access to the larger society, including teachers, businesspeople, the police, and public officials. Untrained in "middle-class virtues" such as ambition, ability to defer gratification, self-discipline, and academic skills, and therefore poorly prepared to compete in a middle-class world, they form a subculture whose standards they can meet. This delinquent subculture, which Cohen described as nonutilitarian, malicious, and negativistic, "takes its norms from the larger culture, but turns them upside down. The delinquents consider something right, by the standards of their subculture, precisely because it is wrong by the norms of the larger culture" (p. 28).[7]

7Cohen, A. K., (1971) *Delinquent Boys: The Culture of the Gang*. New York; London: Free Press.

Other sociologists do not believe that the formation of delinquent subcultures is a frustrated reaction to exclusion by the dominant culture. Instead, they see delinquency as a product of lower-class culture. For example, Miller used lower-class culture to explain delinquent behavior among lower-class youths, stating that deviance is normative in lower-class cultures. In his classic study of street gangs, Miller identified six "focal concerns" of lower-class culture that often lead to the violation of middle-class social and legal norms (2001):

- **Trouble.** Trouble is important to the individual's status in the community, whether it is seen as something to be kept out of or as something to be gotten into. Usually there is less worry about legal or moral questions than about difficulties that result from the involvement of police, welfare investigators, and other agents of the larger society.

- **Toughness.** Toughness comprises an emphasis on masculinity, physical strength, and the ability to "take it," coupled with a rejection of art, literature, and anything else that is considered feminine. This concept is partly a reaction to female-dominated households and the lack of male role models both at home and in school.
- **Smartness.** In the street sense of the term, smartness denotes the ability to outwit, dupe, or "con" someone. A successful pimp, for example, would be considered smarter than a bank clerk.
- **Excitement.** To relieve the crushing boredom of ghetto life, residents of lower-class communities often seek out situations of danger or excitement, such as gambling or high-speed joyrides in stolen automobiles.
- **Fate.** Fate is a major concern because lower-class citizens frequently feel that important events in life are beyond their control. They often resort to semi-magical resources such as "readers and advisers" to change their luck.
- **Autonomy.** Members of this group are likely to express strong resentment toward any external controls or exercise of coercive authority over their behavior. At the same time, however, they frequently seem to seek out restrictive environments, perhaps even engineering their own committal to mental hospitals or prisons.

Research by **Gerald Suttles (1970)** and **Elijah Anderson (1992)** on the street-corner culture of delinquents and other groups provides evidence of continuity in these values. Anderson, for example, writes that lower-class life has an internal coherence that is seldom appreciated by the casual observer. Both researchers show that teenagers and young adults in lower-class street corner groups make careful distinctions based on trust and confidence. They may be labeled street people by the larger society, but among themselves, they continually rank each other according to notions of respect and trust derived from their life on the street.

> ## What Do You Think?
>
> Pick a specific type of crime, and compare and contrast what a conflict theorist, a functionalist, and a symbolic interactionist would see as the causes of that crime. What would they see as a solution to that crime?

Controlling Crime

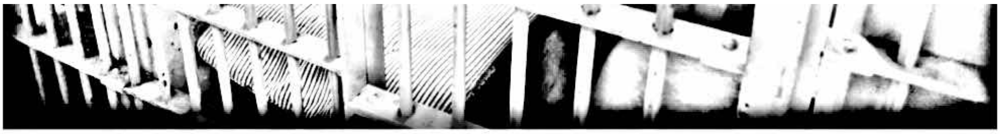
5.5 Identify ways to control crime and violence.

Efforts by the police, courts, and other agencies to control crime need to be understood as part of society's much larger system of social control. In its broadest sociological sense, **social control** is the capacity of a social group, which could be an entire society, to regulate itself according to a set of "higher moral principles beyond those of self-interest" (**Janowitz, 1978**, p. 3).[8] The Ten Commandments are a good example of what is meant by such values as they are translated into norms of everyday life. All of a society's ways of teaching the young to conform to its values and norms (i.e., socialization), together with the ways in which people in a society reward one another for desired behaviors, contribute to social control. But every society also includes members who deviate from its norms, even strongly held norms like the prohibition against murder or thievery.

8Janowitz, M. (1978) *The Last Half-Century: Societal Change and Politics in America*. Chicago: University of Chicago Press.

social control
The capacity of a social group, which could be an entire society, to regulate itself according to a set of higher moral principles beyond those of self-interest.

Techniques of social control range from informal processes such as gossip, ridicule, advice, and shunning to the formal processes embodied in the actions of the police, courts, corrections officers, and others who work in the criminal-justice system and in related systems such as the mental-health and juvenile-justice systems. It is important to recognize that, without the great array of informal controls that exist in every community and society, none of the formal systems would be of much use. If the police and the courts and other formal institutions of social control are at all effective, it is because most people are law-abiding and these institutions need deal with only a relatively small minority (which may still be a very large number in absolute terms).



Prison is primarily designed to punish lawbreakers. The thought is that, if the punishment is severe enough, it will deter others from engaging in criminal behavior.
Jason O. Watson (USA: California photographs)/Alamy Stock Photo

Most formal systems of social control rely on coercion rather than on reward. Surely this approach is true of courts and prisons. However, it is not true entirely; even in a prison or other correctional facility, a person can be rewarded for behavior that is defined as positive and as having favorable consequences for the individual and for society. The fact that coercion and punishment often far outweigh persuasion and reward reflects the different goals society has incorporated into its institutions of criminal law, that is, police, prosecution, and corrections (**Garland, 2005**). In examining how these formal institutions of social control operate (and sometimes fail to operate), it is important to remember that formal efforts to control crime can be classified under three headings: (a) retribution-deterrence; (b) rehabilitation; and (c) prevention.

5.5.1 Retribution-Deterrence

Retribution and deterrence—"paying back" the guilty for their misdeeds and discouraging them and others from committing similar acts in the future—have historically been the primary focus of efforts to control crime. Although retribution no longer follows the "eye for an eye, tooth for a tooth" formula (in which in earlier times slanderers had their tongues cut out, thieves had their hands amputated, and rapists were castrated), today's retributive orientation can be seen in public demands for longer sentences for such crimes as murder.

The punishments meted out to murderers, forgers, and other offenders are meant to serve several purposes. Besides the often-cited goals of preventing crime and rehabilitating offenders, punishment serves to sustain the morale of those who conform to society's rules. In other words, law-abiding members of society demand that offenders be punished partly to reinforce their own ambivalent feelings about conformity. They believe that, if they must make sacrifices to obey the law, then someone who does not make such sacrifices should not be allowed to "get away with it." Even those who view criminals as sick rather than evil, and who call for the "treatment" of offenders to correct an organic or psychological disorder, are essentially demanding retribution.

Some criminologists, such as **James Q. Wilson (1977, 1993)**, have suggested that society needs the firm moral authority derived from stigmatizing and punishing crime. Although Wilson grants that prisoners must "pay their debts" without being deprived of their civil rights after release from prison and without suffering the continued indignities of parole supervision and unemployment, he stresses the moral value of stigmatizing crime and those who commit it: “To destigmatize crime would be to lift from it the weight of moral judgment and to make crime simply a particular occupation or avocation which society has chosen to reward less (or perhaps more) than other pursuits. If there is no stigma attached to an activity, then society has no business making it a crime” (1977, p. 230).[9]

9Wilson, J. Q. (1977) *Thinking about Crime*. New York: Vintage Books.

Laws that establish penalties for crimes are enacted by the states and by the federal government. But concern for the rights of citizens who face the power of the state to enforce laws and inflict punishment is a prominent feature of the U.S. Constitution. The Fourth Amendment guarantees protection against “unreasonable searches and seizures”; the Fifth Amendment guarantees that citizens shall not be compelled to testify against themselves, be tried more than once for the same crime (double jeopardy), or be deprived of due process of law; the Sixth Amendment guarantees the right to a public trial by an impartial jury, the right to subpoena and confront witnesses, and the right to legal counsel; the Eighth Amendment prohibits “cruel and unusual punishment” and “excessive” bail or fines.

It is important to note these points because they are at the heart of conflicts about how fairly laws are enforced and how impartially justice is meted out. In the controversy over capital punishment, for example, opponents argue that it has become a form of cruel and unusual punishment. Others argue that because those who are condemned are often unable to afford adequate counsel, they have been deprived of their rights under the Sixth Amendment. Whatever one believes about such controversies, it is clear that the Constitution establishes the basis for protection of individual rights, but also leaves much discretion to citizens and lawmakers to establish the ground rules for how justice is to be carried out.

The role of the sociologist in these debates is to help establish a scientific basis for decision making. Empirical data collected by social scientists and government statisticians can be used to compare homicide rates in states that have the death penalty and states that do not. When this comparison is done, the results provide dramatic support for the contention that the death penalty does not deter murderers. As a form of retribution, it may allow victims’ family members to feel that justice has been done, but the data show that murder rates in states like Texas and Louisiana, where the death penalty is legal and executions routine, remain higher than average despite capital punishment.

5.5.2 Rehabilitation

The idea of rehabilitating offenders rests on the concept of crime as a social aberration and the offender as a social misfit whose aberrant behavior can be modified to conform to society’s norms—in other words, "cured." Yet, there are no clear guidelines concerning the form of rehabilitation that will be most effective with a particular kind of offender. Rehabilitation usually includes varying amounts of counseling, educational and training programs, and work experience. In the past, the most successful programs have been those that prepare criminals to enter the world of legitimate work and help them secure and hold jobs after incarceration. However, such ambitious programs are unlikely to be implemented on a large scale.

By the 1990s, both the ideal and the practice of rehabilitation in prisons and among paroled offenders had reached a low point in what has historically been a cyclical process. Efforts to institute rehabilitation programs often follow efforts to increase the severity of sentencing. When it is shown that longer sentences and harsher punishment do not prevent crime or repeated offenses, society tends to shift toward efforts to rehabilitate criminals (**Conklin, 2007**).

Studies of **recidivism** —the tendency that a former inmate will break the law after release and be arrested again, indicate that almost half of federal offenders are rearrested within five years after release (**Markman, Durose, Rantala, and Tiedt, 2016**).There is no conclusive evidence that any program is 100 percent successful in reducing recidivism. All that can be said is that some of the rehabilitation experiments undertaken to date —in particular, those that help with the re-entry process, and include extensive job training, job placement, housing, and a social support group —have been more successful than others (**James, 2015**).

recidivism
The tendency that a former inmate will break the law after release and be arrested again.

The nature of the prison system itself is a major hindrance to rehabilitative efforts. As a "total institution" prisons remove offenders from virtually all contact with society and its norms, then subject them to almost continual contact with people who have committed crimes ranging from petty larceny and fraud to homosexual rape and murder (**Garland, 2005**). Sometimes, inmates are abused by their guards. Within prison walls, offenders are punished by being deprived of liberty, autonomy, heterosexual contacts, goods and services, and the security normally obtained from participation in ordinary social institutions. At the same time, prisoners create a social order of their own. Adherence to the norms of prison life, which may be necessary for both mental and physical well-being, further separates inmates' goals and motivations from those of the larger society and makes it more difficult for them to benefit from whatever rehabilitative measures are available.

The most common type of rehabilitation program consists of work training. However, prison work is generally menial and largely unsatisfying, involving jobs such as kitchen helper or janitor. The difficulty of rehabilitating offenders in prison has led to various attempts to reform them outside prison walls. Perhaps the oldest and most widely used system of this kind is the work-release program, in which prisoners are allowed to leave the institution for part of the day or week to work at an outside job. Although this type of program was first authorized in Wisconsin in 1913, it has become widely used only since the mid-1950s. Today, many states and the federal government have authorized various kinds of work-release programs.

In general, work-release programs seem to work well (**Bales et al., 2015**). Besides removing convicts from the criminal society in the prison, work-release programs reimburse the state for some of the costs of supporting them and allow the prisoners to support their dependents, thereby helping them stay off public assistance programs. In addition, a work-release program is a practical step toward reintegrating offenders into society because many of those who successfully complete the program retain their jobs after release, or at least have a job history to offer potential employers. In fact, in a classic study, **Martinson (1972)** found that the most effective single factor in rehabilitating offenders is a program of training for work following release; work during the prison term itself; and above all, job placement and training during probation.

5.5.3 Prevention

The idea of preventing crime and delinquency before they occur is an attractive one, but like rehabilitation, it is difficult to implement. Crime prevention is customarily defined in three different ways: (1) the total of *all influences* and activities that contribute to the development of a nondeviant personality; (2) attempts to deal with *specific conditions* in a person's environment that are believed to lead to crime and delinquency; and (3) specific services or programs designed to prevent *further* crime and delinquency.

Programs based on the first definition include measures designed to improve the social environment, such as improved housing and job opportunities for those who live in low-income neighborhoods. Although one of their goals may be the reduction of crime and delinquency in the target area, it is rarely their primary goal. The most positive results are found in evaluations of Job Corps and other education, job training, and social skills programs in which young people at risk are given a chance to leave their neighborhood peer groups.

The second definition includes efforts based on Sutherland's theory of differential association (**Sutherland and Cressey, 1960**), such as efforts to reduce children's exposure to the antisocial and/or illegal activities of people around them, to improve their family life, and to create a viable and conforming social order in the community itself. Several projects of this sort have been attempted; some, like the Chicago Area Project, have had notable success. The Chicago Area Project was an early prevention program established in the mid-1930s in the Chicago slums, where immigrant families were no longer able to control their children because of a weakening social order. The project sought to develop youth welfare programs that would be viable after the project leaders had left, assuming that local youths would have more success than outside workers in establishing recreation programs, community improvement campaigns, and programs devoted to assisting youths and adults who were returning to the community after release from prison. The project not only demonstrated the feasibility of using untrained local youths to establish welfare programs but also indicated a possible decrease in the delinquency rate (**Kobrin, 1959**). This model has been used successfully in many communities to diminish gang violence.

Finally, most crime prevention programs attempt to work within the third definition—prevention of further delinquency and crime. They include not only well-established approaches such as parole, probation, and training schools but also more experimental programs. It is difficult to compare these approaches with those attempted under the other two definitions because they deal with quite different sets of circumstances.

What Do You Think?

Develop a crime prevention program based on at least one of the three dimensions listed above. What theory best informs your program: conflict theory, functionalism, or symbolic interactionism?

Social Policy

5.6 Explain the policy considerations surrounding gun control.

The fact that violent crimes and property crimes have declined in recent years has finally been noted by many Americans, who report being less fearful and concerned about crime than they were just ten years ago (**Brenan, 2017**; **Gallup, 2017**). Yet others are convinced that violence is on the rise. This widespread misperception may be partly the result of sensational episodes of violence that dominate cable television stations, the fact that more people are incarcerated than ever before, as well as a widespread fear of identity theft, which polls show is the crime that is currently most feared. This persistent fear despite the facts likely influences attitudes toward gun ownership and gun control.

5.6.1 Gun Control

Demonstrators take part in a rally against gun violence and ask for stricter policies regarding who can buy guns and where guns can be purchased. The rally in New York City is a combined effort of health care providers, victims and their families, youth organizations, union members, and faith leaders.
John Moore/Getty Images

Over the past several decades, discussions have been increasingly heated between those calling for stricter federal supervision of the purchase and sale of firearms, and those who believe that Americans have the right to own guns with minimal interference from the government. **Gun control** is a broad term that covers any sort of restriction on what kinds of firearms can be sold and bought, who can possess or sell them, where and how they can be stored or carried, what responsibilities a seller has to vet a buyer, and what obligations both the buyer and the seller have to report transactions to the government. Often, the term is used to cover related matters, such as limits on types of ammunition and magazines, or other technology, like the type that enables guns to fire repeatedly (**Pérez-Peña, 2015**). In recent years, gun control debates have focused primarily on background checks for buyers, allowing people to carry weapons in public, waiting periods to purchase a gun, and whether to allow the possession of assault rifles.

gun control
Restrictions on what kinds of firearms can be sold and bought, who can possess or sell them, where and how they can be stored or carried, what responsibilities a seller has to vet a buyer, and what obligations both the buyer and the seller have to report transactions to the government. It may also cover related matters, such as limits on types of ammunition and magazines, or other technology.

Some gun control measures are already in effect. In 1993, in response to what had come to be perceived as a national epidemic of gunshot injuries and deaths, as well as the earlier shooting of President Reagan and his press secretary James Brady, Congress finally passed the Brady Act and other legislation to limit the access of felons to handguns and assault weapons. Federal law also prohibits certain people from owning firearms, including those with certain kinds of criminal records or mental illness, drug addicts, immigrants without legal status, veterans who left the military with a dishonorable discharge, and anyone with a permanent restraining order, among others. Federal law requires that licensed gun dealers conduct a background check, through a database run by the FBI, to see if the potential buyer is among those prohibited from owning a gun.

These laws sound restrictive. So, then, what is the issue?

- Many guns are not purchased from licensed dealers. They are purchased from small-scale sellers, including many who do business at gun shows, and these sellers are not required to do background checks. This is the so-called "gun show loophole."
- The data on individuals who are barred from owning guns—those with certain kinds of criminal records or mental illness, drug addicts, immigrants without legal status, veterans who left the military with a dishonorable discharge, and anyone with a permanent restraining order, among others—are woefully incomplete.
- Mental illness can be difficult to document. While the law prohibits gun possession by a person "adjudicated as a mental defective" by a court or other authority, most people with serious mental illness never receive such adjudication. Most mass shootings have been carried out by people who were recognized by those around them as being deeply disturbed, yet were able to own guns legally.
- From 1994 to 2004, federal law also banned the sale of many types of

assault rifles and high-capacity magazines, but the law expired and has not been renewed.
- Most gun control laws exist at the state level, and these vary substantially from one state to the next. For example, in Rhode Island, any person with a concealed carry permit can bring a gun onto the grounds of a public school, but next door in Massachusetts, written permission from school officials is required—and rarely given.

What are the arguments of those on each side of the debate? For those who oppose gun control, the debate often comes down to the Second Amendment, whose eighteenth century context and language have been endlessly parsed and debated: "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."[10] Gun rights advocates say that means an *individual* right to gun possession, while gun control advocates say it means the people's *collective* right, through a militia. Gun rights advocates, led by the National Rifle Association (NRA), see weapon possession as a matter of individual rights. With the recent media attention around mass shootings, the NRA has become more vocal in their cL. & King, D. F. S. (I . . . people do."[11] Gun rights advocates say that people have the right to arm themselves for hunting, self-defense, sport—or just because they want to (**Parker et al., 2017**; **Pérez-Peña, 2015**; **Pew Research Center, 2017**). They also suggest that more guns make society safer because gun violence can be intercepted when it occurs. For example, President Trump has suggested that training and arming specific teachers at schools will make the schools safer.

10The Second Amendment (Amendment II) to the United States Constitution, December 15, 1791.

11National Rifle Association (NRA).

In contrast, those who favor stricter gun control measures point to the number of people killed by gun violence. According to the Centers for Disease Control and Prevention, over 36,000 people were killed by guns in 2015 alone, which represents a significant increase from the year prior (**Murphy et al., November, 2017**). Most gun control advocates do not ask that guns be banned. Instead, they suggest that fewer guns, better records on who has them, and some restrictions on purchase, possession, and storage would still allow law-abiding people to have firearms, while resulting in far fewer deaths **Pew Research Center, 2017**. They are becoming increasingly angry at politicians who fear crossing the NRA's agenda.

5.6.2 Future Prospects

The shootings at Virginia Technical University in Blacksburg in 2007, Sandy Hook Elementary School in 2012, a concert in Las Vegas in 2017, and Marjory Stoneman Douglas High School in Parkland, Florida, in 2018, among many other mass shootings, led to renewed calls for better enforcement of existing laws requiring background checks for gun buyers. But even these devastating mass murders did not result in a rush by our politicians to change gun laws. They tend to fear the influence of gun advocates. Changing gun laws may require a cultural shift on gun usage much like there was for cigarette smoking. What was once viewed as an individual right is now seen as infringing on the rights of others.

Opponents of gun control legislation include the NRA, one of the most powerful and outspoken interest groups in the nation. The NRA draws much of its strength from areas of the nation where hunting is popular and where there is a strong feeling that people need to protect themselves and their families. Members of the NRA claim that gun control measures would violate the "right to bear arms" that is contained in the Second Amendment to the United States Constitution. This position is a strong one—and one that most political leaders are unwilling to challenge directly. Opponents of gun control claim that the decision to commit murder has nothing to do with possession of a gun; a killer can stab, strangle, poison, or batter a victim to death. Gun control, therefore, would make little difference.

Although this argument sounds logical, it ignores the lethal potential of guns, which are about five times more likely to kill than knives (the next most commonly used murder weapon), according to those who advocate greater controls and protections against guns. And since most murders are spontaneous results of passion rather than carefully planned acts, it follows that the easy availability of guns is likely to increase the death rate in criminal assaults. In most cases, murders are a result of three factors: impulse, the lethal capacity of the weapon, and the availability of the weapon. Limiting guns would eliminate or at least reduce the latter two factors.

Going Beyond Left and Right

No one likes crime, except perhaps the criminals themselves. All Americans are concerned about crime and violence, regardless of political persuasion. However, what differs is the opinion on the best ways to tackle crime and violence in the community. Some people oppose gun restrictions and see gun ownership as a potential solution to crime, while others believe that access to guns is itself a cause of crime, particularly violent crime.

While the political debate continues, it is important to evaluate the data provided by sociologists, criminologists, and other social scientists to inform social policy. In addition to data about the number of gun deaths per year, or the number of guns in circulation, it is also essential to establish the mood of the general public.How do you feel about gun control, and how do you compare with other Americans? Take the survey, “Gun Control—Yes or No” to find out.

Summary

5.1 Describe the nature of crime and crime statistics, including police discretion and problems of accuracy.
A crime is any act or omission of an act for which the state can apply sanctions. According to the Uniform Crime Reports (UCR) of the Federal Bureau of Investigation (FBI) there has been a steady decline in the number and the rate of violent and property crime in the United States. However, exact statistics are difficult because of ambiguity about whether certain acts are crimes, police discretion regarding what laws to ignore and which ones to enforce, and reporting accuracy.

5.2 Compare different types of crimes and the people who commit them.
Violent personal crimes include rape, assault, robbery, and various types of homicide—acts in which physical injury is inflicted or threatened. Occasional property crimes include vandalism, check forgery, shoplifting, and some kinds of automobile theft. White-collar crimes are those in which people break the law as part of their normal business activity. Corporate crimes are committed by a corporation or an individual working on behalf of an organization (rather than an individual working on his or her own behalf), usually for monetary gain. Organized crime is a term that includes many types of criminal organizations, from large global crime syndicates to smaller local organizations whose membership may be more transient. Public-order offenses include prostitution, gambling, use of illegal substances, drunkenness, vagrancy, disorderly conduct, and traffic violations. Hate crimes include traditional offenses such as murder, arson, or vandalism with an added element of bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. Gender-based violence includes acts likely to result in physical, sexual, or psychological harm and suffering to women, including threats of such acts, coercion, or arbitrary deprivations of liberty, whether occurring in public or private life.

5.3 Evaluate biological explanations for crime and violence.
Early criminologists proposed that crime and violence had a biological basis in some people; however, most experts now argue that, although aggression is natural, violence is not. Men commit far more crime than do women, which may be explained by men's greater level of aggression and the different ways that men and women are socialized.

5.4 Contrast the sociological explanations for crime and violence.
Conflict theory proposes that most crime is either a form of rebellion by members of disadvantaged groups or a form of illegal exploitation by those who are rich and powerful. The functionalist perspective holds that crime stems from the uncertainty about norms of proper conduct that accompanies rapid social change and social disorganization. The interactionist perspective tends to focus on the study of how people

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5.5 Identify ways to control crime and violence.
Efforts by the police, courts, and other agencies to control crime include (a) retribution and deterrence, (b) rehabilitating offenders, and (c) crime prevention.

5.6 Explain the policy considerations surrounding gun control.
Over the past several decades, discussions have been increasingly heated between those calling for stricter federal supervision of the purchase and sale of firearms, and those who believe that Americans have the right to own guns with minimal interference from the government.