

## Chapter 1

# Entering the World of Crime

### *In This Chapter*

- ▶ Figuring out what crime is and how it's measured
- ▶ Tallying some of the costs
- ▶ Categorizing crime
- ▶ Trying to explain why people commit crime
- ▶ Fighting, prosecuting, and punishing crime

**E**ntering the world of crime — and I mean really *entering* it — seriously affects a person. Working in a world of violence and deceit is a hard and trying business. Nonetheless, criminologists and criminal justice professionals devote their lives to studying crime and criminals with the ultimate goal of keeping people safe. In this chapter, you get a brief overview of the criminal world — from what causes crime to what society can do about it.

## *Defining the Terms: What Crime Is and How You Measure It*

Technically, a crime is what your legislature says it is. If legislators want to outlaw riding a horse over 10 mph, they can. (It's against the law to do so in Indianapolis, for example.)



But just outlawing an activity doesn't make it a crime. For example, running a red light is illegal, but it isn't a crime. A *crime* is something you can get locked up for.

Taking away a person's liberty is what separates criminal conduct from illegal conduct. And when the possibility of going to jail is involved, you have a

number of constitutional rights that you don't have when you're caught for a traffic violation, including the following:

- ✓ The right to an attorney
- ✓ The right to a jury, which can convict you only if the evidence is beyond a reasonable doubt
- ✓ The right to remain silent and not have your silence used against you

## *Identifying elements of criminal behavior*

Crime isn't as simple as it seems at first blush. If I signed my credit card receipt in a store and accidentally walked away with the pen, did I commit theft? Of course not. I didn't intend to steal the pen. To be guilty of a crime, I must have some *mental culpability*, such as criminal intent. Taking a pen is a crime only if a prosecutor can prove that I intended to deprive the owner of his pen.

In addition, committing a crime requires a physical act. It's not illegal just to think about committing a crime; you must physically *do* something. (Of course, a few exceptions exist. For example, not paying your taxes can constitute a crime.) I explore the elements of a *criminal law* (which is a law that defines a crime) in greater detail in Chapter 2.

Not all crimes are equal. The law breaks down crimes into two categories, according to seriousness:

- ✓ **Misdemeanor:** This type of crime includes the least serious offenses. Historically, misdemeanor crimes were crimes that couldn't be punished by more than a year in jail. Today, however, because overcrowding in jails is a serious problem, people convicted of misdemeanors, especially first-time offenders, aren't likely to get much jail time at all.
- ✓ **Felony:** This type of crime is usually more serious and is punishable by more than a year in custody. Serious violent crimes like murder, rape, kidnapping, and robbery are felonies that can result in lengthy prison sentences.

## *Gathering crime statistics*

You may think that determining the amount of crime in a given city, state, or country is a pretty simple task. But, in reality, it's very challenging. For example, how do you gather statistics about illegal drug sales? Neither the seller nor the buyer is going to report a heroin deal. And wives who are beaten by their husbands don't usually call the cops. In fact, less than 50 percent of violent crimes and less than 40 percent of property crimes are ever reported to the police.

The Federal Bureau of Investigation (FBI) has developed a system called the *Uniform Crime Report* for gathering basic statistics about nine serious felonies, known in the crime business as *Part 1 crimes*. Whenever one of the roughly 17,000 police agencies in the United States gets a report that one of these crimes has been committed, that agency passes the information on to the FBI. If the agency ends up making an arrest, it passes that information on, as well. The FBI incorporates this information in its annual crime report.

Recognizing the limits of crime reports and arrest statistics in measuring crime, the federal government created the National Crime Victimization Survey, which canvasses 76,000 households every year to ask whether members of those households have been victimized by crime. The idea is that this survey can gather information about crimes that aren't reported to the police. This survey paints a pretty good picture of national crime trends, but the sampling just isn't large enough to allow for an accurate assessment of crime trends at the state or local level. In Chapter 3, I get into the crime statistics business in much greater detail.

## *Recognizing the Various Costs of Crime*

While criminologists try to gather accurate statistics about the amount of crime, economists focus on the financial costs of crime. And, of course, no one can forget the life-changing impact crime has on victims.

### *Noting the financial impact*

The most obvious cost of crime to society is the money it takes to run the criminal justice system, including the following big-ticket items:

- ✓ Police
- ✓ Jails, prisons, and the staff to run them
- ✓ Prosecutors
- ✓ Judges and court staff
- ✓ Defense attorneys to represent charged defendants at trial and on appeal
- ✓ Probation officers
- ✓ Juvenile justice counselors

Plus, in the United States, each of the three levels of government — local, state, and federal — may run its own justice system, which may include some or all of the preceding expenses.

In addition to governmental costs, society bears many other financial impacts of crime. For example, think of the lost productivity and lost tax revenue that occurs when a person decides to sell drugs rather than earn wages lawfully. Or think of the costs of providing medical care to victims of violence or the costs of developing cybersecurity for a corporation to protect its computer systems. The financial impact of crime is quite startling when you dive into it. In Chapter 3, I provide more details on the true cost of crime to all of society.

## *Respecting the price a victim pays*

Crime doesn't just carry an economic cost, however. Every day, thousands of lives are turned upside down by criminal violence and theft. Think of the impact on a senior citizen who's defrauded out of her life savings or on a battered spouse who's isolated from her friends and family and lives in constant fear of upsetting her husband. There's simply no way to quantify the human toll of crime.

Until about 30 years ago, crime victims were pretty much left to fend for themselves. But in the early 1980s, a movement that brought help to victims began. Today, in every state, a victim of violent crime can get financial help with medical bills, grief counseling, lost wages, and other economic losses. Victims can also get help understanding the criminal justice system.

Significantly, within the last ten years, a movement to grant rights to victims has gathered tremendous momentum. In most states today, victims have at least the following rights:

- ✓ The right to be notified of all important hearings
- ✓ The right to speak at release hearings where criminal defendants seek to be released from jail
- ✓ The right to obtain a “no contact” order, which prohibits the defendant from contacting the victim
- ✓ The right to prevent the defendant from getting the victim's address
- ✓ The right to demand a blood test of the defendant if there's a possibility that a disease, such as HIV or hepatitis, was transferred to the victim during the crime
- ✓ The right to receive restitution for financial impact from a crime
- ✓ The right to give a statement to the judge explaining the impact of the crime on the victim at the time of sentencing the defendant

For much more information about what the criminal justice system does to protect victims, see Chapter 4.

## Considering Categories of Crime

Law enforcement professionals often group crimes into the following two categories:

- ✓ Violent crimes (also called *person crimes*)
- ✓ Property crimes

But a careful study of crime reveals that *organized crime*, in which groups engage in a business of crime, is a whole different animal worthy of separate analysis.

### Studying individual crimes

When police respond to a 9-1-1 call, they're almost always responding to an individual crime. Someone was assaulted or burglarized, for example. Typically, police treat violent crimes much more seriously than they do property crimes. For example, although a murder investigation may have ten or more cops assigned to it, police may not even respond in person to investigate a burglary at a home. Obviously, this discrepancy occurs because protecting personal safety is the number one job of people in law enforcement; plus, police resources are finite.

Here are the crimes you most likely think of when you consider individual crimes:

#### ***Violent Crimes***

Murder and manslaughter

Assault and battery (including domestic abuse, child abuse, and vehicular assault)

Sexual crimes (rape, sodomy, and child molestation)

Robbery

#### ***Property Crimes***

Theft (including shoplifting, embezzlement, Internet fraud, identity theft, and car theft)

Burglary

Arson

Obviously, the punishment for violent crime is much more severe than it is for property crime. A person who shoplifts from a convenience store (a property crime) will get a much lighter sentence than someone who sticks a gun in the store clerk's face and demands cash (the violent crime of robbery).

Among different violent offenses, the punishment can vary depending on whether a weapon was used, how much harm was caused, and whether the bad guy *intended* to cause harm. For example, a drunk driver who crashes and kills his passenger will receive a much shorter prison sentence than a woman who knowingly poisons her mother-in-law. The drunk driver didn't intend to kill anyone, but the evil daughter-in-law surely did. (For more info, check out Chapter 5 on violent crimes and Chapter 6 on property crimes.)

## *Focusing on organized crime*

Despite what you see on TV, organized crime is much more than the Italian mob. In fact, the mafia is really only a very small part of the organized crime threat in the United States today. *Organized crime* refers to the groups of individuals who organize themselves in a hierarchical structure, usually for the purpose of engaging in the business of crime. These groups are set up in such a way that even when police arrest one or two members, the organization continues to operate. This structure is what makes fighting organized crime so difficult.

Organized crime groups are traditionally set up along ethnic lines, in large part, because members of the same ethnic group are more likely to know and trust one another. (However, a group called the *United Nations gang*, known for its ethnic diversity, was taken down in May 2009 for a large-scale drug-smuggling operation between Canada and the United States.)

Some common organized crime groups include

- ✓ Motorcycle gangs
- ✓ Drug-smuggling operations
- ✓ Prison gangs
- ✓ Street gangs
- ✓ White-supremacist organizations

These groups usually gravitate toward the types of criminal activities that provide the most income. Obviously, much of this activity includes illegal drugs. But it also includes tobacco smuggling, trafficking in counterfeit goods, and Internet fraud. Plus, you can't forget the more traditional, localized organized crime activities, such as extortion, loan sharking, and robbery. And some groups, like white-supremacist criminal organizations, aren't as interested in making money; they're actually closer to being terrorist organizations. In Chapter 8, I go into much greater detail about the organized crime threat and how law enforcement is dealing with it.

## *Spotlighting terrorism*

Throughout the world, and here in the United States, organized groups are using violence and the threat of violence to achieve political and social goals. These groups are called *terrorists*, and, today, criminal justice professionals are on the front lines in the fight against terrorism. Most known terrorist plots in the United States have been first identified or foiled by local police. As a result, it's standard practice for cops throughout the country to be trained in identifying signs of terrorist activity.

Terrorism experts generally categorize the terrorist threat into two groups: international terrorist organizations and domestic organizations. But, in reality, hundreds of international groups have many different agendas, and numerous domestic terrorist groups tout principles ranging from animal rights to white supremacy.

While law enforcement tends to investigate terrorists using the same methods used to attack organized crime, a significant threat continues to be the “lone wolf” actor, who goes at it alone (or perhaps works with a buddy). Timothy McVeigh and Terry Nichols, who killed 168 people by bombing the federal building in Oklahoma City, are prime examples. Such lone wolf attacks are very challenging to detect because the attackers don't communicate their plans to accomplices.

In Chapter 10, I discuss the major international and domestic terrorist threats that the United States faces today.

## *Figuring Out What Makes Someone Commit a Crime*

One significant branch of criminology focuses on determining the causes of crime. Why do some people become life-long criminals while others become productive members of society? If criminologists — or anyone for that matter — can answer this question, maybe they can figure out some ways to prevent crime.

The following sections just skim the surface of the major theories criminologists have developed for why people commit crime. For a much more detailed discussion of the various causes of crime, check out Chapters 12 through 15.

## *Making a rational decision*

Underlying society's current response to crime is the *rational choice theory*, which says that people generally make rational decisions about choices in

their lives, including decisions to commit crime. This theory holds that when deciding whether to commit an illegal act, a person assesses the potential rewards and risks and then acts accordingly. If society provides enough punishment, a rational actor will decide not to commit crime. Thus, the threat of punishment acts as a deterrent to committing crime.

Of course, not everyone acts rationally. Human beings are prone to doing stupid things, even when they know they're stupid. And then, of course, you can't forget the impact of drugs and mental illness. A person high on methamphetamine probably won't do a very good job of analyzing potential risks and rewards.

## *Pointing the finger at society*

Sometimes people make rational choices to engage in crime because their values are significantly different from those of normal society. For example, a gang banger may rationally choose to commit assault to gain status within his gang. How does a person develop such antisocial values?

Criminologists have developed a number of theories to explain society's role in crime. *Social disorganization theory*, for example, asserts that the structure of a neighborhood is strongly correlated to the amount of crime in that neighborhood. Where social structures are in decay, more crime is likely to occur. Poor schools, high unemployment, and a mix of commercial and residential property are some of the indicators of social disorganization.

*Strain theory* contends that everyone in society has generally the same goals and ambitions. But some people aren't able to achieve those goals because they lack opportunity, attend poor schools, or have few positive role models, for example. In response, they resort to crime to achieve their goals. In other words, the frustration, or *strain*, of not achieving their goals leads them to commit crime. A variety of strain theories focus on different causes of frustration.

Yet another theory, called the *social learning theory*, contends that criminals learn the skills, attitudes, and behaviors that lead to crime from the people they hang out with. Under this theory, a person's peer group and family are instrumental in shaping the values that lead them to criminal or law-abiding behavior.

Other explanations for crime come from a collection of theories known as *social control theories*. Generally, these theories argue that crime is exciting and fun and provides immediate gratification, so most people would become criminals if not for a variety of "controls" that restrain the urge to commit crime. These controls may be external, such as family, schools, church, and the social bonds related to these organizations. Or, they may be internal, such as self-discipline and strong self-esteem. In neighborhoods where institutional controls are weak, more crime occurs.



## *Blaming mental and physical defects*

It's increasingly clear that genetics, diet, brain chemistry, and even the environment can play a role in causing a person to commit crime.

Adoption studies have confirmed a genetic link between criminal parents and criminal conduct by their offspring. But these same studies also show that the environment created by the parents raising the children has an impact on the children's criminal conduct. Thus, criminologists recognize that genetics are just part of the picture.

Other studies have shown that a poor diet can lead to learning disabilities, attention deficit/hyperactivity disorder, and depression, all of which are linked to greater potential for criminal behavior.

And, of course, personality disorders and mental illnesses may create a greater likelihood of criminal behavior. For example, a large percentage of people in prison have an *antisocial personality disorder*, which generally means they've engaged in a pattern of behavior that violates the rights of others.

## *Waging a War against Crime*

Society fights crime with three levels of police: Local, state, and federal. Each level has different responsibilities, but they all join forces when it comes to fighting organized crime.

### *Policing the streets*

Of the 17,000 police agencies in the United States, most of them are local agencies, which means they're city police or county sheriffs. These agencies handle most of the emergency calls for police services. In addition to responding to 9-1-1 calls, however, local police patrol the streets and enforce traffic laws. In fact, the only interaction most people have with a cop is getting pulled over for a traffic violation.

Although local agencies can range in size from one officer to thousands, most departments have the following categories of cops:

- ✓ **Patrol officers:** Respond to 9-1-1 calls and drive the streets to try to discourage crime with their presence.
- ✓ **Sergeants:** Typically supervise five to ten officers.
- ✓ **Detectives:** Conduct criminal investigations. Rather than just responding to a 9-1-1 call and writing a report, a detective typically is assigned more

complex cases that require longer-term investigations. A smaller police department may have just a general detective unit, while a larger department may have detectives who specialize in specific types of crime, such as homicide.

- ✓ **Management:** Includes lieutenants, captains, and the chief of police or sheriff.

In Chapter 16, I discuss the functions of all these cops in detail.

## *Getting the feds involved*

Although the federal government has over 65 different federal agencies with law enforcement personnel, the vast majority of federal officers work for agencies I'm sure you've heard of, including the following:

- ✓ Federal Bureau of Investigation (FBI)
- ✓ Drug Enforcement Administration (DEA)
- ✓ Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- ✓ Immigration and Customs Enforcement (ICE), which used to be the INS and the Customs Service
- ✓ Secret Service
- ✓ U.S. Marshal's Service
- ✓ Internal Revenue Service (IRS)

These agencies enforce *federal criminal laws*, which are criminal laws passed by the U.S. Congress. (Local police agencies typically enforce local or state laws.) Each of these agencies focuses on its area of specialty, with the FBI having broader authority to get into more types of crime. An officer with a federal agency is usually called a *special agent* and conducts complex, long-term investigations. Special agents don't respond to 9-1-1 calls or enforce traffic laws. If you're intrigued by life as a fed, look at Chapter 17 where I give you a brief overview of the major federal law enforcement agencies.

## *Working together in task forces*

Because organized crime frequently crosses the territorial boundary of one police agency, local, state, and federal cops often come together to form *task forces*, which fight a specific type of crime. Most commonly, officers from different agencies work together on drug or gang task forces. For example,

when a drug mule carries dope from one city into another, the task force has authority in each town to conduct surveillance and make arrests.

One of the greatest benefits of task forces is that they encourage information sharing between different agencies. When agencies combine their information about a particular organized crime group, they often create a much better picture of the threat and are then able to devise a strategy to investigate and eliminate that threat. Because so many different police agencies are working toward the same goal of public safety, cooperation among them is crucial, and task forces help to foster that cooperation.

## *Bringing Criminals to Justice*

When police catch a criminal, that person enters a large, complex system that is set up to make sure that individual's constitutional rights are protected at the same time that society as a whole is protected.

### *Prosecuting crime*

After police make an arrest, a prosecutor must determine whether or not to file criminal charges. (At the local level, a prosecutor is usually known as an *assistant district attorney* or *county prosecutor*. At the federal level, prosecutors are called *assistant U.S. attorneys*.) After reading a police officer's report, if a prosecutor decides to file charges, he drafts a charging document, sometimes called an *information* or an *indictment*, which lists all the criminal charges against the defendant.

At the *arraignment*, the defendant hears the charges against him and has the chance to apply for a court-appointed attorney. (Most defendants can't afford to hire their own lawyers.) Thereafter, the prosecutor and the defense attorney engage in plea negotiations. The vast majority of criminal cases are resolved by negotiations and don't go to trial. But if the lawyers can't agree, they do go to trial, where a jury decides whether or not the defendant is guilty. (A defendant can choose to waive his right to a jury and let a judge decide the case.) I discuss the responsibilities of prosecutors, defense attorneys, and judges in Chapter 19, and I walk you through all the steps of a typical criminal trial in Chapter 20.

### *Determining punishment*

If a defendant is convicted, the judge decides what punishment to impose, although many states have taken away most of a judge's discretion by passing

laws that provide for mandatory sentences for certain serious crimes. Low-level offenses often don't result in any jail time. Rather, a defendant may just receive a fine, some community service, and probation. But serious offenses can result in lengthy sentences.

A person sentenced to do time can go to either a local jail, usually run by a county sheriff, or a prison, run by a state or the federal government. Jail is usually reserved for shorter sentences, and prison often involves sentences of a year or more.

After serving their time, convicted persons are often placed on *probation* or *parole*, which means they have to comply with certain conditions imposed by the judge or else be sent back to jail or prison. Here are some typical probation conditions:

- ✓ Pay all court costs and fines
- ✓ Complete community service
- ✓ Attend all ordered treatment, such as drug treatment, anger management, or sex offender treatment
- ✓ Obey all laws (of course!)

In Chapter 21, I talk about the U.S. *corrections system*, which is made up of the jails, prisons, and probation services that house convicted defendants and attempt to get them back on a law-abiding track.

## *Giving juveniles special attention*

What do you do with a kid who commits a crime? In the United States, the system for dealing with juvenile offenders is different from the one dealing with adults. The primary reason for having a separate system is that society recognizes that because kids aren't yet mature, society shouldn't hold them fully responsible for their misconduct. Recent science supports the idea that until children's brains are fully developed (at around the age of 25), they're more likely to be impulsive and exercise poor judgment. Thus, it's no wonder that roughly half of all crimes are committed by people under the age of 25.

When a juvenile is arrested, he's assigned a juvenile counselor who works closely with him to get him back on the law-abiding track, which means identifying problems at home, drug use, or other environmental factors that are causing difficulty.

Most juveniles are given the chance to avoid formal trials and, thus, avoid creating permanent records by handling their cases *informally*. In other

words, they admit their conduct to the juvenile counselor and are given some form of light punishment, such as community service.

For more serious offenses, or for chronic offenders, the system may treat the juvenile *formally*. This means he has the right to an attorney and a trial before a judge. If he's found *responsible* (kids aren't found "*guilty*"), the judge can sentence him to do some time in a local juvenile facility or even a state-run youth correctional facility — the equivalent of an adult state prison. However, recognizing that incarcerating kids is often counterproductive, there's a strong bias against ordering kids to do time. Usually judges don't incarcerate kids unless they repeatedly violate their probation.

For very serious offenses, such as murder or rape, all states have laws that allow judges to waive the kid into adult court. In other words, the kid is tried like an adult and, if found guilty, sentenced like an adult. So in most states, a 16-year-old murderer can be sentenced to life in prison. If you're interested in more details about the juvenile justice system, turn to Chapter 22.

