Chapter 3

The Crime Picture: Offenders and Victims

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Learning Objectives

Classifications of Crime

1. Discuss the primary goals of civil law and criminal law and explain how these goals are realized.

2. Explain the differences between crimes *mala in se* and *mala prohibita*. 
Measuring Crime in the United States

3 Identify the publication in which the FBI reports crime data and list the two main ways in which the data are reported.

4 Distinguish between the National Crime Victimization Survey (NCVS) and self-reported surveys.

Victims of Crime

5 Describe the three ways that victims’ rights legislation increases the ability of crime victims to participate in the criminal justice system.

6 Discuss one major concern regarding victim participation in the criminal justice process.

Crime Trends in the United States

7 Identify the three factors most often used by criminologists to explain changes in the nation’s crime rate.

8 Explain why income level appears to be more important than race or ethnicity when it comes to crime trends.

9 Discuss the prevailing explanation for the rising number of women incarcerated in the United States.

To target your study and review, look for these numbered Learning Objective icons throughout the chapter.

A History of Violence

Late at night, Juan Morales enters a sleeping woman’s dark bedroom after watching her boyfriend leave. Pretending to be the boyfriend, he proceeds to have sexual intercourse with the woman, who does not realize what is happening until too late. Has Morales committed a crime? “The answer is no,” ruled a Los Angeles court on January 2, 2013, somewhat reluctantly. The problem was a “historic anomaly” in California’s legal definition of rape. According to a state law passed in the 1870s, such trickery is rape only if the perpetrator pretends to be the victim’s husband. Because Morales’s victim was not married, his actions were not—technically—criminal.

Understandably, the court’s decision caused a fair amount of controversy. One Long Beach assemblywoman compared the ruling to “applying horse-and-buggy standards to our freeways.” Indeed, the term rape has a difficult legal history in the
United States. For many years, both federal and state and criminal law required that “force” be used to raise a sexual assault to the level of a crime. That is, the offender (by definition, male) had to use violence against the victim (by definition, female), who was similarly required to strenuously resist the attack. Most rapes, however, occur through coercion and threats and feature physical contact such as pinning the victim to the ground that does not leave obvious traces of harm. The Centers for Disease Control estimates that only 14 percent of rape cases involve armed rapists and victims with outwardly obvious injuries like bruises or broken bones.

On the Chapel Hill campus of the University of North Carolina, students protest the school’s policy on sexual assault, a contentious subject for many crime victims.

Today, only six states require evidence of overt physical force for a rape to have occurred, and most criminal codes in the United States recognize male victims.
Additionally, the U.S. Department of Justice recently expanded the way that it measures the national occurrence of criminal sexual assault. Now, for the purposes of federal statistics, almost any sexual act committed against a person—female or male—without her or his consent meets the standard for rape.

1. In the Morales case described above, the victim had no way to directly contest the court’s decision. Even if California politicians do amend the law, any change will come too late to impact her case. Should victims of crime be given an outlet to challenge court outcomes that they believe to be incorrect or unfair? Why or why not?

2. What is your opinion of rape laws that focus on lack of victim consent rather than the use of physical force by the alleged rapist?

3. Until recent decades, many states defined rape as the forcible sexual intercourse with a person other than the wife of the accused. What do you think was the purpose of this “marital exemption”? How has American society changed so that this exemption is now unacceptable?

Chapter 3: The Crime Picture: Offenders and Victims: 3-1 Classification of Crimes

3-1 Classification of Crimes

The federal government’s decision regarding its official definition of rape was met with widespread approval. The new definition “comes much closer to reflecting the reality of the crime,” said Scott Berkowitz, head of the Rape, Abuse, and Incest National Network. As you will see later in this chapter, definitions and measurements of crime are specific tools that both criminal justice professionals and community leaders can use for crime prevention and victim assistance.

We start, however, with a broad overview of three classifications that are crucial to understanding the crime picture of the United States: the differences between

1. civil law and criminal law,

2. felonies and misdemeanors, and

3. crimes mala in se and mala prohibita.
All law can be divided into two categories: civil law and criminal law. As U.S. criminal law has evolved, it has diverged from U.S. civil law. These two categories of law are distinguished by their primary goals. The criminal justice system is concerned with protecting society from harm by preventing and prosecuting crimes. A crime is an act so reprehensible that it is considered a wrong against society as a whole, as well as against the individual victim. Therefore, the state prosecutes a person who commits a criminal act. If the state is able to prove that a person is guilty of a crime, the government will punish her or him with imprisonment or fines, or both.

**Civil law** (The branch of law dealing with the definition and enforcement of all private or public rights, as opposed to criminal matters.), which includes all types of law other than criminal law, is concerned with disputes between private individuals and between entities. Proceedings in civil lawsuits are normally initiated by an individual or a corporation (in contrast to criminal proceedings, which are initiated by public prosecutors). Such disputes may involve, for example, the terms of a contract, the ownership of property, or an automobile accident. Under civil law, the government provides a forum for the resolution of *torts*—or private wrongs—in which the injured party, called the **plaintiff** (The person or institution that initiates a lawsuit in civil court proceedings by filing a complaint.), tries to prove that a wrong has been committed by the accused party, or the **defendant** (In a civil court, the person or institution against whom an action is brought. In a criminal court, the person or entity who has been formally accused of violating a criminal law.). (Note that the accused party in both criminal and civil cases is known as the **defendant**.)

**Guilt and Responsibility**

A criminal court is convened to determine whether the defendant is *guilty*—that is, whether the defendant has, in fact, committed the offense charged. In contrast, civil law is concerned with responsibility, a much more flexible concept. For example, when baby Sofia Blunt developed cerebral palsy soon after her birth, a civil court in San Louis Obispo, California, blamed Kurt Haupt, the presiding doctor. Apparently, Haupt failed to take proper steps to increase blood flow to Sofia’s brain during delivery. Even though Haupt was never charged with any crime, the civil court decided that he was **liable** (In a civil court, legal responsibility for one’s own or another’s actions.), or legally responsible, for Sofia’s condition because of his carelessness.

Most civil cases involve a request for monetary damages to compensate for the wrong that has been committed. Thus, in 2012, the civil court had Kurt Haupt's insurance company pay $74 million to Sofia Blunt’s parents to cover the medical costs they will incur over their daughter’s lifetime.

**The Burden of Proof**
Although criminal law proceedings are completely separate from civil law proceedings in the modern legal system, the two systems do have some similarities. Both attempt to control behavior by imposing sanctions on those who violate society’s definition of acceptable behavior. Furthermore, criminal and civil law often supplement each other. In certain instances, a victim may file a civil suit against an individual who is also the target of a criminal prosecution by the government.

Because the burden of proof is much greater in criminal trials than civil ones, it is almost always easier to win monetary damages than a criminal conviction. Several years ago, for example, store manager Richard Moore was found not guilty of sexually abusing an employee in O’Fallon, Illinois, because investigators could not match his DNA to physical evidence found near the alleged incident. A separate civil court, however, ruled that Moore had sexually abused the woman and ordered his employer, the furniture chain Aaron’s, to pay her $41 million in damages. During the criminal trial, the court did not find enough evidence to prove beyond a reasonable doubt (The degree of proof required to find the defendant in a criminal trial guilty of committing the crime. The defendant’s guilt must be the only reasonable explanation for the criminal act before the court.) (the burden of proof in criminal cases) that Moore was guilty of any crime. Nevertheless, the civil trial established by a preponderance of the evidence (The degree of proof required to decide in favor of one side or the other in a civil case. In general, this requirement is met when a plaintiff proves that a fact more likely than not is true.) (the burden of proof in civil cases) that Moore had thrown the employee to the floor and sexually abused her. (See the Mastering Concepts feature for a comparison of civil and criminal law.)

Mastering Concepts

Civil Law Versus Criminal Law

<table>
<thead>
<tr>
<th>Issue</th>
<th>Civil Law</th>
<th>Criminal Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area of concern</td>
<td>Rights and duties between individuals</td>
<td>Offenses against society as a whole</td>
</tr>
<tr>
<td>Wrongful act</td>
<td>Harm to a person or business entity</td>
<td>Violation of a statute that prohibits some type of activity</td>
</tr>
<tr>
<td>Party who brings suit</td>
<td>Person who suffered harm (plaintiff)</td>
<td>The state (prosecutor)</td>
</tr>
<tr>
<td>Party who responds</td>
<td>Person who supposedly caused harm (defendant)</td>
<td>Person who allegedly committed a crime (defendant)</td>
</tr>
<tr>
<td>Standard of proof</td>
<td>Standard of proof</td>
<td>Beyond a reasonable doubt</td>
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</table>
3-1b Felonies and Misdemeanors

Depending on their degree of seriousness, crimes are classified as **felonies** or **misdemeanors**. **Felonies** (a serious crime, usually punishable by death or imprisonment for a year or longer) are crimes punishable by death or by imprisonment in a federal or state penitentiary for one year or longer (though some states, such as North Carolina, consider felonies to be punishable by at least two years’ incarceration). The Model Penal Code, a general guide for criminal law that you will learn more about in the next chapter, provides for four degrees of felony:

1. Capital offenses, for which the maximum penalty is death.
2. First degree felonies, punishable by a maximum penalty of life imprisonment.
3. Second degree felonies, punishable by a maximum of ten years’ imprisonment.
4. Third degree felonies, punishable by a maximum of five years’ imprisonment.

For the most part, felonies involve crimes of violence such as armed robbery or sexual assault, or other “serious” crimes such as stealing a large amount of money or selling illegal drugs.

**Types of Misdemeanors**

Under federal law and in most states, any crime that is not a felony is considered a **misdemeanor** (a criminal offense that is not a felony; usually punishable by a fine and/or a jail term of less than one year). Misdemeanors are crimes punishable by a fine or by confinement for up to a year. If imprisoned, the guilty party goes to a local jail instead of a penitentiary. Disorderly conduct and trespassing are common misdemeanors. Most states distinguish between **gross misdemeanors**, which are offenses punishable by thirty days to a year in jail, and **petty misdemeanors**, or offenses punishable by fewer than thirty days in jail. Probation and community service are often imposed on those who commit misdemeanors, especially juveniles. As you will see in Chapter 8, whether a crime is a felony or misdemeanor can also determine in which criminal court the case will be tried.

A police officer writes a citation after making a traffic stop in Mount Pocono,
Pennsylvania. What is the difference between an infraction, such as a speeding violation, and a crime? Why does it make sense that infractions do not appear on a person’s criminal record?

Infractions

The least serious form of wrongdoing is often called an infraction (In most jurisdictions, a noncriminal offense for which the penalty is a fine rather than incarceration.) and is punishable only by a small fine. Even though infractions such as parking tickets or traffic violations technically represent illegal activity, they generally are not considered “crimes.” Therefore, infractions rarely lead to jury trials and are deemed to be so minor that they do not appear on the offender’s criminal record. In some jurisdictions, the terms infraction and petty offense are interchangeable. In others, however, they are different. Under federal guidelines, for example, an infraction can be punished by up to five days of prison time, while a petty offender is only liable for a fine. Finally, those who string together a series of infractions (or fail to pay the fines that come with such offenses) are in danger of being criminally charged. In Illinois, having three or more speeding violations in one year is considered criminal behavior.
Criminologists often express the social function of criminal law in terms of *mala in se* or *mala prohibita* crimes. A criminal act is referred to as *mala in se* (a descriptive term for acts that are inherently wrong, regardless of whether they are prohibited by law.) if it would be considered wrong even if there were no law prohibiting it. *Mala in se* crimes are said to go against “natural laws”—that is, against the “natural, moral, and public” principles of a society. Murder, rape, and theft are examples of *mala in se* crimes. These crimes are generally the same from country to country or culture to culture.

In contrast, the term *mala prohibita* (a descriptive term for acts that are made illegal by criminal statute and are not necessarily wrong in and of themselves.) refers to acts that are considered crimes only because they have been codified as such through statute—“human-made” laws. A *mala prohibita* crime is considered wrong only because it has been prohibited. It is not inherently wrong, though it may reflect the moral standards of a society at a given time. Thus, the definition of a *mala prohibita* crime can vary from country to country and even from state to state. Bigamy, or the offense of having two legal spouses, could be considered a *mala prohibita* crime.

**Making the Distinction**

Some observers question the distinction between *mala in se* and *mala prohibita*. In many instances, it is difficult to define a “pure” *mala in se* crime. That is, it is difficult to separate a crime from the culture that has deemed it a crime. Even murder, under certain cultural circumstances, is not considered a criminal act. In a number of poor, traditional areas of the Middle East and Asia, the law excuses “honor killings” in which men kill female family members suspected of sexual indiscretion. Our own legal system excuses homicide in extreme situations, such as self-defense or when a law enforcement agent kills in the course of upholding the law. Therefore, “natural” laws can be seen as culturally specific. Similar difficulties occur in trying to define a “pure” *mala prohibita* crime. More than 150 countries, including most members of the European Union, have legalized prostitution. With the exception of seven rural counties of Nevada, prostitution is illegal in the United States.
“Our society is going through a technological transformation,” notes Adam Schwartz, a civil liberties lawyer. “We are at a time where tens of millions of Americans carry around a telephone or other device in their pocket that has an audio-video capacity. Ten years ago, [we] weren’t walking around with all these devices.” This widespread ability to record interactions with others has increased the possibility that Americans are breaking the law, often without their knowledge. The criminal codes of twelve states require the consent of all parties involved before any conversation can be recorded.

In some cases, the penalties for breaking these laws can be quite harsh. Under the Illinois Eavesdropping Act, audio-recording a civilian without consent is a Class 4 felony, punishable by up to three years in prison. Audio-recording an Illinois law enforcement official who is performing her or his duties without consent is a Class 1 felony, punishable by up to fifteen years in prison.

**Thinking about Electronic Eavesdropping**

Are these eavesdropping statutes *mala in se* laws or *mala prohibita* laws? While explaining your answer, remember that smartphones and other easily portable devices with one-touch recording capabilities did not exist when most eavesdropping statutes were passed.

**The Drug Dilemma**

In spite of these difficulties, the *mala in se/mala prohibita* split can help explain seeming contradictions in criminal law. Take the law’s treatment of *stimulants*, which are drugs that act on the nervous system to produce feelings of wellbeing and euphoria. *Nicotine*, a naturally occurring substance in the tobacco plant, and *caffeine*, found in coffee, tea, and soft drinks, are both stimulants. So are *cocaine*, an active ingredient in the South American coca plant, and *amphetamine*, developed in the 1920s to treat asthma sufferers. Nicotine and caffeine are considered *licit drugs* (Legal drugs or substances, such as alcohol, caffeine, and nicotine), or socially acceptable substances, if used by adults. In contrast,
cocaine and many amphetamines are considered **illicit drugs** (Certain drugs or substances whose use or sale has been declared illegal.), or drugs whose sale and use have been made illegal. The most widely used drug in the United States is *alcohol*, consumed, at least occasionally, by approximately two-thirds of adult Americans.

Distinguishing between Licit and Illicit Drugs Why has society prohibited the use of certain drugs, while allowing the use of others? The answer cannot be found in the risk of harm caused by the substances. Just as with illicit drugs, many licit drugs, if abused, can have serious consequences for the health of the user or of others. Improper consumption of the nonprescription pain reliever Tylenol (acetaminophen) is a leading cause of liver failure in the United States today, and about 10,000 Americans are killed in alcohol-related car crashes each year. Nor is illegality linked to the addictive quality of the drug. According to the American Medical Association, nicotine is the most habit-forming substance, with over two-thirds of people who smoke cigarettes becoming “hooked.” The next most addictive drug is heroin, followed by cocaine, alcohol, amphetamines, and marijuana, in that order. The drug most widely associated with violent behavior, especially domestic violence, is alcohol. One professor of preventive medicine has concluded that “there are no scientific ... or medical bases on which the legal distinctions between various drugs are made.”

Society and the Law If drug laws are not based on science or medicine, on what are they based? The answers lies in the concept of *mala prohibita*: certain drugs are characterized as illicit while others are not because of presiding social norms and values. The general attitude of American society toward drugs has changed dramatically over the past century and a half. With the notable exception of alcohol, many drugs were considered useful, medicinal substances in the 1800s. Cocaine was promoted as a remedy for dozens of ailments. Coca-Cola, introduced in 1886, was marketed as providing the benefits of cocaine without the dangers of alcohol.

As these attitudes have changed, the law has changed as well. Today, licit and illicit drugs are regulated under the Controlled Substances Act (CSA), which is part of the Comprehensive Drug Abuse Prevention and Control Act of 1970. The CSA specifies five hierarchical categories for drugs and the penalties for the manufacture, sale, distribution, possession, or consumption of these drugs, based on the substances' medical use, potential for abuse, and addictive qualities (see Figure 3.1). The CSA explicitly excludes “distilled spirits, wine, malt beverages, and tobacco” from the legal definition of a “controlled substance.” Therefore, alcohol and tobacco are legal not because they have pharmacological effects that are considerably different or safer than those of illicit drugs, but rather because the law, as supported by society, says so. Furthermore, as we saw in last chapter's discussion of the legalization of marijuana, sometimes certain segments of society challenge the status quo, placing pressure on criminal law to adjust accordingly.

**Figure 3.1**

**Schedules of Narcotics as Defined by the Federal Controlled Substances Act**

The Comprehensive Drug Abuse Prevention and Control Act of 1970 continues to be the basis for
the regulation of drugs in the United States. Substances named by the act were placed under direct regulation of the Drug Enforcement Administration (DEA). The act “ranks” drugs from I to V, with Schedule I drugs being the most heavily controlled and carrying the most severe penalties for abuse.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Examples</th>
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<tbody>
<tr>
<td><strong>SCHEDULE I</strong></td>
<td>Drugs with high abuse potential that are lacking therapeutic utility or adequate safety for use under medical supervision.</td>
</tr>
<tr>
<td><strong>SCHEDULE II</strong></td>
<td>Drugs with high abuse potential that are accepted in current medical practice despite high physical and psychological dependence potential.</td>
</tr>
<tr>
<td><strong>SCHEDULE III</strong></td>
<td>Drugs with moderate abuse potential that are utilized in current medical practice despite dependence potential.</td>
</tr>
<tr>
<td><strong>SCHEDULE IV</strong></td>
<td>Drugs with low abuse potential that are accepted in current medical practice despite limited dependence potential.</td>
</tr>
<tr>
<td><strong>SCHEDULE V</strong></td>
<td>Drugs with minimal abuse potential that are used in current medical practice despite limited dependence potential.</td>
</tr>
</tbody>
</table>


**Self Assessment**

Fill in the blanks and check your answers.

____ law is concerned with disputes between private individuals and other entities, whereas criminal law involves the ____ ’s duty to protect society by
Learning Objective 3

Identify the publication in which the FBI reports crime data and list the two main ways in which the data are reported.
1. The number of persons arrested.

2. The number of crimes reported by victims, witnesses, or the police themselves.

3. Police employee data.

Once this information has been sent to the FBI, the agency presents the crime data in two important ways:

1. As a *rate* per 100,000 people. So, for example, suppose the crime rate in a given year is 3,500. This means that, for every 100,000 inhabitants of the United States, 3,500 Part I offenses were reported to the FBI by local police departments. The crime rate is often cited by media sources when discussing the level of crime in the United States.

2. As a *percentage* change from the previous year or other time periods. From 2000 to 2010, there was a 20.2 percent decrease in violent crime and an 18.7 percent decrease in property crime. Thus, according to the UCR, the first decade of the twenty-first century saw a significant reduction in criminal behavior in the United States.

The Department of Justice publishes its data annually in *Crime in the United States*. Along with the basic statistics, this publication offers an exhaustive array of crime information, including breakdowns of crimes committed by city, county, and other geographic designations and by the demographics (gender, race, age) of the individuals who have been arrested for crimes.

Chapter 3: The Crime Picture: Offenders and Victims: 3-2b Part I Offenses

**3-2b Part I Offenses**

The UCR divides the criminal offenses it measures into two major categories: Part I and Part II offenses. **Part I offenses** (Crimes reported annually by the FBI in its Uniform Crime Report. Part I offenses include murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft.) are those crimes that, due to their seriousness and frequency, are recorded by the FBI to give a general idea of the “crime picture” in the United States in any given year. For a description of the seven Part I offenses, see Figure 3.2.

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**Figure 3.2**

**Part I Offenses**

Every month local law enforcement agencies voluntarily provide information on serious offenses in their jurisdiction to the FBI. These serious offenses, known as Part I offenses, are defined here. (Arson is not included in the national crime report data, but it is sometimes considered a Part I offense nonetheless, so its definition is...
As the graph shows, most Part I offenses reported by local police departments in any given year are property crimes.

**Murder.** The willful (nonnegligent) killing of one human being by another.

**Forcible rape.** The carnal knowledge of a female forcibly and against her will.

**Robbery.** The taking or attempting to take of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated assault.** An unlawful attack by one person on another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary—breaking or entering.** The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

**Larceny/theft (except motor vehicle theft).** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Motor vehicle theft.** The theft or attempted theft of a motor vehicle.

**Arson.** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, and the like.

Part I violent offenses are those most likely to be covered by the media and, consequently, inspire the most fear of crime in the population. These crimes have come to dominate crime coverage to such an extent that, for most Americans, the first image that comes to mind at the mention of “crime” is one person physically attacking another person or a robbery taking place with the use or threat of force. Furthermore, in the stereotypical crime, the offender and the victim usually do not know each other.

Given the trauma of violent crimes, this perception is understandable, but it is not accurate. According to UCR statistics, a relative or other acquaintance of the victim commits at least 44 percent of the homicides in the United States. Furthermore, as is evident from Figure 3.2, the majority of Part I offenses committed are property crimes. Notice that 60 percent of all reported Part I offenses are larceny/thefts, and another 21 percent are burglaries.

3-2c Part II Offenses

Not only do violent crimes represent the minority of Part I offenses, but Part I offenses are far outweighed by Part II offenses (All crimes recorded by the FBI that do not fall into the category of Part I offenses. These crimes include both misdemeanors and felonies.), which include all crimes recorded by the FBI that do not fall into the category of Part I offenses. While Part I offenses are almost always felonies, Part II offenses include criminal behavior that is often classified as a misdemeanor. Of the nineteen categories that make up Part II offenses, the most common are drug abuse violations, simple assaults (in which no weapons are used and no serious harm is done to the victim), driving under the influence, and disorderly conduct.

Information gathered on Part I offenses reflects those offenses “known,” or reported to the FBI by local agencies. Part II offenses, in contrast, are measured only by arrest data. In 2011, the FBI recorded about 2.1 million arrests for Part I offenses in the United States. That same year, about 10.2 million arrests for Part II offenses took place. In other words, a Part II offense was five times more common than a Part I offense. Such statistics have prompted Marcus Felson, a professor at Rutgers University School of Criminal Justice, to comment that “most crime is very ordinary.”

3-2d The UCR: A Flawed Method?
Even though the UCR is the predominant source of crime data in the country, there are numerous questions about the accuracy of its findings. For one, there is scattered evidence that some local police departments manipulate their crime reports. In a recent anonymous survey of nearly two thousand retired New York City police officers, more than 80 percent reported instances in which the severity of offenses was downgraded for statistical purposes. Furthermore, the UCR most likely suffers from the twin problems of underreporting and inconsistency.

**Police Notification**

For the UCR to be accurate, citizens must report criminal activity to the police, and the police must then pass this information on to the FBI. Criminologists have long been aware that neither citizens nor police can be expected to perform these roles with consistency. Citizens may not report a crime for any number of reasons, including fear of reprisal, embarrassment, or a personal bias in favor of the offender. Many also feel that police cannot do anything to help them in the aftermath of a crime, so they do not see the point of involving law enforcement agents in their lives. Surveys of crime victims reveal that only 49 percent of violent crimes and 37 percent of property crimes are reported to the police. In general, people seem more willing to notify police about robberies and aggravated assaults by strangers than about rapes or violence that occurs within the family context.

**Problems with Discretion and Definitions**

Local police departments have a great deal of discretion in interpreting what constitutes a Part I offense, which can lead to inconsistencies. In Illinois, for example, if one person strikes another person but does not cause any harm, the offender is usually charged with a misdemeanor. If the victim is a police officer or a teacher, however, the misdemeanor becomes felony assault. So, in that state, an incident in which a teacher's finger is scratched and one where a victim is shot nonfatally could both be reported to the FBI as “aggravated assaults.”

Furthermore, the FBI and local law enforcement agencies do not always interpret Part I offenses in the same manner. As we saw in the opening of this chapter, until recently the FBI employed a very narrow definition of rape: “carnal knowledge” of a woman “forcibly and against her will.” Many local agencies would define the crime more loosely, including any nonconsensual act of a sexual nature as a rape. This situation often forced employees at local police departments to sift through yearly reports of sexual assaults and discard those that did not match the FBI's definition. Sometimes, the resulting discrepancies could be dramatic. In 2010, for example, the Chicago Police Department investigated nearly 1,400 sexual assaults, yet did not report a single one to the FBI for inclusion in the UCR because of differences in agency definitions.
In the 1980s, well aware of the various criticisms of the UCR, the Department of Justice began seeking ways to revise its data-collecting system. The result was the National Incident-Based Reporting System (NIBRS). In the NIBRS, local agencies collect data on each single crime occurrence within twenty-two offense categories made up of forty-six specific crimes called Group A offenses. These data are recorded on computerized record systems provided—though not completely financed—by the federal government.

The NIBRS became available to local agencies in 1989. Twenty-four years later, thirty-six states have been NIBRS certified, with about 40 percent of the agencies in those states using the updated system. Even in its limited form, however, criminologists have responded enthusiastically to the NIBRS because the system provides information about four “data sets”—offenses, victims, offenders, and arrestees—unavailable through the UCR. The NIBRS also presents a more complete picture of crime by monitoring all criminal “incidents” reported to the police, not just those that lead to an arrest. Furthermore, because jurisdictions involved with the NIBRS must identify bias motivations of offenders, the procedure is very useful in studying hate crimes, a topic we will address in the next chapter. (See Figure 3.3 to get a clearer sense of the differences between the UCR and the NIBRS.)

Figure 3.3

Comparing the UCR and the NIBRS

As the following scenario shows, the process of crime data collection under the NIBRS is much more comprehensive that the reporting system of the UCR.

At approximately 9:30 p.m. on March 22, 2013, two young males approach a thirty-two-year-old African American woman in the parking garage of a movie theater. The first man, who is white, puts a knife to the woman’s throat and grabs her purse, which contains $150. The second man, who is Hispanic, then puts a gun to the woman’s temple and rapes her. When he is finished, he shoots her in the chest, a wound that does not prove to be fatal. The two men flee the scene and are not apprehended by law enforcement.

<table>
<thead>
<tr>
<th></th>
<th>UCR</th>
<th>NIBRS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Crime reported to FBI</strong></td>
<td>One rape. Under the UCR, when more than one crime is involved in a single incident, only the most serious is reported. Also, attempts are not recorded.</td>
<td>One rape, one robbery, and one attempted murder.</td>
</tr>
<tr>
<td><strong>Age, sex, and race of the victim</strong></td>
<td>Not recorded.</td>
<td>Recorded.</td>
</tr>
<tr>
<td><strong>Age, sex, and race of the arrestee</strong></td>
<td>Not recorded.</td>
<td>Recorded.</td>
</tr>
</tbody>
</table>
Victim Surveys

One alternative method of data collecting attempts to avoid the distorting influence of the “intermediary,” or the local police agencies. In victim surveys (A method of gathering crime data that directly surveys participants to determine their experiences as victims of crime.), criminologists or other researchers ask the victims of crime directly about their experiences, using techniques such as interviews or e-mail and phone surveys. The first large-scale victim survey took place in 1966, when members of 10,000 households answered questionnaires as part of the President’s Commission on Law Enforcement and the Administration of Justice. The results indicated a much higher victimization rate than had been previously expected, and researchers felt the process gave them a better understanding of the dark figure of crime (A term used to describe the actual amount of crime that takes place. The “figure” is “dark,” or impossible to detect, because a great number of crimes are never reported to the police.), or the actual amount of crime that occurs in the country.

The National Crime Victimization Survey

Criminologists were so encouraged by the results of the 1966 experiment that the federal government decided to institute an ongoing victim survey. The result was the National Crime Victimization Survey (NCVS), which started in 1972. Conducted by the U.S. Bureau of the Census in cooperation with the Bureau of Justice Statistics of the Justice Department, the NCVS conducts an annual survey of nearly 80,000 households with about 143,000 occupants over twelve years of age. Participants are interviewed twice a year concerning their experiences with crimes in the prior six months. As you can see in Figure 3.4, questions are quite detailed in determining the experiences of crime victims.
31a. What were the injuries you suffered, if any?
   a. None
   b. Raped
   c. Attempted rape
   d. Sexual assault other than rape or attempted rape
   e. Knife or stab wounds
   f. Gun shot, bullet wounds
   g. Broken bones or teeth knocked out
   h. Internal injuries
   i. Knocked unconscious
   j. Bruises, black eye, cuts, scratches, swelling, chipped teeth

37. Still thinking about your distress associated with being a victim of this crime, did you feel any of the following ways for A MONTH OR MORE?
   a. Worried or anxious?
   b. Angry?
   c. Sad or depressed?
   d. Vulnerable?
   e. Violated?
   f. Like you couldn’t trust people?
   g. Unsafe?

63. How old would you say the offender was?
   a. Under 12
   b. 12–14
   c. 15–17
   d. 18–20
104b. What was the value of the PROPERTY that was taken?
   a. $ _____.


**Advantages and Disadvantages**

Proponents of the NCVS highlight a number of aspects in which the victim survey is superior to the UCR:

1. It measures both reported and unreported crime.

2. It is unaffected by police bias and distortions in reporting crime to the FBI.

3. It does not rely on victims directly reporting crime to the police.

As we shall discuss further in the next section, one of the most celebrated aspects of victim surveys is that they give the victim a voice in the criminal justice system. This “voice” was certainly heard in the debate over rape definitions and statistics that we have mentioned several times in this chapter. In 2011, the NCVS reported about 243,000 sexual assaults, compared with the nearly 83,500 incidents of “forcible rape” indicated by the UCR. Authors of another recent victim survey—defining the crime as “forced penetration” or
“attempted forced penetration”—estimate that as many as 1.3 million American women are raped each year. These comparisons provided a measure of proof that the FBI was underreporting rape in its annual publication.

In the past, the NCVS has been criticized for the use of confusing, technical jargon in its questions. As is clear from Figure 3.4, efforts have been made to simplify the survey’s language so that it is more easily understood. Another problem with any victim survey is that the responses cannot be verified. If a participant, for whatever reason, fails to answer truthfully, the faulty response is recorded as fact.

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3-2g Self-Reported Surveys

Based on many of the same principles as victim surveys, but focusing instead on offenders, self-reported surveys (A method of gathering crime data that relies on participants to reveal and detail their own criminal or delinquent behavior.) are a third source of data for criminologists. In this form of data collection, persons are asked directly—through personal interviews or questionnaires, or over the telephone—about specific criminal activity to which they may have been a party. Self-reported surveys are most useful in situations in which the group to be studied is already gathered in an institutional setting, such as a juvenile facility or a prison. One of the most widespread self-reported surveys in the United States, the Drug Use Forecasting Program, collects information on narcotics use from arrestees who have been brought into booking facilities.

Because there is no penalty for admitting to criminal activity in a self-reported survey, subjects tend to be more forthcoming in discussing their behavior. Researchers interviewing a group of male students at a state university, for example, found that a significant number of them admitted to committing minor crimes for which they had never been arrested. This fact points to the most striking finding of self-reported surveys: the dark figure of crime, referred to earlier as the actual amount of crime that takes place, appears to be much larger than the UCR or NCVS would suggest.

Learning Objective 4

Distinguish between the National Crime Victimization Survey (NCVS) and self-reported surveys.

Self Assessment

Fill in the blanks and check your answers.

To produce its annual ______, the FBI relies on the cooperation of local law enforcement agencies. ______ surveys rely on those who have been the
subject of criminal activity to discuss the incidents with researchers, while ______ surveys ask participants to detail their own criminal behavior. These two methods show that the ______ of crime, or the actual amount of crime that takes place in this country, is much ______ than official crime data would suggest.

3-3 Victims of Crime

It is no coincidence that the U.S. Department of Justice launched the first version of the National Crime Victimization Survey in the 1970s. The previous decade had seen a dramatic increase in the rights afforded to criminal defendants. To offset what they saw as a growing imbalance in the American criminal justice system, advocates began to argue that crime victims also needed greater protection under the law. Initially, the victims’ rights movement focused on specific areas of crime, such as domestic violence, sexual assault, and, through the efforts of Mothers Against Drunk Driving, vehicular homicide. Today, an emphasis on the rights of all crime victims has a profound impact on the workings of law enforcement, courts, and corrections in the United States.

Victims of Crime

In May 2012, family members of murder victim Martin Caballero address a criminal court in Mays Landing, New Jersey. Should crime victims and their families have the “right” to participate in the criminal justice system? Why or why not?
Thirty years ago, a presidential task force invited federal and state legislatures to “address the needs of the millions of Americans and their families who are victimized by crime every year and who often carry its scars into the years to come.”

This call to action was, in large part, a consequence of the rather peculiar position of victims in our criminal justice system. That is, once a crime has occurred, the victim is relegated to a single role: being a witness against the suspect in court. Legally, he or she has no say in the prosecution of the offender, or even whether such a prosecution is to take place. Such powerlessness can be extremely frustrating, particularly in the wake of a traumatic, life-changing event.

**Legislative Action**

To remedy this situation, all states have passed legislation creating certain rights for victims. On a federal level, such protections are encoded in the Crime Victims’ Rights Act of 2004 (CVRA), which gives victims “the right to participate in the system.”

This participation primarily focuses on three ways that victims’ rights legislation increases the ability of crime victims to participate in the criminal justice system.

**Learning Objective 5**

Describe the three ways that victims’ rights legislation increases the ability of crime victims to participate in the criminal justice system.
1. The right to be *informed*. This includes receiving information about victims’ rights in general, as well as specific information such as the dates and time of court proceedings relating to the relevant crime.

2. The right to be *present*. This includes the right to be present at those court hearings involving the case at hand, as long as the victim’s presence does not interfere with the rights of the accused.

3. The right to be *heard*. This includes the ability to consult with prosecutorial officials before the criminal trial (addressed in Chapter 9), to speak during the sentencing phase of the trial (Chapter 11), and to offer an opinion when the offender is scheduled to be released from incarceration (Chapter 12).

Some jurisdictions also provide victims with the right of law enforcement protection from the offender during the time period before a criminal trial. In addition, most states require *restitution*, or monetary payment, from offenders to help victims repay any costs associated with the crime and rebuild their lives. One victim of child pornography has collected restitution totaling $1.6 million from more than 150 men who viewed or sold her image illegally. (To learn about one potential downside of the victims’ rights movement, see the feature *A Question of Ethics—With a Vengeance*.)

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**A Question of Ethics:**

**With a Vengeance**

The Situation During the recent trial of her son’s murderer in San Mateo, California, Adriana Frias looked in the eyes of the defendant and said, “I hope that you die of sadness.” Her husband Moises then told the judge, “These type of people should never be allowed to get out of jail. Let them rot there.”

Learning Objective 6

Discuss one major concern regarding victim participation in the criminal justice process.

The Ethical Dilemma Such feelings are understandable, but they cause a certain amount of distrust regarding the victims’ rights movement’s impact on our criminal justice system. In most cases, victims cannot be expected to be objective or impartial. A victim would never, for example, be allowed to sit on a jury. Indeed, some worry that increasing the legal rights of victims creates an imbalance in our criminal justice system. According to one expert, this trends forces “prosecutors and judges [to] elevate victims over the defendant and the public” and “may threaten the fair and just adjudication of a crime case.”

What Is The Solution? Does the concept of revenge have a place in the American criminal justice system? Most observers would assert strongly that it does not.
Ideally, criminal justice professionals have an ethical obligation to be fair, objective, and impartial, and to avoid the desire to inflict harm on a criminal for reasons of vengeance, no matter how heinous the crime. What about victims of crime?

During the colonial period of the 1600s, crime victims played a dominant role in the American criminal justice system. A victim would hire a sheriff to pursue and arrest the defendant, and pay court officials to run the trial. What are the disadvantages of such a system for society? Are there any advantages?

**Enforceability**

Although many victims have benefited from the legislation described above, advocates still find fault with the manner in which the legislation is applied. The main problem, they say, is that the federal and state laws do not contain sufficient enforcement mechanisms. That is, if a victim’s rights are violated in some way, the victim has little recourse.

For example, in 2005 a dangerous gas leak led to an explosion that killed fifteen people and injured dozens of others in Texas City, Texas. Without conferring with the victims, federal prosecutors decided not to press any criminal charges against the oil company responsible for the accident. A federal judge dismissed the victims’ claim that their rights had been breached by the government, because, under the CVRA, prosecutors have discretionary powers in this area of the law. Indeed, almost all victims’ rights legislation gives criminal justice officials the discretion to deny such rights. Consequently, according to one observer, victims’ rights are often more illusion than reality.

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Chapter 3: The Crime Picture: Offenders and Victims: 3-3b Victim Services
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3-3b Victim Services

The consequences for crime victims go well beyond frustrations with the criminal justice system. Many feel some degree of anger, guilt, shame, and grief. In particular, victims of violent crimes are at a high risk of post-traumatic stress disorder (PTSD), a condition that burdens sufferers with extreme anxiety and flashbacks relating to the traumatic event. Crime victims also experience higher-than-normal levels of depression, drug abuse, and suicidal tendencies.

In addition to the emotional support of family and friends, a number of victim services exist to help with these symptoms of victimization. Hundreds of crisis intervention centers operate around the country, providing a wide range of aid. For example, the Donald W. Reynolds Crisis Intervention Center supports victims’ rights and provides training for victim advocates. To learn more, go to their Web page and click on the Facebook icon.
in Fort Smith, Arkansas, offers counseling, shelter, and relocation guidance to victims of domestic violence and sexual assault. These centers also allow for contact with victim advocates, or individuals that help victims gain access to public benefits, health care, employment and educational assistance, and numerous other services. The impact of such programs is, however, somewhat limited. Only about 9 percent of victims of violent crimes avail themselves of victim service agencies.

3-3c The Risks of Victimization

Anybody can be a victim of crime. This does not mean, however, that everybody is at an equal risk of being victimized. In the previous chapter, for instance, we noted that residents of neighborhoods with heavy concentrations of payday lending businesses are targeted by criminals at unusually high rates. To better explain the circumstances surrounding this type of victimization, criminologists Larry Cohen and Marcus Felson devised the routine activities theory. According to Cohen and Felson, most criminal acts require the following:

1. A likely offender.
2. A suitable target (a person or an object).
3. The absence of a capable guardian—that is, any person (not necessarily a law enforcement agent) whose presence or proximity prevents a crime from happening.

When these three factors are present, the likelihood of crime rises. Cohen and Felson cite routine activities theory in explaining the link between payday lenders and crime. People who use payday lenders often leave those establishments with large sums of cash, late at night or during weekends when there is less street traffic. Consequently, they act as suitable targets, attracting likely offenders to neighborhoods where the payday lenders are located.

Repeat Victimization

Cohen and Felson also hypothesize that offenders attach “values” to suitable targets. The higher the value, the more likely that target is going to be the subject of a crime. A gold watch, for example, would obviously have a higher value for a thief than a plastic watch and therefore is more likely to be stolen. Similarly, people who are perceived to be weak or unprotected can have high value for criminals. Law enforcement officials in southern Florida, for example, believe that undocumented immigrants in the area have high victimization rates because criminals know they are afraid to report crimes to authorities for fear of being removed from the country.

Resources such as the National Crime Victimization Survey provide criminologists with an
important tool for determining which types of people are most valued as potential victims. Statistics clearly show that a relatively small number of victims are involved in a disproportionate number of crimes. These findings support an approach to crime analysis known as repeat victimization (The theory that certain people and places are more likely to be subject to repeated criminal activity and that past victimization is a strong indicator of future victimization). This theory is based on the premise that certain populations—mostly low-income residents of urban areas—are more likely to be victims of crimes than others and, therefore, past victimization is a strong predictor of future victimization.

**The Victim-Offender Connection**

Not only does past victimization seem to increase the risk of future victimization, but so does past criminal behavior. In New Orleans, for example, 64 percent of homicide victims have previously been arrested for a felony. In Milwaukee, the number is even higher, at 75 percent. “The notion that [violent crimes] are random bolts of lightning, which is the commonly held image, is not the reality at all,” says David Kennedy, a professor at New York's John Jay College of Criminal Justice.

Kennedy’s point is further made by Figure 3.5, which identifies young African American males from urban neighborhoods as the most common victims of crimes. This demographic, as will become clear later in the chapter, is also at the highest risk for criminal behavior. Increasingly, law enforcement agencies are applying the lessons of repeat victimization and other victim studies to concentrate their attention on “hot spots” of crime, a strategy we address in Chapter 6.

**Figure 3.5**

**Crime Victims in the United States**

According to the U.S. Department of Justice, African Americans, residents of urban areas, and people between the ages of eighteen and twenty-four are most likely to be victims of violent crime in this country.
Self Assessment

Fill in the blanks and check your answers.

Historically, crime victims have been relegated to the role of being a ____ to the crime. Victims’ rights legislation attempts to increase victim participation in the criminal justice system by giving victims the right to be ____ , ____ , and ____ . The ____ theory predicts that a combination of factors concerning a victim’s environment make that victim more susceptible to crime. The theory of ____ victimization holds that past victimization is a strong predictor of future victimization.
Learning Objective 7

Identify the three factors most often used by criminologists to explain changes in the nation’s crime rate.

3-4 Crime Trends in the United States

The UCR, NCVS, and other statistical measures we have discussed so far in this chapter, though important, represent only the tip of the iceberg of crime data. Thanks to the efforts of government law enforcement agencies, educational institutions, and private individuals, more information on crime is available today than at any time in the nation’s history. When interpreting and predicting general crime trends, experts tend to rely on what University of California at Berkeley law professor Franklin Zimring calls the three “usual suspects” of crime fluctuation:

1. *Imprisonment*, based on the principle that
   a. an offender in prison or jail is unable to commit a crime on the street, and
   b. a potential offender on the street will not commit a crime because he or she does not want to wind up behind bars.

2. *Youth populations*, because offenders commit fewer crimes as they grow older.

3. The *economy*, because when legitimate opportunities to earn income become scarce, some people will turn to illegitimate methods such as crime.

Pure statistics do not always tell the whole story, however, and crime rates often fail to behave in the ways that the experts predict.

3-4a Looking Good: Crime in the 1990s and 2000s

In 1995, eminent crime expert James Q. Wilson, noting that the number of young males was set to increase dramatically over the next decade, predicted that “30,000 more young muggers, killers, and thieves” would be on the streets by 2000. “Get ready,” he warned. Other criminologists offered their own dire projections. John DiIulio foresaw a swarm of “juvenile super-predators” on the streets, and James A. Fox prophesied a “blood bath” by 2005. Given previous data, these experts could be fairly confident in their predictions. Fortunately for the country, they were wrong. As is evident from Figure 3.6, starting in 1994 the United States experienced a steep crime decline that we are still enjoying today.

Figure 3.6

According to statistics gathered each year by the FBI, American violent crime rates dropped steadily in the second half of the 1990s, leveled off for several years, and now have begun to decrease anew.

The Great Crime Decline

The crime statistics of the 1990s are startling. Even with the upswing at the beginning of the decade, from 1990 to 2000 the homicide rate dropped 39 percent, the robbery rate 44 percent, the burglary rate 41 percent, and the auto theft rate 37 percent. By most measures, this decline was the longest and deepest of the twentieth century. In retrospect, the 1990s seem to have encompassed a “golden era” for the leading indicators of low crime rates. The economy was robust. The incarceration rate was skyrocketing. Plus, despite the misgivings of James Q. Wilson and many of his colleagues, the percentage of the population in the high-risk age bracket in 1995 was actually lower than it had been in 1980.

Several other factors also seemed to favor lower crime rates. Police tactics, many of which we will discuss in Chapter 6, became more effective—thanks in no small part to “zero-tolerance” policies inspired by Wilson’s writings. Furthermore, many of those most heavily involved in a crack cocaine boom that shook the nation in the late 1980s had been killed or imprisoned, or were no longer offending. Without their criminal activity, the United States became a much safer place.

Continuing Decreases

In the early years of the 2000s, the nation’s crime rate flattened for a time before resuming its downward trend. By 2011, property crime rates had dropped for the eighth straight year, and violent crime rates had shrunk to their lowest levels since the early 1970s. Given that, in recent years, the economy has been mired in a recession, with unemployment running at unusually high levels, the positive crime figures have come as something of a surprise.

Gary LaFree, a criminology professor at the University of Maryland, calls this trend “fascinating,” because “we’d normally expect crime to go up when we are in an economic
downturn.” Again, as in the 1990s, law enforcement is receiving much of the credit for the good news, particularly information-based policing techniques that use computer programs to focus crime prevention tactics on “hot spots” of criminal activity. In addition, LaFree points out, the median age in the United States is around thirty-seven years, the highest of any time in the nation’s history. As noted earlier, older people tend to commit fewer crimes than younger ones.

The Immediate Future

Not all of the experts are confident that crime rates will continue to decline. To alleviate financial pressures on strained budgets, local governments are reducing their police forces, and, as we will see in Chapter 13, states are releasing prisoners. Both strategies could have negative consequences for crime in the United States. In 2012, certain cities such as Chicago, Detroit, and Los Angeles saw murder rates increase. Furthermore, in a relatively rare divergence from the UCR, the 2011 NCVS reported a rise in violent crime of 17 percent and a rise in property crime of 11 percent. Although many criminologists labeled this disparity either a “one-year fluctuation” or statistically insignificant, others—aware of the advantages of victim surveys we discussed earlier in the chapter—worry that it could signal the beginning of an upward shift in crime rates.

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3-4b Crime, Race, and Poverty

One group has noticeably failed to benefit from the positive crime trends of the past fifteen years: young African American males. According to data compiled by Alexia Cooper and Erica L. Smith of the Bureau of Justice Statistics, black males between the ages of fourteen and twenty-four, who represent 1 percent of the country’s total population, make up a quarter of its homicide offenders and 16 percent of its homicide victims. Overall, since 2000, while the total number of murders in the United States has dropped by 5 percent, the number of male black victims has increased by more than 10 percent. In the cities with rising murder rates mentioned above, a large part of the violence is taking place within the African American community—nationwide, most murder victims are killed by someone of the same race (93 percent for blacks, 85 percent for whites).

By some measures, black citizens are twice as likely as whites to live in poverty and hold low-wage jobs. What is your opinion of the theory that economic disadvantage, rather than skin color, accounts for the disproportionate number of African Americans in U.S. prisons, such as these inmates at Florida’s Dade County Correctional Facility?
Race and Crime

Homicide rates are not the only area in which there is a divergence in crime trends between the races. Official crime data seem to indicate a strong correlation between minority status and crime: African Americans—who make up 13 percent of the population—constitute 38 percent of those arrested for violent crimes and 30 percent of those arrested for property crimes. A black man is almost twelve times more likely than a white man to be sent to prison for a drug-related conviction, while black women are about five times more likely than white women to be incarcerated for a drug offense. (See the feature Myth versus Reality—Race Stereotyping and Drug Crime.) Furthermore, a black juvenile in the United States is nearly three times more likely than a white juvenile to wind up in delinquency court.

Myth vs Reality

Race Stereotyping and Drug Crime

Crack cocaine–related violence spread like wildfire through the nation’s inner cities in the 1980s. In response, then president Ronald Reagan vowed to escalate the “war on drugs.” As a consequence, law enforcement efforts focused on arresting and incarcerating the wrongdoers in those communities, most of whom were African American. Even though this urban violence has largely subsided, the tactics continue: every year between 1980 and 2010, blacks were arrested on drug charges at rates between 2.8 and 5.5 times higher than whites. Today, even though African
Americans make up about 13 percent of the U.S. population, they represent more than 50 percent of sentenced drug offenders.

**The Myth**

African Americans are sent to prison for drug crimes in greater numbers than whites because more of them buy, sell, and use drugs.

**The Reality**

The use of illegal drugs by blacks and whites in the United States is roughly equal. According to data gathered by the federal government, about 10.7 percent of African Americans and about 9.1 percent of whites admit to using drugs within the previous month. A recently released study conducted by Duke University researchers showed that black adolescents are only about half as likely as their white counterparts to become dependent on illegal drugs and alcohol.

These figures are not reflected in criminal justice trends. African Americans who use drugs are arrested at about three times the rate of whites who use drugs. Furthermore, although blacks account for only 28 percent of all drug arrests, they represent 49 percent of those convicted of drug crimes and 44 percent of all Americans sentenced for drug crimes. Finally, more than four out of every five drug arrests are for possession of the banned substance, not for its sale or manufacture. Thus, the racial disparity in arrests cannot be due to a large class of African American drug dealers.

Although these statistics leave the criminal justice system open to charges of institutionalized racism, the disparities are possibly the result of practical considerations. Several years ago, criminologists Robin Engel, Michael Smith, and Francis Cullen compared police deployment patterns and drug arrests in Seattle. They found that, as police presence is necessarily greater in crime-prone areas, the numbers of drug arrests in those areas were higher than normal. Because crime-prone areas have large concentrations of minority residents, that population is subject to greater law enforcement scrutiny. The authors concluded, therefore, that citizens’ demand for protection played a much more significant role than possible police bias in the disproportionate drug arrest rates for African Americans in the city.

**For Critical Analysis**

Heather Mac Donald, a crime expert at the Manhattan Institute in New York, suggests that the racial disparities in the “war on drugs” make sense because the urban street trade often leads to violence and other crimes that harm inner-city communities. Drug use by whites, in contrast, generally takes place in suburban homes, hidden from view, without the same level of negative side effects. What is your opinion of Mac Donald’s theory?
The racial differences in the crime rate are one of the most controversial areas of the criminal justice system. At first glance, crime statistics seem to support the idea that the subculture of African Americans in the United States is disposed toward criminal behavior. Not all of the data, however, support that assertion. A recent research project led by sociologist Ruth D. Peterson of Ohio State University gathered information on nearly 150 neighborhoods in Columbus, Ohio. Peterson and her colleagues separated the neighborhoods based on race and on levels of disadvantage such as poverty, joblessness, lack of college graduates, and high levels of female-headed families. She found that whether the neighborhoods were predominantly white or predominantly black had little impact on violent crime rates. Those neighborhoods with higher levels of disadvantage, however, had uniformly higher violent crime rates.

Income Level and Crime Peterson’s research suggests that, regardless of race, a person is at a much higher risk of violent offending or being a victim of violence if he or she lives in a disadvantaged neighborhood. Given that African Americans are two times more likely than whites to live in poverty and hold low-wage-earning jobs, they are, as a group, more susceptible to the factors that contribute to criminality.

Indeed, a wealth of information suggests that income level is more important than skin color when it comes to crime trends. A 2002 study of nearly 900 African American children (400 boys and 467 girls) from neighborhoods with varying income levels showed that family earning power had the only significant correlation with violent behavior. More recent research conducted by William A. Pridemore of Indiana University found a “positive and significant association” between poverty and homicide. Lack of education, another handicap most often faced by low-income citizens, also seems to correlate with criminal behavior. Forty-one percent of all inmates in state and federal prisons failed to obtain a high school education, compared with 18 percent of the population at large.

The Class-Crime Relationship The sociological theories of crime you studied in Chapter 2 predict that those without the financial means to acquire the consumer goods and services that dominate our society will turn to illegal methods to “steal” purchasing power. But, logic aside, many criminologists are skeptical of such an obvious classcrime relationship. After all, poverty does not cause crime. The majority of residents in low-income neighborhoods are law-abiding. Furthermore, self-reported surveys indicate that high-income citizens are involved in all sorts of criminal activities and are far more likely to commit white-collar crimes, which are not included in national crime statistics. These facts tend to support the theory that high crime rates in low-income communities are at least partly the result of a greater willingness of police to arrest poor citizens and of the court system to convict them.

Ethnicity and Crime

Another point to remember when reviewing statistical studies of minority offenders and victims is that they tend to focus on race, which distinguishes groups based on physical
characteristics such as skin color, rather than *ethnicity*, which denotes national or cultural background. Thus, the bulk of criminological research in this area has focused on the differences between European Americans and African Americans, both because the latter have been the largest minority group in the United States for most of its history and because the racial differences between the two groups are easily identifiable.

A member of Prince George’s County’s Anti-Gang Unit makes an arrest during a crackdown on Hispanic gangs in Langley Park, Maryland. Why is it likely that crime experts will increase their focus on issues of Hispanic offenders and victims in the United States over the next few decades?

Americans of Hispanic descent have either been excluded from many crime studies or been linked with whites or blacks based on racial characteristics. Other minority groups, such as Asian Americans, Native Americans, and immigrants from the South Pacific or Eastern Europe, have been similarly underreported in crime studies.

This state of affairs will more than likely change in the near future. At present rates of growth, the Hispanic population will triple by 2050, when it will account for approximately one-third of the total U.S. population. Hispanics are also the fastest-growing minority group in the U.S. prison population. Because of an increased emphasis on immigration law enforcement, more than half of the inmates in federal prisons in this country today are Hispanic.

In fact, crime experts have already begun to focus on issues of Hispanic criminality. For
example, Robert J. Sampson of Harvard University, examining the criminal behavior of
more than 11,000 residents of 180 Chicago neighborhoods, found lower rates of violence
among Mexican Americans than among either whites or blacks. Sampson and his
colleagues theorize that strong social ties in immigrant populations create an environment
that is incompatible with crime.

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3-4c Women and Crime

To put it bluntly, crime is an overwhelmingly male activity. More than 68 percent of all
murders involve a male victim and a male perpetrator, and in only 2.2 percent of
homicides are both the offender and the victim female. Only 13 percent of the national
jail population and 7 percent of the national prison population are female, and in 2011 only
26 percent of all arrests involved women.

A Growing Presence

The statistics cited above fail to convey the startling rate at which the female presence in
the criminal justice system has been increasing. Between 1991 and 2011, the number of
men arrested each year declined by approximately 90,000. Over that time period, annual
arrests for women increased by almost 700,000. In 1970, there were about 6,000 women
in federal and state prisons, but today, there are more than 111,000.

There are two possible explanations for these increases. Either

1. the life circumstances and behavior of women have changed dramatically in the past
   forty years, or

2. the criminal justice system's attitude toward women has changed over that time
   period.

In the 1970s, when female crime rates started surging upward, many
observers accepted the former explanation. “You can’t get involved in
a bar fight if you’re not allowed in the
bar,” said feminist theorist Freda Adler
in 1975. It has become clear,
however, that a significant percentage
of women arrested are involved in a
narrow band of wrongdoing, mostly drug- and alcohol-related offenses or property crimes.

Research shows that as recently as the 1980s, many of the women now in prison would
not have been arrested or would have received lighter sentences for their crimes. Consequently, more scholars are convinced that rising female criminality is the result of a
criminal justice system that is “more willing to incarcerate women.”

Learning Objective 9
Discuss the prevailing explanation for the rising number of women incarcerated in the
United States.
Women as Crime Victims

The most striking aspect of women as victims of crime is the extent to which such victimization involves a prior relationship. According to the National Crime Victimization Survey, a male is twice as likely as a female to experience violence at the hands of a stranger. With regard to intimate partner violence—involving a spouse, ex-spouse, boyfriend, girlfriend, ex-boyfriend, or ex-girlfriend—the gender difference is even more pronounced. Women are about five times more likely than men to be victims of intimate partner violence.

Common Crimes against Women In general, about six of every ten crimes in the United States are committed by someone known to the victim. Those crimes that usually involve strangers, such as robbery and assault, most often target male victims. In contrast, women have a greater chance of being victimized in nonstranger crimes, such as sexual assault. Indeed, women are the victims in 86 percent of all intimate partner violence prosecutions. The highest rate of victimization occurs among women between the ages of twelve and thirty-four, and one study estimates that between one-fifth and one-quarter of female college students have experienced a rape or attempted rape.

Statistically, women are also at a greater risk of being victims of domestic violence (The act of willful neglect or physical violence that occurs within a familial or other intimate relationship.) This umbrella term covers a wide variety of maltreatment, including physical violence and psychological abuse, inflicted among family members and others in close relationships. Though government data show that women are significantly more likely to be victims of domestic violence than men, these findings are not unquestioned. Men, many observers assume, are less likely to report abuse because of the social stigma surrounding female-on-male violence. As you will see in the Criminal Justice in Action, domestic violence presents a number challenges for the criminal justice system.

A third crime that appears to mainly involve female victims is stalking (The criminal act of causing fear in a person by repeatedly subjecting that person to unwanted or threatening attention), or a course of conduct directed at a person that would reasonably cause that person to feel fear. Such behavior includes unwanted phone calls, following or spying, and a wide range of online activity that we will address in Chapter 16. Stalkers target women at about three times the rate they target men, and seven out of ten stalking victims have had some prior relationship with their stalkers.

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Careers in CJ

**Anne Seymour: National Victim Advocate**
The aspect of my job that I enjoy the most is my direct work with crime victims and survivors. These are people who have been severely traumatized by pain and suffering and loss, and I consider it a true honor to be able to assist them. I'll never forget the day I met a young survivor who had been abducted, beaten within an inch of her life, raped, and then left to die in the forest. This young woman became one of my closest friends, and I helped her to speak out in her state and at the national level. Every time she does so, she has a powerful impact on our society. So my help in turning a victim/survivor into a stellar victim advocate/activist began on the day I met her, and it continues.

 Victim advocacy is one of the most exciting and rewarding careers you could ever embark on, though it is not one that you should get into because of the money. (Few victim advocates become rich doing this work!) Every day is unique and different, reflecting the people I assist and the colleagues with whom I interact. I am never, ever bored and never will be. AND I go to bed every single day knowing that I have done at least one thing—and often many more than one!—to promote social justice and to help someone who is hurting. It’s an amazing feeling!

 Social Media Career Tip Social media technologies are about connecting and sharing information—which means privacy is an important issue. Make sure you understand who can see the material you post and how you can control it. Facebook has numerous privacy settings, for example, as does Google+.

 Fast Facts

 **National Victim Advocate, Job Description:**

 - Provide direct support, advocacy, and short-term crisis counseling to crime victims.

 **What kind of Training is Required?**

 - Bachelor’s degree in criminal justice, social work/psychology, or related field.
 - A minimum of two years’ experience in the criminal justice system, one
Increased Exposure  Previously, we noted that women’s changing place in American society over the past four decades is believed to have contributed to climbing female arrest and incarceration numbers. Some criminologists contend that these changing circumstances are similarly responsible for a shift in female victimization characteristics. Since 1970, the number of women in the workplace has increased significantly, as has the participation of women in the political arena. As a result, women more commonly find themselves at work or other activities away from home that expose them to stranger violence. And, indeed, although women are still at much less risk for stranger violence than men, the gap between the sexes has been steadily shrinking since at least the early 1990s.

Chapter 3: The Crime Picture: Offenders and Victims: 3-4d Mental Illness and Crime

After Eddie Ray Routh fatally shot two men at a gun range in Glen Rose, Texas, on February 2, 2013, his sister told police that Routh was “psychotic.” She added that Routh said he “could smell the pigs” and “was going to get their souls before they took his.” Given that one of Routh’s victims was Chris Kyle, a well-known Navy SEAL sniper, the incident received a great deal of attention, thus contributing to the public perception that “psychotics” pose a particular danger to society. The reality concerning mental illness and crime is much more nuanced and complex.

Risk Factors for Violent Crime

In the context of the criminal justice system, the term mental illness covers a wide variety of symptoms, ranging from reoccurring depression and anger to hallucinations and schizophrenia (described in Chapter 2). It also indicates recent treatment from a mental health care practitioner. Government research indicates that, using this description, about 11 percent of Americans over the age of eighteen suffer from some form of mental illness. Does this mean that 26 million adults in this country are at a high risk for violent behavior? Not necessarily.

Gun Control  After Adam Lanza killed twenty children and six adults at an elementary school in Newtown, Connecticut, on December 14, 2012, many observers called for stricter laws to keep guns out of the hands of the mentally ill. Although Lanza had never been diagnosed with any specific mental illness, at least half a dozen states moved to revise their mental health laws to that effect. In New York, for example, the legislature passed a bill
requiring mental health practitioners to report potentially dangerous clients to government gun control authorities. Today, forty-four states regulate the sale of firearms to the mentally ill, and the federal government bars such sales to any person who is a “mental defective.”

Drug Abuse Critics say that the emphasis on the mentally ill in the gun control debate is unfair and inaccurate. Of the tens of thousands of gun deaths that occur in this country, few are caused by people with mental illness. Furthermore, a 2006 study published in the American Journal of Psychiatry claimed that only 4 percent of violent crime in the United States can be attributed to people with a mental illness. Although the possibility of violent behavior increases for those with serious conditions such as schizophrenia or bipolar disorder, the most significant risk factor for the mentally ill is substance abuse. Between 80 and 90 percent of all mentally ill inmates in American prisons and jails are abusers of alcohol or other drugs.

**Risk Factors for Victimization**

Those who suffer from mental illness are much more likely to be victims of crime than perpetrators. Such maladies often interfere with a person's ability to find and keep employment and therefore lead to poverty, which, we have seen, correlates with victimization. The mentally ill are also more likely to be homeless, a circumstance that leaves them particularly susceptible to crime. In addition, mental illness can interfere with a person's ability to make prudent decisions in potentially dangerous situations, increasing her or his chances of being assaulted.

A recent review of the subject found that rates of victimization among people with mental illnesses are up to 140 times higher than in the general population. Mental health advocates insist that increasing services for America’s mentally ill will reduce the harm they cause themselves and others, a subject we will explore more fully in Chapter 12.

**Self Assessment**

Fill in the blanks and check your answers.

According to many experts, the three factors that most strongly affect national crime figures are the rate at which offenders are _____ , the percentage of the population that is _____ the age of twenty-four, and the economy. Despite continued declining crime rates in the 2000s, young _____ males continue to experience high levels of offending and victimization. Men are more likely than women to be victims of crimes committed by a _____ . Despite public perception to the contrary, the _____ are more likely to be victims of crime than offenders.
## Victims of Domestic Violence

First, Dale Jones slapped Shenera Norris, his girlfriend, and threatened her with a butcher knife. Then, he punched her in the face, leading to his arrest. Norris, however, pleaded with Baltimore officials not to press criminal charges against Jones. “Please let a loving father and a caring man free,” she wrote. “He’s all I have.” Without Norris’s cooperation, prosecutors felt compelled to release Jones. Several months later, he stabbed her to death. Norris’s murder underscores the often contradictory relationship between victims of domestic violence and the criminal justice system. In this chapter’s *Criminal Justice in Action*, we address the debate surrounding one widespread method of dealing with a crime where the defendant and victim frequently live together.

### No-Drop Policies

Legally, crime victims are not the clients of public prosecutors. That is, as you will see in Chapter 9, prosecutors have the ultimate authority to decide when to bring a case to court, regardless of the victim’s wishes. In practice, domestic violence cases unfold somewhat differently. Because the victim is usually the only witness to the violence, if she or he refuses to participate, such cases can be very difficult to prosecute successfully. For a number of reasons, domestic violence victims such as Shenera Norris frequently choose not to side with law enforcement against their abusers. These reasons include fear of retaliation, financial dependence on the offender, issues of custody and child support, and complex emotional ties.

Faced with uncooperative victims, prosecutors will consistently “drop” domestic violence cases. To remedy this situation, many jurisdictions in the United States have implemented “no-drop” policies. Such policies require prosecutors to carry through with a domestic violence case once an arrest has been made, even if this goes against the wishes of the victim. There is little question that no-drop policies increase the prosecution and conviction rates of domestic violence offenders. The question is, do such policies actually benefit domestic violence victims?

### The Case for No-Drop Policies

- If a domestic violence victim decides to cooperate with law enforcement officials, she or he becomes more vulnerable to retaliatory attacks by the abuser. By taking this decision out of the victim's hands, no-drop policies promote victim safety.

- Without no-drop policies, prosecutors dismiss 50 to 80 percent of all domestic violence charges. With such policies, dismissal rates fall to 10 to 35 percent. Therefore, no-drop policies show a commitment to treat domestic violence as a serious crime.

- No-drop policies deter domestic violence by increasing the likelihood that
offenders will be prosecuted and punished.

**The Case against No-Drop Policies**

- No-drop policies send the paternalistic message that victims of domestic violence cannot make rational choices about themselves and their futures. *

- Domestic violence victims are in a better position than public officials to determine the risk of continued abuse. If a victim feels that prosecuting the abuser will only increase the likelihood of further violence, prosecutors should respect her or his decision to forgo such action. *

- Several studies show that no-drop policies increase the risk of victimization. This can be attributed to “separation assault,” which is violence that occurs as retaliation after a victim is separated from her or his abuser. Such separation is a common result of no-drop policies. *

**Your Opinion—Writing Assignment**

No-drop policies certainly increase the chances that an offender will be convicted and punished. The policies do not, however, make the punishment more severe. Most domestic violence charges are misdemeanors, not felonies, and therefore offenders are usually sentenced to little or no jail time. * Does this leniency change your opinion of no-drop policies? Why or why not? Do you feel such policies properly balance the needs of society and the needs of domestic violence victims? Before responding, you can review our discussions in this chapter concerning:

- **Felonies and misdemeanors.**
- **Legal rights of victims.**
- **Women as crime victims.**

Your answer should include at least three full paragraphs.
Learning Objective 1 Discuss the primary goals of civil law and criminal law and explain how these goals are realized.

Civil law is designed to resolve disputes between private individuals and other entities such as corporations. In these disputes, one party, called the plaintiff, tries to gain monetary damages by proving that the accused party, or defendant, is to blame for a tort, or wrongful act. In contrast, criminal law exists to protect society from criminal behavior. To that end, the government prosecutes defendants, or persons who have been charged with committing a crime.

Learning Objective 2 Explain the differences between crimes *mala in se* and *mala prohibita*.

A criminal act is *mala in se* if it is inherently wrong, while a criminal act *mala prohibita* is illegal only because it is prohibited by the laws of a particular society. It is sometimes difficult to distinguish between these two sorts of crimes because it is difficult to define a “pure” *mala in se* crime—that is, it is difficult to separate a crime from the culture that has deemed it a crime.

Learning Objective 3 Identify the publication in which the FBI reports crime data and list the two main ways in which the data are reported.

Every year the FBI releases the Uniform Crime Report (UCR), in which it presents different crimes as

a. a rate per 100,000 people and

b. a percentage change from the previous year.

Learning Objective 4 Distinguish between the National Crime Victimization Survey (NCVS) and self-reported surveys.

The NCVS involves an annual survey of more than 40,000 households conducted by the Bureau of the Census along with the Bureau of Justice Statistics. The survey queries citizens on crimes that have been committed against them. As such, the NCVS includes crimes not necessarily reported to police. Self-reported surveys, in contrast, involve asking individuals about criminal activity to which they may have been a party.

Learning Objective 5 Describe the three ways that victims’ rights legislation increases the ability of crime victims to participate in the criminal justice system.

a. The right to be informed of victims’ rights in general and of specific information relating to the relevant criminal case;
b. the right to be present at court proceedings involving the victim; and

c. the right to be heard on matters involving the prosecution, punishment, and release of the offender.

Learning Objective 6  Discuss one major concern regarding victim participation in the criminal justice process.

Criminal justice professionals have an ethical obligation to be fair, objective, and impartial in their duties. Understandably, crime victims are usually not impartial toward an offender who has allegedly wronged them. Therefore, by allowing crime victims to participate, public officials allow a measure of partiality into criminal justice proceedings.

Learning Objective 7  Identify the three factors most often used by criminologists to explain changes in the nation’s crime rate.

a. Levels of incarceration, because an offender behind bars cannot commit any additional crimes and the threat of imprisonment acts as a deterrent to criminal behavior;

b. the size of the youth population, because those under the age of twenty-four commit the majority of crimes in the United States; and

c. the health of the economy, because when income and employment levels fall, those most directly affected may turn to crime for financial gain.

Learning Objective 8  Explain why income level appears to be more important than race or ethnicity when it comes to crime trends.

Criminologists have found that the most consistent indicators of criminal behavior are circumstances such as low family earning power and the absence of a parent. In addition, failure to obtain a high school diploma appears to have a positive correlation with criminal activity, regardless of the race or ethnicity of the individual. Finally, some believe that high arrest rates in low-income minority neighborhoods can be attributed to a willingness of police to arrest residents of these communities and of the court system to convict them.

Learning Objective 9  Discuss the prevailing explanation for the rising number of women incarcerated in the United States.

Experts believe that many women are arrested and given harsh punishment for activity that would not have put them behind bars several decades ago. For the most part, this activity is nonviolent: the majority of female arrestees are involved in drug- and alcohol-related offenses and property crimes.
3-5b Questions for Critical Analysis

1. Give an example of how one person could be involved in a civil lawsuit and a criminal lawsuit for the same action.

2. Why is murder considered a *mala in se* crime? What argument can be made that murder is not a *mala in se* crime?

3. Assume that you are a criminologist who wants to determine the extent to which high school students engage in risky behavior such as abusing alcohol and illegal drugs, carrying weapons, and contemplating suicide. How would you go about gathering these data?

4. Research shows that female college students who have been the victim of rape or attempted rape are at an unusually high risk of repeat victimization if they engage in binge alcohol drinking. What victim services should colleges provide to reduce the chances that this group of victims will be revictimized?

5. Critics of laws that limit ownership of firearms for people with mental illness claim that these laws discourage such people from seeking treatment. Why would this be the case?

Chapter 3: The Crime Picture: Offenders and Victims: 3-5c Key Terms

**beyond a reasonable doubt** (The degree of proof required to find the defendant in a criminal trial guilty of committing the crime. The defendant’s guilt must be the only reasonable explanation for the criminal act before the court.)

**civil law** (The branch of law dealing with the definition and enforcement of all private or public rights, as opposed to criminal matters.)
**dark figure of crime** (A term used to describe the actual amount of crime that takes place. The “figure” is “dark,” or impossible to detect, because a great number of crimes are never reported to the police.)

**defendant** (In a civil court, the person or institution against whom an action is brought. In a criminal court, the person or entity who has been formally accused of violating a criminal law.)

**domestic violence** (The act of willful neglect or physical violence that occurs within a familial or other intimate relationship.)

**felony** (A serious crime, usually punishable by death or imprisonment for a year or longer.)

**illicit drugs** (Certain drugs or substances whose use or sale has been declared illegal.)

**infraction** (In most jurisdictions, a noncriminal offense for which the penalty is a fine rather than incarceration.)

**liability** (In a civil court, legal responsibility for one’s own or another’s actions.)

**licit drugs** (Legal drugs or substances, such as alcohol, caffeine, and nicotine.)

**mala in se** (A descriptive term for acts that are inherently wrong, regardless of whether they are prohibited by law.)

**mala prohibit** (A descriptive term for acts that are made illegal by criminal statute and are not necessarily wrong in and of themselves.)

**misdemeanor** (A criminal offense that is not a felony; usually punishable by a fine and/or a jail term of less than one year.)

**Part I offenses** (Crimes reported annually by the FBI in its Uniform Crime Report. Part I offenses include murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft.)

**Part II offenses** (All crimes recorded by the FBI that do not fall into the category of Part I offenses. These crimes include both misdemeanors and felonies.)

**plaintiff** (The person or institution that initiates a lawsuit in civil court proceedings by filing a complaint.)

**preponderance of the evidence** (The degree of proof required to decide in favor of one side or the other in a civil case. In general, this requirement is met when a plaintiff proves that a fact more likely than not is true.)

**repeat victimization** (The theory that certain people and places are more likely to be subject to repeated criminal activity and that past victimization is a strong indicator of future victimization.)
**self-reported survey** (A method of gathering crime data that relies on participants to reveal and detail their own criminal or delinquent behavior.)

**stalking** (The criminal act of causing fear in a person by repeatedly subjecting that person to unwanted or threatening attention.)

**Uniform Crime Report (UCR)** (An annual report compiled by the FBI to give an indication of criminal activity in the United States.)

**victim surveys** (A method of gathering crime data that directly surveys participants to determine their experiences as victims of crime.)