

WOLLO UNIVERSITY

**Criminology and Correctional
Administration**

Department of Sociology

CHAPTER ONE

1.1 THE MEANING OF CRIMINOLOGY

The term criminology was first coined by French Anthropologist Paul Topinard (French, 1879), then Rafael Garafalo (Italy, 1885). Before Topinard, different scholars such as Cesare Beccaria (Italy, 1738-1794), Jeremy Bentham (England, 1784-1832) hinted that crime is a social phenomenon. This idea was accentuated by Andre Guerry (1829), Adolph Quetelet (Belgian, 1835) about the geographical and social distribution of crime in France, Belgium, Luxemburg and Holland. Then came Cesaro Lombroso (Italian, 1835-1909) based his criminal theory mainly on anthropological studies, he said, "criminality is an individual act having its origin in biological determinism. His theory of born criminal was originally based on evolutionary atavism and degeneracy. He was the founder of classical branch of the positive school of criminology.

Criminology is the scientific study of crime as a social phenomenon. According to Edwin H. Sutherland (one of the founders of American Criminology, 1934), Criminology is the scientific study of the process of making laws, of breaking laws, of reacting toward the breaking of laws, and of administration or rehabilitation of the law breakers. Thus, criminology is an empirical, social-behavioral science which investigates crime, criminals, and criminal justice.

The other sociologists and criminologists defined it as the scientific study of crime problems in general, including its causes, consequences and impacts on the community at large and social system as a whole.

1.2 THE MEANING OF CRIME

The meaning of crime faces controversies among the major schools of criminology. The classical school insisted on defining crime in terms of law. They adhered to "the doctrine of *nullum crimen sine lege*, no crime without law" Legally, a crime is an act made punishable by law. On the other hand, the positivist school rejected the legal definition of crime and instead accepted the concept of natural crime (crimes offending the natural law).

On the basis of this, Garaffalo defined natural crime as "an act that offends the moral sentiments of piety and probity in the society." Because of the controversies, there were problems of agreement as to "what is crime". A large number of criminologists in the USA still

prefer the sociological definition of crime. But those in Europe mostly accept the legal definition of crime. Sociological definitions of crime include,

- Any commission or omission by a person against the law. Crime is any act or failure to act that breaks the law of the land.
- An act in violation of law that causes harm, committed with criminal intent, and subject to punishment.

You can breathe a sigh of relief now! Crime seems to be a much clearer issue. We are helped to decide what is criminal by the legal system which decides what is illegal and what is not.

For a sociologist the subject of crime is interesting for a lot of reasons, most of which are not about the definition of the concept of crime. Sociologists ask questions like:

- Who decides what is criminal?
- Why are some crimes punished in certain ways? E.g. 40 years ago a man would probably have got a bigger fine for driving without due care and attention than for beating his wife.
- Are some groups more powerful than others in making decisions about what is considered criminal?
- Is there a social consensus i.e. a commonly held view that agrees upon what should be illegal and what should not?
- Or, do we accept the views that are presented to us in education and media without stopping to question them?

So, when we think about the definition of crime we will need to think quite deeply about the social forces that bring about the decisions to make some things illegal and others not. We will also need to think about the process that decides which crimes are the most serious. Compare and contrast deviance and crime:

- Deviance is breaking social norms. Social norms are changeable over time and in different cultures and they evolve as a social process rather than a decision making process by people in authority.
- Crime is breaking the law. Decisions about what is legal and what is illegal are made consciously by people in authority in the legal profession and the government.

To have a bird's-eye view about crime in Ethiopia, please refer the revised Criminal Code, Proclamation No. 414/2004 (Article 23 & 24) which reads:

A crime is an act, which is prohibited and made punishable by law. In this code, an act consists of the commission of what is prohibited or the omission of what is prescribed by law. Students are advised to read the contents of Article 23 & 24 and those articles of the Code relevant to the course/criminology part.

1.3 DEFINITION OF DELINQUENCY

Delinquency, literally, is a crime or immoral behavior, especially by young people. However, defining delinquency is a difficult task. Different people have different definitions for delinquency. For some people, delinquent is one who has gone against the criminal law. But, for others, delinquent is an individual who has broken minor laws that do not disturb the public too much. The term juvenile delinquency is much wider than these simple definitions. The definition of juvenile delinquency cannot be confined to the legal provision alone. The social condition in which it occurs is relevant in understanding the problem. A sociological definition of juvenile delinquency is getting more acceptance than the case with adult criminality. Legally, juvenile delinquency is a minor who has broken the law, based on the maximum and minimum age limit of a country. Sociologically, juvenile delinquency includes not only those minors who have actually broken the law, but also those who are likely to do so. It includes potential delinquents, delinquents committed offences but not reported, and delinquents whose offences reported but treated with other ways—beating then the leave.

1.4 HISTORICAL DEVELOPMENT OF CRIMINOLOGY

As an independent social science, criminology, is of recent origin, yet the problem of crime has existed from time immemorial. In the pre-industrial societies, crime problem was associated with some kind of possession by evil spirits/ghosts.

It was also believed that the bodies of criminals were possessed by evil spirit/devils that push them into committing evil deeds. It was then believed that the only way of curing criminals was to remove the evil spirits possessing the criminals through prayers and rituals to expiate the gods or the individuals were tortured to exercise the evil spirit (witcheries, sorcerers, traditional healers and zar doctors were involved). Gradually, as human knowledge expanded, the problem of crime started drawing attention of some of the members of the society, including lawyers, sociologists, psychologists, criminologists, etc.

Criminology as the “scientific” study of crime grew in reaction to turmoil and disorder emerged due to rebellions and revolutions in the 19th & 20th centuries in Europe. Modern criminology began in 1930s when crime was first studied as a social, not an individual phenomenon. Most importantly, crime grew rapidly along with the growing of cities, i.e. it flourished in modern times with industrialization, urbanization and civilization.

The major controversy about the nature and scope of criminology is “whether criminology should confine itself to the study of crime in the legal sense or whether it should also cover anti-social behavior which is legally not treated as crime”. Some scholars advocated the **legal definition** of crime and delinquency is the starting point to the study of criminology while others advocated a wider **sociological definition** of anti-social behavior as the starting point for any criminological study. In reality, we have to agree with the first group and accept the legal definition which reflects the reaction of the society through state, against crime and delinquency. Yet, the legal definition would adopt a wider view of the problem and thus take into consideration the general reaction of the society against the problem of crime and delinquency. It is a result of such a wish that the inclusion of sociology of law is gaining currency in universities, colleges and training of law enforcement officers.

1.5 MAJOR SCHOOLS OF THOUGHTS

Major Schools of Thought of Criminology

1. Classical schools [deals with hedonism or free will],
2. Cartographic schools (emphasize on ecological and cultural contents),
3. Socialist schools (economic determinism),
4. Typological /Lombrosian schools (genetic/biological, feeble-mindedness, and psychiatric),
5. Sociological schools (social process contents of explanation). However, the following two schools have significant contribution for the modern criminology.

1.5.1 CLASSICAL SCHOOL

This school of thought was developed by two penologists, Jeremy Bentham (England, 1748-1794) and Cesare Becaria(Italy, 1738-1794). It focused on crime (act) than actor.

The advocates of this school were mainly interested in “more equal, humane, and ‘just’ punishment by law courts and institutions”. The actor was assumed to have a free will and

make his/her choice with reference to the hedonistic calculations. The assumption is that people have the free will either to seek pleasure and thus commit crime to satisfy their wants or to avoid pain and thus remain law abiding. According to the classical school, this is enough explanation of crime and the need for further investigation did not arise. Therefore, the interest here was in the punishment or treatment than in the scientific analysis of crime and criminals. Some of the defining features of the classical school in criminology:

- All crime is guided by and the result of free will and hedonism.
- All punishment should fit the offense.

Cesare Beccaria (1767) for instance made the following arguments: -

- People should be presumed innocent until proven guilty.
- The criminal justice system should be organized around crime prevention

Whilst Bentham made the following points- People should be treated with due process

- The law should be widely known (this is called cognoscibility, or a person being "cognizant" of the law at all times, at least in knowing what the actus reus is of each and every crime).
- Judges should not have discretion in sentencing; sentences should be about equal for equal crime (determinate sentencing)

1.5.2 POSITIVIST SCHOOL

First originated in Italy, with the proponents, **Cesare Lombroso** (1836-1909), **Enrica Ferri**(1856-1928), and **Raffaele Garafalo**(1852-1934), which focused on criminals. This school of thought was based on the assumption that "society can be explained and understood by the application of the methods used in the physical and natural sciences. They proposed that scientific methods should be used to classify criminals based on their physical and social characteristics [Scientific criteria, established through research, should be used to measure the degree of seriousness and the danger posed by crime to society in order to arrive at appropriate action to be taken against criminals].

The positivists emphasized on the actor rather than the criminal act itself as did the classical school. Some of the defining features of the positivist school in criminology include:

- The demand for facts, for scientific proof (determinism).
- Punishment should fit the individual criminal, not the crime.

- The criminal justice system should be guided by scientific experts
- Criminals can be treated, rehabilitated, or corrected.

Lombrosso (1861) made the following points:

- Criminals have a unique physical type (shorter in height, abnormal dentitions, for example)

Comparative analysis of classical and positive schools

| Classical School | Positive School |
|--|---|
| <ul style="list-style-type: none"> - Developed in the 18th Century - Attempted to reform the legal system & protect the accused against harsh & arbitrary actions - Defined crime in legal terms & focused attention on crime as a legal entity - Emphasized free will - Theorized that proper punishment had a deterrent effect | <ul style="list-style-type: none"> - Developed in the 19th Century - Attempted to apply scientific method to the study of crime - Rejected legal definition of crime and focused attention on the criminal act as a psychological entity - Emphasized determinism - Believe that punishment should be replaced by a scientific treatment of criminals calculated to protect society |

CHAPTER TWO

2.1 MEASUREMENT OF CRIME AND DELINQUENCY

Traditionally, criminologists and criminal justices have focused considerable attention upon the offender and the criminal justice system that processes transgressors. However, the past few years have seen new interest engaged on the other forgotten member of the criminal dyad: the victim.

While some observers might prefer to look at the scientific study of victims as merely another facet or extension of criminology and criminal justice, other scholars have hailed the emergence of victimology as a long overdue development. The victimological movement, which includes both academicians and practitioners, has achieved significant strides over the past three decades. The purpose of this sub-topic of the course, then, is to introduce the definition of victimology and alert student to the features or ongoing victim-related issues.

While at least one victimological pioneer, Benjamin Mendelsohn, argues that the term “victimology” encompasses more than just victims, this part of the course however will confine attention solely to criminal victimization. Such an orientation, while being somewhat restrictive, allows greater exploration of a variety of issues within a single intellectual realm. Consequently, the goals of dealing with the issue and concept of victimology are:

- To introduce student to the development of the field and delineate the conceptual boundaries of victimology;
- To familiarize the student with basic concepts and sub-areas of victimology; and
- To sensitize student about the progress away from a criminal justice system and towards achieving a victim justice system.

2.1.1. WHAT AND WHY DO WE MEASURE?

Criminologists have adopted methods of study from all the social and behavioral sciences. Like all scientists, criminologists measure and assess crime over time and place, and measure the characteristics of criminals, of crimes, and of victims.

What to measure? The characteristics of crime/action, criminals/actors and victims:

- Measuring the crime meant the measurement of trend/whether increase or decrease over time & place; location of criminal acts; time of criminal acts; & severity of crime to the society,
- Measuring criminals (people, actors) means measuring age, race, ethnicity, nationality, sex, social status, class (white collar/black collar crime), and
- Measuring the victims- victims of violent offenses (rape, homicide...),

Three reasons for measuring the characteristics of crime, criminals and victims

- i. Researchers need to collect and analyze information in order to test theories about why people commit crime, the type of data and method of data collection is important (criminologists use the findings either to refute or support the theories,
- ii. To enhance our knowledge of the characteristics of the type of offenses, why some are more likely to be committed than others, what situational factors is important if we are to prevent crime and develop strategies to control/administer it, and
- iii. To be used by criminal justice system/agency to facilitate daily operations and to anticipate future needs

2.1.2. THE VALUE OF STATISTICAL DATA

In the study of criminology:-

- Statistical information is essential for scientific understanding of the problem of crime and delinquency
- The rate and extent of crime and delinquency can't be meaningfully understood without adequate and clearly worked out statistical data
- Theoretical generalizations and the forecasting of future trends would be impossible without adequate statistics.

Crucial functions of crime statistics

- To promote the construction and evolution of theories about crime's origin and causes [establishing certain correlates of crime, location, age, sex, climate, time, social status, settlement,...& establishing sociological theories of crime];
- To evaluate the effectiveness of criminal justice system programs/practices- do certain kind of police patrolling practices reduce incidents of crime, what effects does anti-narcotic legislations have on the crime, do the alternative correction/rehabilitation programs differentially reduce recidivism?, etc;

- To guide policy making, the setting of priorities and the rational allocation of limited resources within the separate components of the criminal justice system; and
- To create informational power for directing social actions and enhance social mobilization with the local actors.

Challenges

- (i) It is extremely difficult to gather reliable statistics pertaining to the type, distribution, and frequency of crime and delinquency mainly because criminality takes place in secret. Most criminals are never discovered. What percentage of criminals escape undiscovered is a moot question. In some cases, criminals may be reported but no criminals are apprehended.
- (ii) Criminal statistics suffers from various controversies due to interpretations, way of use based on different ideological assumptions.

2.1.3. SOURCES OF CRIMINAL STATISTICS

There are four sources but the first two are the major sources:

1. Crimes known to the police
2. Crime statistics from the police arrest figure
3. Criminal data from court statistics
4. Criminal statistics from prison record

1. Crimes known to the police

The most common and probably the most reliable source though many drawbacks. Crimes known to the police consist of those reported to the police by the victims or the witnesses, and recorded by the police. The major drawback is inadequate recording because not all crimes are reported but they are “the best way out of a bad situation”.

Why crimes not reported to the police?

- Fear of implication by the victims themselves because they may be at fault.
- Some types of crimes are such as sexual offense, assault, extortion cases avoid unfavorable publicity and embarrassment or fear of further reprisal by offenders, if they report.
- Petty thefts and burglaries may not be reported.

- Some types of crime may not readily visible to the general public or law enforcement agencies thus never reported, e.g. bribery, blackmail, white collar crime,...
- Due to lack of knowledge of the law and its procedures, victims and witnesses may not report
- Certain offenses may not be revealed to the public by the law enforcement agencies for reasons of their own or due to political pressures.
- Offenders may be protected by relatives and friends.
- Inadequate recording system by the police.

2. Criminal Statistics from police arrest figures

This source is less reliable compared to crimes known to the police because the police usually arrest a small proportion of crime reported to them. The rate of police arrest depends on their policy of what sort of criminal to arrest or not to arrest (identify the criminals/crimes and believe in the offender of a known offence, is sufficient evidence to charge the prison and actually take him/her into custody). Usually, the prosecuting attorneys determine what cases should be prosecuted. That is why arrest statistics show far less those crimes known to the police.

3. Criminal data from court statistics

The number of criminals convicted may show the actual number of criminals that were found guilty under specific provision of law. This may not show the total number of crimes in any society as some criminals that were arrested may not have been prosecuted for various reasons.

1. Criminal statistics from prison records: Less reliable because it leaves out those arrested but not prosecuted and those prosecuted but not committed to prison. A number of offenders may be fined or releases on probation, making prison statistics incomplete as far as the number of criminals prosecuted are concerned. Though it was not up-to-date and comprehensive, the writer summarized data on the number of prisoners in Ethiopia, Kenya and Nigeria as follows:

| Ethiopia | | Kenya | | Nigeria | |
|----------|--------|-------|--------|---------|--------|
| Year | Number | Year | Number | Year | Number |
| 1962/63 | 15,370 | 1965 | 35,961 | 1969 | 9,203 |
| 1966/67 | 20,804 | | | 1972 | 20,705 |
| 1971/72 | 26,284 | 1971 | 56,648 | 1975 | 23,001 |
| 1985/86 | 34,226 | | - | | - |
| 1988/89 | 30,147 | | - | | - |
| 1993/94 | 26,508 | | - | | - |

Source: (Andargatchew, 1988 & 2004)

2.4 THE STATE OF CRIME STATISTICS IN ETHIOPIA

a) Crime known to the police:

Accuracy of this source is more doubtful in poor countries like Ethiopia. Crimes are reported to the police far less frequently due to several reasons:

- Informal handling without referring to the police except serious crimes(homicide);
- Poor documentations and recording system;
- Location of police stations from where the majority of people live;
- Lack of adequate communication;
- Maintenance of accurate statistics has not been a tradition of long standing;
- Less number of policemen/women on patrol duties throughout the country(shortage);
- Lack of adequate training of the police force.

b) Court statistics:

What is the current state of court statistics? What percentage of crime reported to the police end up in court? What percentage of the criminals appearing before the courts get sentenced for the crimes they were indicted for? Do the attorney offices or court compile criminal statistics that could officially be available for public consumption? Who is the responsible organ/institution for compiling and informing the public? What is the current status of research and development in the country's/region's crime state, are some of the general questions to discussed and answered.

c) Prison statistics:

Handled by the prison's administration at the federal and regional (capital towns). It deals with the:

- Type of offenses that are most often committed ,
- The kind of sentences prisoners are usually awarded
- What percentage of criminals sentenced by courts end up in prison.
- The question of recidivism (persistent relapse into crime) is also important

d) The problem of juvenile delinquency:

The major problems include poorly recorded statistics (sometimes non existence of data), the problem not yet given full attention because the delinquents are handled informally, lack/inadequacy of juvenile courts [currently, there are promising initiations though need to be strengthened].

CHAPTER THREE

3.1 THEORIES OF CRIME CAUSATION

Different writers classify criminological theories into different categories and give them varying emphasis depending on the perspective they would like the reader to focus upon. Review of the various literatures on criminology will show completely different arrangements of the topics discussed.

A. Rational Choice Theory

Governed by the principles of the classical school, explain social behavior via the aggregated actions of rational or purposive actors. The actors are rational in the sense that, given a set of values and beliefs, they calculate the relative cost and benefit of alternative actions and from these calculations make a choice that maximizes their expected utility. It also assumes that the range of alternatives open to actors is constrained by the environment or by institutions within which they make their decisions. Actors also possess complete information about their values and the various courses of action through which they can pursue them. Rational choice theory is the customary name for idea that criminals engage in some intelligent thought before choosing to commit a crime. For them, there must be three elements of the situation present for any crime to occur (1) potential offender (2) suitable targets (3) incapable, unwilling, or absent guardians. In practice the theory is used more to explain victimization than the cause of criminal behavior. Rational choice suffers from some difficulties in being researched properly. First of all, it is not easy to define and operationalize the key variables; **potential** offender, **suitable** target, etc...

The theory may help “the three D” of crime prevention, **deter**, **detect** and **delay** but it doesn’t live up to its promise of being a theory about when, where, and under what conditions crime is likely to occur.

In the world of criminal justice policy, choice theory primarily fuel policies like get-tough tactics, police crack downs and or saturation policing. Most notably, choice theory, as Siegel (2006) notes, popular because it renounces rehabilitation as a cornerstone of criminal justice policy. It regards as a waste of time to try and rehabilitate cold, hardened criminals.

Is crime rational?

The search for rational criminals by rational choice theory is usually on two fronts: a search for rationality among offenses specific patterns and a search for rationality among offender specific

level. Combining the two usually means a search for crime that pays well. Criminals do indeed learn techniques that help them avoid detection, i.e security measures that should be taken; such as how to look normal, how to stash things, how to size up a vulnerable. They also pick their time and day of crime carefully but cunning than intelligence is involved.

B. Anthro-po-biological Theory

The basic idea of biologists is that deviant/crime is caused by natural or inherent characteristics of individuals who violate social norms and values. As to this theory, criminals are not the same as other normal behaviors, because they are genetically different from the normal people. For example, criminals have extra male chromosome, special physical shape, etc.

According to this theory, offenders differ from non-offenders in their anatomy. This perspective on deviants and criminals can be traced to about 1750, but it lost influence in criminology at the end of the nineteenth century.

I. Physiognomists and Phrenologists (1750-1850)

From 1750 to 1850 *physiognomists and phrenologists* tried to show links between criminal behaviors and biological factors. Physiognomists studied facial feature and sought a correlation between criminal behavior and characteristics such as the shape of the ears and eyes. Phrenologists, on their behalf, stressed the relationship between the external shape of the skulls and an individual's propensity to engage in crime. Both physiognomists and phrenologists failed to test their theories in methodologically sound way.

II. Cesare Lombroso's Theory of Atavism

Cesare Sombrero's theory of atavism is also another prominent biological theory. He theorized that criminals were atavists, people 'born out of time' who were similar to primitive people or lower animals in their biological makeup. This theorist was from the Italian positivist school. He regarded criminals as atavists that have been thrown back of their brutal ancestors. They have brutal nature since they are not passed through the exact evolutionary process of human beings. According to Lombroso, there are body types that declare criminality, e.g. large jaws and high cheekbones.

Cesare Lombroso was among the first to conduct research and develop the *theory of biological crime* which states that some people are genetically predisposed to criminal behavior. He believed that criminals were a product of earlier genetic forms. The main influence of his research was Charles Darwin and his Theory of Evolution. Lombroso theorized that people were born criminals or in other words, less evolved humans who were biologically more related to our more primitive and animalistic urges. He stated that little could be done to cure born criminals because their characteristics were biologically inherited. Over time, most of his research was disproved. His only theory that still holds true today is that all criminals seem to have a severe lack of intelligence. His main contribution to criminology is that he had tried to study criminals empirically. He introduced the application of *measurement and hypothesis testing*.

III. Post Lombrosonian Researches: Goring and Hooton

Charles Goring found no significant differences between offenders and the groups from the general population in skull shape, hair color, or various other physical traits. He concluded that there is no such a thing as a physical criminal type. However, Earnest Hooton criticized Goring's research and he contended that criminals were the products of environmental influences on organically inferior people. Yet, Hooton failed to provide a clear meaning for the idea of physical inferiority or how it might lead to criminal behavior.

IV. Sheldon's Theory of Somatotypes

William Sheldon's theory of somatotypes or body types focused on differences among individuals in embryonic development and claims the people with different body types have different temperaments that affect their propensity to engage in crime and delinquency. Sheldon tried to relate the behavior and constitution of a person to the shape of their body. This is a biological theory that incorporates psychological traits. He identified three types of body types. These are *endomorph* (soft, rounded fat), *mesomorph* (hard, muscular, athletic, active, aggressive.), and *ectomorph* (thin, weak, frail). Each, according to Sheldon, has its own associated personality. Endomorphs are friendly and sociable with no particular tendency of being criminal while ectomorphs are also without any tendency of deviating. However, mesomorphs are twice as common among delinquents as they are among the general population. This association between mesomorphs and delinquency might result from a

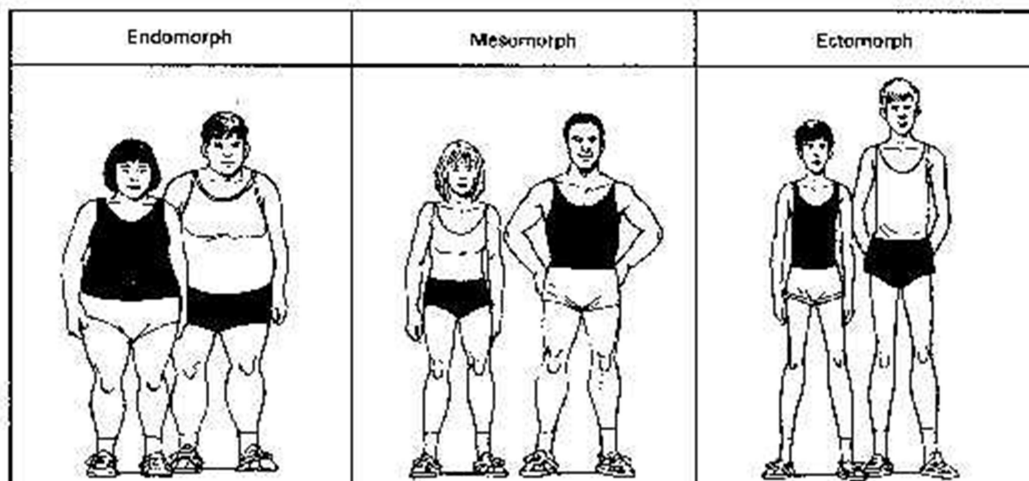
propensity by the police and the courts to label as delinquents those adolescents who are more muscular, active and aggressive.

Somatotypes:

Endomorph: fat, round--Psych: luxury, sloth, and consumption.

Ectomorph: frail, skinny, gangly--Psych: introverts, cunning, stealth.

Mesomorph: large, strong, and hard--Psych: active, dynamic, assertive, and forceful.



V. Modern Biological Researches on Crime

This theory proposed that there is great variation between individual in biological strength and weaknesses and those individuals with certain 'vulnerabilities' or 'risk factors' have a great probability of responding to stressful environmental conditions with antisocial behavior.

Biology and Modern Criminology (*Limitations of biological theories of deviance and crime*)

Modern criminologists have little attention to biological explanations, because:

1. Biologists and medical researchers have done little researches.
2. Biological explanations do not help us understand why crime rate vary from one nation to another, from one region to another, from community to community, etc.
3. All biological researches do not dismiss nonbiological explanations of deviance and crime.
4. Inherited traits are specific but crime is very broad concept. Specific inherited predispositions are related only to specific criminal behaviors.
5. Some modern criminologists have developed interdisciplinary approach, including biological, psychological, and sociological factors simultaneously.

C. Ecological Theory-Geography and Ecology as Causes of Crime

I. Geography and Crime

Adolph Quetelet, a Britain statistician claimed that crimes against the person were more prevalent in warm climates while more crimes against the property were committed in cold climates. Quetelet called his theory the “thermic law of crime.” Several other researchers have proved this condition. Mayo Smith supported this idea in his book “Statistics and Sociology”. M.D. Champneuf carried out a study in France and found that there was higher crime against person in southern France which is hot while higher crime against property was found in northern France. A. Lacassagne, on his behalf, tried to relate crime rates and months of the year and he found higher crimes against property during December followed by November and February.

However, this theory of crime was not out of criticism due to oversimplification. People living in the same area are exposed to the same geographical conditions yet they react to these conditions differently. Why this is so? Because, geography is one aspect of the infinite number of environmental factors that affect the behavior of the individuals.

II. Ecological Theory of Crime

Gabriel Tarde, founder of social psychology and ecological theory of crime, advocated that human interaction is a process of initiation based on established social rules. Human progress is the result of repetition, opposition, and adaptation. Clifford Shaw, who made ecological school more famous along with Henry McKay, claimed that the existence of patterns of delinquency associated with each of the five urban zones. According to them, the problem concentrated in the center of the urban (CBD), and as one moves out of the center to the suburbs, the problem gradually decreases. Many studies show that most delinquents referred to courts were mostly from slum areas. But, this doesn’t mean that middle class areas are free from delinquents. Ecological theory of crime has been criticized due to the following two things: (1) their studies do not apply to all cities, (1) not all the slum area children are delinquents. Beyond its criticism, this theory leads to important preventive programs through neighborhood and through service provision for the poor.

D. Psychological Theories of Crime

Several psychologists study individual characteristics and qualities, like personality, reasoning, thought, intelligence, learning, perception, imagination, memory, and creativity. Generally, psychological theories can be categorized into cognitive theories and behavioral theories. Cognitive theories study psychology in the mind (action is the result of mental reasoning and belief). Behavioral theories, on the other hand, explain that internal factors are influenced by environmental factors. But, notice that these are not the only psychological explanations. There are some others.

I. Psychoanalysis and Crime

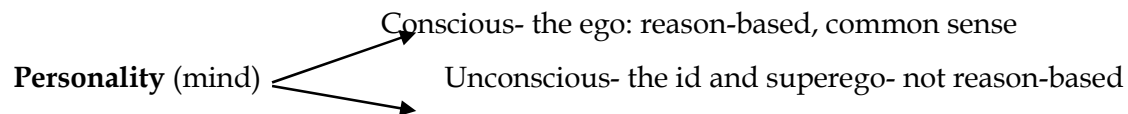
The main tenet of psychoanalysis is the inner dynamic forces are used to explain human behaviors. These theories perceive criminal behaviors as the result of *mental conflict* of which the criminal may be almost unaware, because the conflict arises in the subconscious or unconscious mind. This internal conflict is always occurred between the demand of the reason and conscience, and those of instincts-between the superego and the id components of the personality. If the instinct becomes victorious, it will often be socially unacceptable. If this conflict remains unresolved in a socially acceptable way, it may be seen as a criminal. Generally, psychoanalytical explanations of deviance and criminality are based upon the idea that it is the inner process and conflict that determine behavior.

Modern psychology began with the work of Sigmund Freud. However, Freud did not write a great deal specifically about criminals and deviants, but it is possible to see how some of his behavioral theories can be used as explanation of deviance and criminality.

II. Sigmund Freud (1856-1939)

Freud divided personality into three components- the *id*, the *ego*, and the *superego*. The **id** is unconscious area of mind. It is the most primitive part of personality which is constituted of all the basic biological needs, such as to eat, drink, excrete, to be warm and comfortable, to obtain sexual pleasure. It is always not logical and moral; and seeks only absolute pleasure at whatever cost. It characterizes unsocialized and unstrained individuals. Its drives need immediate gratification, and have no conception of reality. It is natural-biological. It holds all the desires even the society consider wrong or bad. There is a need to the id to be repressed. The **ego** does not exist at birth. But it is something that individual learns, and it is largely conscious although some of it is unconscious. It tempers the desirous longings of the id with the reality of what

might happen if it is released free, and it also learns the reality of how best to serve the id. The ego has developed and learned to reason with the id about the worth of the action. Slowly, the ego develops and controls the id. The **superego** (conscience) is uninternalized sets of rules and regulation of the society through the parents and loco parents. It is largely a part of unconscious personality. It may contain some conscious elements, for example, moral and ethical codes, but it is basically unconscious in its operation. It characterizes the full socialized and conforming member of the society.



The ego has therefore two masters-the id (pleasure seeking) and the superego (control and repression of the id). The outcome is internal conflict, which can never be fully resolved. The basis for repression and control is seen as built upon the relationship with parents or those loco parents. This relationship has strong impacts on the development of the superego. Therefore, those individuals with underdeveloped superego are deviants or criminals. These criminal are thus not well socialized individuals. However, Aichohorn (1963) rejects that the failure to develop the superego explains all deviants and criminality.

There are also other dimensions of explaining the relationship between personality and deviance or criminality. This is Freud's analysis of **Oedipus complex** and **Electra complex**. The developments of Oedipus complex (in boys) and Electra complex (in girls) also influence the development of the superego. These are the developments during the growth of human sexuality. Oedipus complex is a sexual rivalry between father and son. The son, realizing the supremacy of the father, fears castration and this fear forces him to control his desire to his mother. According to Freud, it is from the resolution of this conflict that the male's superego or conscience develops (all this is happened before 5 or 6 years). If the problem is not resolved in this way then serious personality problems may arise. And if there is incomplete formation of superego, then the individual may have little conscience and so have no reason to restrain his desires. But, if the superego is overdeveloped, then it may lead to guilt feelings. This situation may lead the individual to develop a desire for compulsory need for punishment. That is why they engage in criminal activities. The resolution of the Electra complex in women is more

complex, and Freud believed less complete. Other psychoanalyst, Hewitt (1947), identified three types of delinquents:

- Inhibited, shy and reclusive- with overdeveloped superego
- Unsociable and aggressive- with underdeveloped superego, and
- Members of a socialized delinquent gangs- having dual superego.

The balance between desire and repression is always kept by the ego. And in most people the desires of the id are shaped so that they are acceptable to the superego whilst still satisfying the id. Therefore, criminals and deviants are those with uncontrolled id. In other words, criminals are those who have not channeled their desires into useful, or at least harmless, pastimes (pursuits). It is worthwhile bearing in mind that there are other psychoanalytical explanations of deviance and criminality. Some of them are personality theories and moral development theories of deviance and crime.

III. Personality Theories of Deviance and Crime

Psychologists and psychiatrists believe that criminals tend towards certain well-defined personalities, and that their criminal tendencies can be overcome by controlling or altering those core personalities. These theories tried to explain personality on the basis of some personality tests. However, in contrary to extensive studies, the human personality is still an enigma (mystery).

Most theorists assumed that each individual has a certain or core personality, which can explain reactions to most stimuli and will determine the likelihood of the becoming criminality involved. However, different theorists link different personality types to criminality. These psychological explanations of criminality are not out of limitations: it is found difficult to search out personality types in relation to criminal behaviors.

IV. Moral Development Theories of Deviance (Larry Kohlberg)

Kohlberg related crime and deviance with moral development. According to him, people develop morally and mentally as they go through various stages in their lives. A child wants immediate gratification or need to the development of empathy and recognition of other people's viewpoints. Therefore, the need for rules, laws, moral and so on develops. As to him, there are three stages of moral development in an individual's life. These are:

- **Stage One:** *ecocentric stage (self-centered stage)*
- **Stage Two:** *conventional moral reasoning.* The individual focuses on the roles of authority in determining proper action. He/she develops fear of parents, police, etc. A person can understand that there are certain consequences for involving in a certain action.
- **Stage Three:** *principle reasoning.* At this stage, individuals do not engage in wrong action because of principle but not due to fear of punishment. A person uses moral judgment in his or her duties and responsibilities.

According to Kohlberg, some people pass through level to level subsequently, but some others get stuck at one stage. Those people who got stuck at one stage of moral development are criminals. He further argues that only few people can arrive at stage three of this moral development. The reasons for failure to develop transcendental moral reasoning are environmental limitations and weak inner control. These people do not see something wrong in violating social norms and values. Other psychologists relate deviance and crime with serious mental illness, such as schizophrenia and mood disorder.

It is also very important to bear in mind that the psychological perspective on crime causation are still employed by the criminal justice system in determining whether a defendant is criminally responsible to his violation of the law or not.

Limitations of Psychological Explanations

- Though they are scientists, their central concepts are incapable of being directly observed, making their existence impossible to prove: lack of empirical verification.
- The idea that criminals want to be punished is not acceptable because in reality all criminals do not want to be caught and punished.

E. Economic Factors

According to K. Marx, economy determines the whole social behaviors of the society. Based on the type of production mode, some part of the society remains impoverished while the remaining few become rich. Therefore, human relations are determined by the economy, as to Marx. This Marx's theory of economic determinism provides that social arrangements are deeply influenced by the existing system of economics. Therefore, social problems such as crime are the products of the existing economic arrangements.

Several studies regarding this have been conducted by different scholars in different countries following K. Marx. However, modern economic theories of crime are the most prominent ones in explaining the relationship between economic behaviors of people and their propensity to commit crime. Modern economic theories of crime start from two assumptions regarding the relationship between economic conditions and crime. These are:

- The relationship is positive or direct: criminality is the extension of normal economic activity, so that it increases or decreases in the same manner as normal economic endeavours. This assumption tells us that there is higher criminality when there is a higher prosperity and vice versa.
- The relationship is negative: this theoretical assumption is the one occupied by Marxists and leftists. The main idea of this assumption shows that when economic conditions are good, the amount of crime should be low and vice versa. Socialist school of crime believed that crime is product of the economic system.

F. Crime Causation and Sociological Theories of Crime and Delinquency

The sociological explanations of deviance and crime emphasizes on the social causes of crime. As to them, deviants and criminals are not biologically or psychologically different from other people. Rather the social structure and the general society are responsible for deviance because crime is a cultural conflict. Those social facts, which are external to and independent from an individual in a society, are the causes for crime. This is because social facts influence the individual's behavior in any society. Sociological theories of crime can be divided into two: early theories and modern theories.

I. Early Sociological Theories of Crime

i. Structural-Functionalism

Functionalist perspective believes that crimes come from the formation of norms and values which are enforced by institutions. Crimes are not crimes by nature, but are caused when institutions arbitrarily institute particular prescriptions or proscriptions. Therefore, crime is simply what is defined as not normal by laws. Theorists from this school study how institutions on a macro level affect crime.

A) Emile Durkheim: *Anomie Theory*

Emile Durkheim was a nineteenth century French sociologist who studied suicide and the role of institutions in suicide. When he studied the connections between suicide and people's lives, he noticed that social integration and social regulation rates were **inversely correlated** with suicide rates. Suicidal people tended to have less, "*to bind and connect them to stable social norms and goals.*" However, those who were well integrated into society and those who were well regulated (good social bonds) tended to have the lowest suicide rates.

There are two dimensions of the social bond that are social integration and social regulation, and they are for the most part independent (in other words, the rate of integration does not determine the rate of regulation, and vice versa, but both affect the social bond). Social integration is the attachment to groups and institutions, while social regulation is the adherence to the norms and values of the society. Those who are very integrated fall under the category of "altruism" and those who are very unintegrated fall under "egoism." Similarly, those who are highly regulated fall under "fatalism" and those who are much unregulated fall under "anomie". Durkheim's strain theory attributes social deviance to extremes of the dimensions of the social bond. Altruistic suicide (death for the good of the group), egoistic suicide (death for the removal of the self due to or justified by the lack of ties to others), and anomic suicide (death due to the confounding of self-interest and societal norms) are four forms of suicide that can happen due to extremes. Likewise, individuals may commit crimes for the good of an individual's group, for the self due to, or justified by lack of ties, or because the societal norms that place the individual in check no longer have power due to society's corruption. Two dimensions of the social bond:

- Integration (Attachment to groups, and strength of ties)
 - ✓ Altruism (+)
 - ✓ Egoism (-)
- Regulation (The attachment to norms of society)
 - ✓ Fatalism (+)
 - ✓ Anomie (-)

B) Robert k. Merton's Social Structure and Anomie Theory

Robert K. Merton discussed deviance in terms of goals and means as part of his strain/anomie theory. He postulated that an individual's response to societal expectations and the means by which the individual pursued those goals were useful in understanding deviance. Specifically,

he viewed collective action as motivated by strain, stress, or frustration in a body of individuals that arises from a disconnection between the society's *goals* and the popularly used *means* to achieve those goals. Often, non-routine collective behavior (rioting, rebellion, etc.) is said to map onto economic explanations and causes by way of strain.

Merton devised a typology that helps elucidate the kinds of coping strategies that any given actor under strain might adopt. Acceptance of both goals and means is defined as **conformity** (e.g. founding a business to achieve the society's goal of being wealthy). Acceptance of the goals and rejection of the means is described as **innovation**, which can be positive or negative (e.g. acquiring wealth by robbery would be negative, while inventing a new business method would be positive). Rejection of the goal and acceptance of the means is **ritualism** - going through the motions. Rejection of both the goal and means is **retreatism**. A homeless person is often cited as an example of retreatist. **Rebellion** is a special case, where the individual rejects both the goal and means and actively attempts to replace them with other systems which are more acceptable. *Anything other than conformity* is a form of deviance from the accepted societal norms of behavior, and some of them are crimes.

Types of individual adaptation

| | Accepts Goals | Rejects Goals |
|---------------|---------------|---------------|
| Accepts Means | Conformist | Ritualist |
| Rejects Means | Innovator | Retreatist |

Rebellion

The implication of Merton's strain theory is that the poor are likely to be deviant or criminals. People from the lower classes often identify with the same goals as those of the powerful and affluent citizens but lack equal access to high quality education and training for skilled work. So therefore they engage in deviant activities.

ii. **Symbolic Interactionism**

Deviance or crime comes from the individual, who learns deviant and criminal behavior. The deviant/ criminal may grow up alongside other deviants/ criminals or may learn to give

excuses for deviance. The focus is upon the consciousness and the mind of the individual as opposed to the institutions from where the norms come from.

a. Differential Association Theory: Edwin H. Sutherland

In his differential association theory, Edwin Sutherland posited that criminals learn criminal and deviant behaviors and that deviance is not inherently a part of a particular individual's nature. Also, he argues that criminal behavior is learned in the same way that all other behaviors are learned, meaning that the acquisition of criminal knowledge is not unique compared to the learning of other behaviors.

Sutherland outlined some very basic points in his theory, such as the idea that the learning comes from the interactions between individuals and groups, using communication of symbols and ideas. When the symbols and ideas about deviation are much more favorable than unfavorable, the individual tends to take a favorable view upon deviance and will resort to more of these behaviors.

Criminal behavior (motivations and technical knowledge), as with any other sort of behavior, is learned. Some basic assumptions of this theory include:

- Deviant behavior is learned- not inherited.
- Criminal behavior is learnt in interaction with those persons in a process of communication.
- The principal part of learning of deviant behavior occurs within intimate personal groups.
- When criminal behavior is learned, the learning includes techniques of communicating the crime, and specific directions of motives, drives, and rationalization and attitudes.
- Techniques, motives, drives, rationalizations, and attitudes are all learned from definitions of the legal codes as favorable or unfavorable.
- A person becomes delinquent because of an excess of definitions favorable to deviation of law over definition over unfavorable to violation of law.
- Differential association may vary in frequency, duration, priority, and intensity.
- The process of learning criminal behavior by association with criminal and ant criminal patterns involves all the mechanisms that are involved in any other learning.

While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values, since noncriminal behavior is an expression of the same needs and values. As one learns a preponderance of definitions favorable to deviance (norm violation), he/she will be more likely to engage in deviance. Unlike Merton's theory, which attributes deviant behaviors only to lower class society, this theory reveals that deviant is common in any culture. For example, white-collar crime is a deviant behavior of affluent people.

Limitation of Differential Association Theory

- Why people choose to learn deviant behaviors rather than the normal ones, and where has the first deviant been created are not well explained.
- Although Sutherland's theory provided a good base for an explanation of deviance, it failed to be precise in explaining the root of influence.
- Doesn't explain why people have the associations they do.
- The choice of model does not necessarily involve interaction with those in intimate social groups.

b. Labeling Theory: Frank Tannenbaum and Howard S. Becker

Tannenbaum's Dramatization of Evil: The actor reacts to the labels applied to him or her, and the person acts more and more like the label, taking more and more traits. Eventually, in a self-fulfilling prophecy, the actor takes on all of the labels. Labeling is the process by which deviance is recognized.

"Deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an offender. The deviant is one to whom that label has successfully been applied; deviant behaviour is a behaviour that people so label." (Becker, 1963). Thus, these two sociologists criticize institutions for creating deviants rather than their supposed role of stopping deviation.

Labeling theory focuses on the reaction of other people and the subsequent effects of those reactions which create deviance. When it becomes known that a person has engaged in deviant acts, she or he is then segregated from society and thus labeled, "whore," thief," "abuser," "junkie," and the like. Becker noted that this process of segregation creates "outsiders", who are

outcast from society, and then begin to associate with other individuals who have also been cast out. When more and more people begin to think of these individuals as deviants, they respond to them as such; thus the deviant reacts to such a response by continuing to engage in the behavior society now expects from them.

Limitations

- It leaves unexplained the idea that why, at the first time, deviant person comes out: does not explain why primary deviation occurred.
- No suggestion on how do people overcome the problem of labeling.
- Why labeling works for some and not for others is not explained.
- It fails to make clear the condition under which labeling will alter self-concepts, restrict opportunities, hurt social relationships, and drive deviants into subculture.
- It also doesn't specify the time when a label will be accepted by a deviant, and when a deviant will reject or disavow a label.

There are little empirical evidences that labeling by the criminal justice system actually increases crime or delinquency

iii. Conflict Theory of Crime: Richard Quinney

Conflict theorists generally see deviance as a result of conflict between individuals and groups. The theoretical orientation contributes to labeling theory in that it explains that those with power create norms and label deviants. Deviant behavior is actions that do not go along with the socially prescribed worldview of the powerful, and is often a result of the present social structure preventing the minority group access to scarce resources. Since it explains deviance as a reaction due to conflict between groups and individuals due to scarce resources, it does a great job of explaining deviance by poor citizens, etc. However, it does not do such an excellent job in explaining white-collar crime. This theory also states that the powerful define crime. This raises the question: to whom is this theory functional to? In this theory, laws are instruments of oppression. In other words, they are tough for the powerless and less tough for the powerful. Richard Quinney, a prominent conflict theorist of deviance and delinquency, explains deviance based on the understanding of the social reality of crime, which is constructed on conflict in our society. This theory of deviance is formulated as follow:

- **The official definition of crime-** crime as a legal definition of human conduct is created by agents of the dominant class in a politically organized society. Therefore, crime as officially determined is a definition of behavior that is conferred on some people by those in power. Upon formulation and administration of these definitions of crime, persons and behaviors become deviant or crime.
- **Formulating definition of crime-** definitions of crime are composed of behaviors that conflict with the interest of the dominant class. Definitions of crime are formulated according to the interests of those who have the power to translate their interests into public policy. Furthermore, definitions of crime in a society change as the interest of the dominant class changes.
- **Applying definition of crime –** definitions of crime are applied by the class that has the power to shape the enforcement and administration of criminal law. The dominant interests intervene in all stages at which definitions of crime are created. Because class interests cannot be effectively protected merely by formulating criminal law, the law must be enforced and administered. Similarly, the dominant interest is also dominant at the application stage of the law.
- **How behavior patterns develop in relation to definition of crime-** behavior patterns are structured in relation to definition of crime and within this context people engage in actions that relative probabilities of being defined as criminal. People act in reference to normative systems learned in relative social and cultural settings.
- **Constructing an ideology of crime-** an ideology of crime is constructed and diffused by the dominant class to secure its hegemony.
- **Constructing the social reality of crime-** the social reality of crime is constructed by the formulation and application of definition of crime, the development of behavior patterns in relation to these definitions of crime. Therefore, construction of the social reality of crime is the sum total of the above stages so far we have seen.

II. Modern Sociological Theories of Crime

i. Delinquent Subculture Theory of Deviance

This theory is the contribution of the criticism of Merton's Social Strain Theory of Deviance. Merton was criticized for his research depending only on American society in which there was

no consensus on values and goals since it is a pluralistic nation. He is also criticized for his analysis that deviance is mostly found in a lower class in a society. However, the delinquent subculture theory argues that deviant is found in any culture and subculture.

Subculture is a culture within a culture. It is occurred when some people feel unable to get what they want within a culture. When they experience such conditions, people form a subculture, that can fulfill their own interest. This newly established subculture then becomes a deviant subculture from the standpoint of the people of the mainstream culture.

Deviant subcultures use deviant differentiation of themselves from the mainstream society. This can be achieved through some behaviors like clothing, tattooing, hairstyles, and other violent and criminal acts. Deviance provides subculture a sense of belongingness and common identity. Thus members of these deviant subcultures have their own norms. If a member violates this norm, he/she becomes deviant of a deviant subculture. Therefore, deviance within a subculture itself is subject to sanctions. Some deviants of the deviant subculture get solace, and support when they join a deviant group, (e.g. juvenile delinquency). Some examples of delinquent subculture are gambling, drug abusers, shoplifting, trounce, etc.

ii. Social Network Breakdown Theory and Social Disorganization Theory

a. Social Network Breakdown Theory

This theory explained that people who involve themselves in traditional community structure, such as church, family, Boy Scout, civil groups, and so on are less likely to be deviant and break rules because the community structure links the individual to the longer social network. The norm of the network helps members to control their behavior.

When people break away from the norms of the network, deviant/criminal activities presents itself to them. For example, divorced people involve in a deviant activity because their experiences suddenly rush of their freedom and life patterns are changed. But, all divorced people may not engage in this activity since there may be conditions in the social structure on which divorced is legalized. Second example is that ethnical and other minorities engaged frequently in deviant activities because they are outside from the mainstream culture of the society. This theory is similar to Robert Merton's social structure and anomie theory.

b. Social Disorganization Theory

The leading sociological theories focus on the immediate social environment, like the family, peer group, and school. And they are most concerned with explaining why some individuals are more likely to engage in crime than others. Much recent theoretical work, however, has also focused on the larger social environment, especially the community and the total society. This work usually attempts to explain why some groups—like communities and societies—have higher crime rates than other groups. In doing so, however, this work draws heavily on the central ideas of control, social learning, and strain theories.

Social disorganization theory seeks to explain community differences in crime rates (see Robert Sampson and W. Byron Groves; Robert Bursik and Harold Grasmick). The theory identifies the characteristics of communities with high crime rates and draws on social control theory to explain why these characteristics contribute to crime.

Crime is said to be more likely in communities that are economically deprived, large in size, high in multiunit housing like apartments, high in residential mobility (people frequently move into and out of the community), and high in family disruption (high rates of divorce, single-parent families). These factors are said to reduce the ability or willingness of community residents to exercise effective social control, that is, to exercise direct control, provide young people with a stake in conformity, and socialize young people so that they condemn delinquency and develop self-control.

The residents of high crime communities often lack the skills and resources to effectively assist others. They are poor and many are single parents struggling with family responsibilities. As such, they often face problems in socializing their children against crime and providing them with a stake in conformity, like the skills to do well in school or the connections to secure a good job. These residents are also less likely to have close ties to their neighbors and to care about their community. They typically do not own their own homes, which lowers their investment in the community. They may hope to move to a more desirable community.

G. Feminist Theories

Feminist theories focus on gender differences in power as a source of crime. These theories address two issues: why are males more involved in most forms of crime than females, and why

do females engage in crime. Most theories of crime were developed with males in mind; feminists argue that the causes of female crime differ somewhat from the causes of male crime.

Gender differences in crime are said to be due largely to gender differences in social learning and control. Females are socialized to be passive, subservient, and focused on the needs of others. Further, females are more closely supervised than males, partly because fathers and husbands desire to protect their "property" from other males. Related to this, females are more closely tied to the household and to child-rearing tasks, which limits their opportunities to engage in many crimes.

Some females, of course, do engage in crime. Feminist theories argue that the causes of their crime differ somewhat from those of male crime, although female crime is largely explained in terms of strain theory. Meda Chesney-Lind and others argue that much female crime stems from the fact that juvenile females are often sexually abused by family members. This high rate of sexual abuse is fostered by the power of males over females, the sexualization of females--especially young females--and a system that often fails to sanction sexual abuse. Abused females frequently run away, but they have difficulty of surviving on the street. They are labeled as delinquents, making it difficult for them to obtain legitimate work. Juvenile justice officials, in fact, often arrest such females and return them to the families where they were abused. Further, these females are frequently abused and exploited by men on the street. As a consequence, they often turn to crimes like prostitution and theft to survive. Theorists have pointed to still other types of strain to explain female crime, like the financial and other difficulties experienced by women trying to raise families without financial support from fathers. The rapid increase in female-headed families in recent decades, in fact, has been used to explain the increase in rates of female property crime. It is also argued that some female crime stems from frustration over the constricted roles available to females in our society.

CHAPTER FOUR

4.1 TYPES OF CRIME PROBLEMS AND CRIMINALS

4.1.1. Crime Problems

There are four major types of crimes in the world. These include: conventional crimes, white-collar crimes, organized crimes, and victimless crimes.

A) Conventional Crimes: they include violence crimes and property crimes.

I. Violence crimes:

- **Murder and non negligible man slaughter:** are the willful of killing of human beings. The taking of another person's life may fall outside this definition if it is excusable, such as an accidental shooting of a playmate by a child, or if it is justifiable, such as police officer's hooting of a dangerous who is about to hurt someone.
- **Forcible rape:** is carnal knowledge of a female forcibly and against her will. Rape always involves psychological damage to the victim, because by definition it does not involve consent. It often involves physical damage as well. Many forcible rapes involve strangers, but a surprising many number occur between offenders and victims who have close relationship. One relationship between the rapist and the victim that has received considerable attention in recent years is the rape of women by their husbands or ex-husbands.
- **Robbery:** robbery is the theft of property from other person by force or threat of force. More severe penalties are meted out to robbers who are armed than those who do not use weapons. Robberies involve both commercial and financial establishments (banks, stores, gas stations and taxicabs) and noncommercial targets (people on the street and in residences).
- **Assault:** an assault is an unlawful attack by one person on another. It can be two types: simple assault in which no weapon is used and no serious injuries results, and aggravated assault in which the purpose of the attack is to inflict severe bodily injury and a weapon is typically used.
- **Intimate partner violence:** this includes murder, rape, robbery and assault by current or former spouses, cohabitating partners, or mates.
- **Hate crime:** also known as bias crime. It is a crime offense committed against a person, property, or society which is motivated, in whole or in part, by the offender's bias

against a race, religion, disability, sexual orientation, or ethnicity. Others added gender to the list of characteristics defining a hate crime.

- **Terrorism:** terrorism is violence against innocent civilians that is designed to have psychological impact on a broader audience in order to achieve a political, messianic, or vengeful goal.

II. Property crimes: they include either theft or property destruction. Theft can take the form burglary, larceny, motor vehicle theft or fraud. Property destruction occurs in the crimes of vandalism and arson.

- **Burglary** is unlawful entry of a building to commit a serious crime, usually the theft of property. Burglary targets include both private residences and commercial establishments such as stores and offices.
- **Larceny** or theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Motor vehicle theft** is often distinguished from larceny, of which it is actually one form, because motor vehicle theft involves property of much greater value than is commonly stolen in other type of larceny, and often the car thief does not intend to deprive the owner of the property on a permanent basis. Most stolen vehicles are recovered, although the proportions that are never recovered have increased in years.
- **Fraud** is the crime of obtaining money or property by false pretenses. Facts are misrepresented and deception is employed to mislead victims by promising goods, services, or financial benefits that do not exist or are never intended to be provided. It sometimes involves false or deceptive advertisement in which customers lose money by purchasing inferior or misrepresented merchandise. Deceiving the government about one's true income and underpaying tax is a form of fraud.
- **Arson** is the willful or malicious burning of the building, motor vehicle, aircraft, or personal property of another person. It sometimes involves the intent to defraud an insurance company by filing a claim for the loss of one's own property through a deliberate set fire, through there are other motive for this crime.
- **Vandalism** is the willful or malicious destruction, injury, disfigurement or defacement of property without the consent of the owner. Breaking the window in an abandoned building

is an act of vandalism that has little social significance, but vandalizing an important painting in a museum can ruin property of great economic and cultural values.

III. White-collar Crimes

The concept of white-collar crime was first introduced by sociologist Edwin Sutherland. White-collar crime is any illegal act, punishable by a criminal sanction that is committed in the course of a legitimate occupation of pursuit by a corporation or by otherwise respectable individuals of high social standing. The major types of white-collar crimes are:

- Crimes by business,
 - ✓ Deceptive advertising
 - ✓ Antitrust violation
 - ✓ Insider trading
 - ✓ Securities fraud
 - ✓ False valuation of assets
 - ✓ Mail and wire fraud
 - ✓ Tax fraud
 - ✓ Bribery of political officials
 - ✓ Unsafe workplace conditions
 - ✓ Production of dangerous products
 - ✓ Environmental law violation
 - ✓ Industrial espionage
 - ✓ Sweetheart contracts with union officers
 - ✓ False weights and measures by retailers
 - ✓ Misrepresentation of credit term
- Crimes by employees against business
 - ✓ Embezzlement and employee theft
 - ✓ Expense account fraud
- Crimes by government employees
 - ✓ Police brutality
 - ✓ Bribe taken by police officers and political officials
 - ✓ Embezzlement by political officials
- Crimes by professionals
 - ✓ Medical quackery
 - ✓ Health care fraud
 - ✓ Fraudulent damage claims by lawyers
 - ✓ Embezzlement by lawyers

IV. Organized Crimes

Organized crime is criminal activity by an enduring structure or organization developed and devoted to the pursuit of profit through illegal means. It has the characteristics of a formal organization: division of labor, coordination of activities through rules and regulations, and an allocation of tasks in order to achieve certain goals.

V. Victimless Crimes

A victimless crime is an offense that is consensual and lacks a complaining participant. It is a crime without a complainant, because there is no victim in the crimes such as drug use, gambling and prostitution. Because no one complains to the police about being victimized, making arrest and prosecuting suspects are difficult. When Edwin Schur first used the term 'crime without victims' in 1965, he focused on drug addiction, homosexuality and abortion.

4.1.2. TYPES OF CRIMINALS

Who is Criminal? Criminal is "a person who, after court proceedings, is found to have broken the criminal law (a criminal is a person who has committed a legally forbidden act). It is on this base that a person can legally be called a criminal [legal definition]. Criteria to determine whether a person may be dealt with as a criminal or not:

- Competent age
- Criminal acts must be carried out voluntarily and engaged in without compulsion, that is not, forced into committing the criminal act by another person or party.
- The indication of criminal intent (*mens rea*): was the crime carried intentionally with a certain amount of premeditation? What is *Mens rea*? (latin, " guilty mind") awareness of wrong doing; the intention to commit a criminal act or behave recklessly.
- It must be classified legally as an injury to the state and not merely as a private injury.
- There must be a legally prescribed punishment for the act committed. Legal proscription of an act is not enough.

Types of criminals as described in NKPA, N(1994)

1. Legalistic criminals: those people who break the law because they are unable to understand the nature of their action [e.g feeble minded person commits such crime, s/he will be arrested and investigated, insanity defense].
2. Moralistic criminals: those violators of laws that forbid certain vices. They are victims of their own acts [e.g. gamblers].

3. Psychopathic criminals: criminals who are unable to recognize/understand whether their actions are criminal or not.
4. Institutional criminals: Not defined as crime by those who commit it. Example, self employed people who don't declare their whole income to tax inspectors/collectors.
5. Habitual criminals: are those people who yield to temptation and steal when they face financial crisis/spasm. Habitual criminals are chronic offenders.
6. Situational criminals: those people who commit crime under pressure of overpowering circumstances [e.g, a cashier, who embezzles money to finance the funeral or marriage ceremony of his/her family member].
7. Professional criminals: are those people for whom crime is his/her business and makes a living by it. There is regard and boasting of the actor among fellow criminals.
8. Political criminals: those who commit crimes in order to gain political power or motive.

CHAPTER FIVE

5.1. CORRECTIONAL ADMINISTRATION AND REHABILITATION

5.1.1. Crime Control and Prevention

Crime control is a model of criminal justice that emphasizes the control of dangerous offenders and the protection of society. Its advocates call for harsh punishments as a deterrent to crime, such as death penalty. According to crime control approach, the focus of justice should be on the victims themselves, not of criminal so that innocent people can be protected from the revenges of crime. This objective can be achieved through more effective police protection, tough sentences and the construction of prison designed to safely incapacitate hardened criminals. If punishment was both certain and severe, few would be tempted to break the law.

I. Punishment: Objectives and Scopes

Punishment is a regressive measure for a crime committed. Individuals engaged in some criminal activities will be given penalties. These penalties are punishments for the culprit. Punishments of criminals have the following objectives.

- A. *General deterrence*: it is a crime control model that depends on the fear of criminal penalties. General deterrence measures, such as long prison sentences for violence crimes, are aimed at convincing the potential law violators that the pains associated with crime outweigh its benefits. Punishment for the purpose of general deterrence is designed to give a signal to community at large: crime doesn't pay!
- B. *Incapacitation*: this is the policy of keeping dangerous criminals in confinement to inmate the risk of their repeating their offence in society.
- C. *Specific deterrence*: punishment should be severe enough to convince convicted offenders never to repeat their criminal activities.
- D. *Retribution/just desert*: those who violate the rights of the others deserve to be punished. The severity of punishment should be commensurate with the seriousness of the crime. Punishment should be comparable in severity to the crime itself.
- E. *Rehabilitation*: it is a program for reforming the offender to preclude subsequent offense. It paralleled the development of the social science in the 19th century. Rehabilitation resembles deterrence in that both motivated the offender towards conformity, but

rehabilitation emphasizes constructive improvement while deterrence inflicts suffering on an offender.

- F. *Equity/restitution*: the equity goal of punishment means that convicted criminals must pay back their victims for their loss, the justice system for the costs of processing their case, and the society for any disruption they may have caused.
- G. *Social protection*: this goal refers to rendering an offender incapable of further offenses either temporarily through incarceration or permanently by execution. If society is unable or unwilling to rehabilitate offenders or reform social conditions, people are protected from further crime by incarceration or execution.

II. Treatment of Offenders

Offenders can be treated through either institutional treatment or extramural treatments like probation, parole and alternatives of imprisonment/community-based rehabilitation.

i. Institutional Treatment

Institutional treatments may be in jails, prisons, prison farms and camps, shock incarceration in boot camps, community correctional facilities, and private prisons. Usually, prisons are organized or classified at three levels.

- ❖ Maximum security prisons
- ❖ Medium security prisons
- ❖ Minimum security prisons.

ii. Extramural Treatment

Probation: is a criminal sentence mandating that a convicted offender be placed and maintained in the community under the supervision of a duly authorized agent of the court. It usually indicates non punitive form of sentencing for convicted criminal offenders and delinquent youths, emphasizing maintenance in the community and treatment without institutionalization or other forms of punishment. It is a sentence an alternative to incarceration while parole is administrative release from incarceration. Here, it is important to remind oneself that there are several conditions for probation. The early release of a prisoner from imprisonment subject to a parole board is known as parole.

iii. Alternatives to Imprisonment: Community-Based Rehabilitation (CBR)

Rehabilitate or punish: How Should Society Treat Criminals?

Every person is different from every other person. Every criminal is therefore different from every other criminal. There is no single solution to the problem of criminal behavior. Although criminal activity can be easily broken down into neat categories, criminals as people cannot.

The institution of prison serves a dual purpose of eliminating criminals from society and reformation and rehabilitation of the offenders under the institutional treatment by blanketing out conditions, which in the first place turn them into law-violators. It has now been generally accepted that “After Care” service must form an integral part of penal program. As a part of correctional service it presupposes active help and guidance to the discharged prisoners through counseling and surveillance. The process has, therefore, been called the “released person’s Convalescence”.

The system of parole as a corrective measure a rehabilitative process has now been expanded in the form of open jails and open-air camps in recent years. Open air institutions are essentially a 20th century device for rehabilitating offender’s normal life in the society through an intensive After-Care program.

Community-Based Rehabilitation: There is a widely held belief among law enforcement agents is that only severe and punitive justice and the insistence on imprisonment could achieve crime deterrence. Yet, some sociologists and criminologists argue that imprisonment aggravates the problem of prison overcrowding. These scientists put community- based rehabilitation as a remedy and cite the best practice of Japan that has been making extensive use of alternatives to imprisonment, particularly probation and parole. They indicate that Japan has not only been using the alternatives, but has also succeeded in reducing over crowdedness of prisons, recidivism, and the rate of crime in general.

Community-based corrections is a general term that refers to various types of non-institutional correctional programs for criminal offenders. These include, among others, such options as diversion, pretrial release, probation, restitution and community services, temporary release, halfway houses, furlough, and parole. These are considered useful in dealing with offenders in the community.

Objectives of Community-Based Rehabilitation

1. Reintegration:

The types of correctional options mentioned above try to sanction and control criminals without confining them. This will allow offenders to maintain existing contacts and establish new ones in the community. This objective is known as reintegration. The meaning of reintegration was

cogently summarized, by the 1967 US President's Commission on Law Enforcement and Administration of Justice.

Reintegration is based on the assumption that crime and delinquency are the consequences of community disorganization as well as the psychological and behavioral problems of the offenders. The community's failures are considered to have deprived "offenders of contact with the institutions that are, basically responsible for assuring development of law abiding contact: sound family life, good schools, employment, recreational opportunities, and desirable companions". The psychological problems that are often manifested by offenders are viewed to be, at least partially, the influence of the environment in which offenders live.

2. Community Protection:

Another objective of community-based corrections is community protection. Even though reintegration is the main feature of community based correctional programs, there are other objectives. The control of offenders, while they remain in the community is an important objective aimed at protecting the society from further harm. Various control mechanisms may be applied to impose prescriptive and proscriptive restrictions on the offender's behavior. Conditions like curfews or demands that the offender attend school, secure a job, avoid substance abuse and contact with undesirable characters engaged in illegal activities can be imposed. Sometimes offenders may be required to stay in supervised environment, such as a halfway house or a diversion center where daily movements are structured. In fact "prisons should be repudiated as useless for any purpose other than locking away persons who are too dangerous to be allowed at large in a free society."

3. Intermediate Punishment:

Intermediate punishments are 'alternatives to traditional probation or incarceration. In the continuum of sanctions, which range from probation to incarceration, selected community-based programs such as intensive supervision, house arrest, electronic monitoring, and boot camps provide mid-range dispositions that better reflect the severity of the offence than prison or probation alone. While many offenders require reiterative efforts to facilitate a law-abiding way of life, and many persons cannot be safely released to the community without supervision,

many offenders deserve a punishment that is less harsh than prison but more severe than a fine or minimum supervision probation”

Intermediate punishments are also used as alternatives to revocation for probationers and parolees who run into difficulties. It is possible to send to prison probation or parole violators. But it is often not desirable to do so. For instance, a probationer who has been obeying the law, and is sticking to a job, but fails to refrain from substance abuse should not be sent to prison, since many aspects of his life are working for him.

4. Cost-Effectiveness:

Cost-Effectiveness is one of the reasons why community-based corrections are considered to be a better alternative to imprisonment. The problem of prison overcrowding is almost a world wide problem. Therefore, before ever thinking to build new prisons, it may be wise to consider community-based corrections as an alternative.

Increased construction of prisons would inevitably lead to more accelerated rate of incarceration with no recognizable impact (McCarthy and McCarthy, 1991: 6).

Types of Community-Based Corrections:

There are various types of community-based corrections. But we can have an understanding of a few of the major types.

1. Diversion:

Vetter and Silverman defined diversion as "The removal of an offender from the criminal justice system by channeling him/her into a social casework, mental health, or other type of agency. The term has also been used to describe the handling of juveniles in a system separate from the adult criminal justice system and sentencing of offenders to community based correctional facilities rather than to prison."

Thus, diversion implies the formal removing or suspending of criminal proceedings against criminals who have violated the criminal law, in favor of processing them through non-criminal disposition or means. It is a pre-adjudication disposition.

2. Restitution:

Restitution is an ancient principle: "If anyone sins and commits a breach of faith... through robbery... he shall restore it in full, and shall add a fifth to it, and give it to whom it belongs" (Leviticus 6). According to the laws of Hammurabi, 2100 BC, "if a man has stolen an ox...if (it belongs) to a god (or) a palace, he shall pay thirty fold; if of a villain...ten fold. If the thief has not the means of payment, he shall be put to death."

Restitution is "compensation for injury one has inflicted, in the form of either a payment of money to the victim or the performance of service to the community." There are various rationales for restitution as Gilbert Geis presented them:

- While fines go directly to courts or government treasuries, monetary restitution goes
- To the victims of crime, compensating them for injuries, time lost from the work and other losses.
- It compels the offender to accept personal responsibility for his/her crime.
- It is likely to reconcile victims and offenders.
- It can be carried out along with a probation program without an additional program and expenditure. In fact it is carried out as one of the conditions of probation.
- It provides a chance for including the victim in the administration of justice.

There are also those who claim that restitution might improve crime reporting if victims were convinced that they would be repaid for what they lost. Restitution, by easing public hostility towards the offender, might reduce the isolation of the offender from the society, thus facilitating his/her reintegration. Restitution would minimize the burden on the taxpayer.

Despite the advantages cited above there are criticisms against restitution. It is suggested that restitution can be a punitive sanction rather than a rehabilitative one because it imposes an additional burden on offenders that they might not ordinarily have.

Even more seriously, it has the potential for nullifying any deterrent effect of punishment by allowing criminals to "write a check" and "pay a fee" for their offences. In addition, it is argued that restitution serves the interests of those who are financially better off, thus barring the option for those who are indigents. Restitution is used in most cases for economic offences. The goods or money taken from victims and the damages done to their property can be restored through financial payment.

3. Temporary Release Programs:

Temporary release programs are the means of preparing inmates for eventual release from institutions and return them to the community by releasing them for specific period. The release may be of different nature depending on what the inmate wants to do during the release. The most common types of contemporary release are work release, study release, and furlough.

A. Work Release:

Work release is known under various names. Inciardi described work release as follows:

...work release is an alternative to total incarceration whereby inmates are permitted to work for pay in the free community but must spend their nonworking hours back in the institution.

Work release is not a recent innovation. It was initiated ...in 1913 in Wisconsin, USA. However, the idea has been only slowly accepted, and it was not until the early 1970s that work release became a widespread correctional practice for felony (serious offences). McCarthy and McCarthy also corroborated Inciardi's description and made it a little more specific. According to them, regardless of the specific term employed, any program that provide for the following conditions may be defined as work release:

- The labor of prison or jail inmates in the community,
- Under conditions of relaxed supervision, and
- For which inmates are paid prevailing free-world wages.

Work release participants have to be carefully selected. They have to be screened and interviewed to make sure that the right types of inmates are selected. The necessary checks are made to determine that they are not disqualified because they are:

- More than six months from release;
- An escape risk;
- Charged with other serious offences

B. Furlough:

Furlough is defined by Inciardi as "an authorized, unescorted absence from prison for work or study, visiting with one's family, or for some other reason deemed rehabilitative by correctional authorities, for a specified period of time."

Furloughs are usually allowed, at regular intervals, for 24 to 72 hours. However, the duration and frequency for furlough will depend on statutes, administrative regulations, inmate's custody status and the individual's needs. Usually all overnight furloughs are to the inmate's home or to that of a family member. The grant of furloughs may be basing on reasons including some or all of the following:

- To maintain or re-establish family ties;
- To solve family problems;
- To prepare for final release, to attend employment interviews, to search for housing, to obtain a driver's license etc.;
- To attend a short-term educational, or vocational program;
- To attend a special event in the community (e.g. to speak to a civic or student group)

C. Study Release:

Study release programs are similar to work release programs. The difference is in the type of placement inmates receive. "Study release inmates are students rather than workers and employees."

Study release is a natural extension of the work release principle. It is offered to minimum security, parole-eligible inmates that have demonstrated motivation for vocational or academic studies. Study release provides inmates opportunities for fulltime, on-site participation in vocational or college education.

4. Halfway House:

Halfway houses mean a centre for rehabilitating former prisoners or psychiatric patients. Though the exact origin of halfway houses is difficult to establish, its use is said to have begun by the acts of Christian charity. However, during the second half of the 19th century, the Quakers were supposed to have started community corrections in some of the states in Northeastern United States.