

## Introducing Crime and Criminology

### Chapter 1 – What is crime and who is the criminal?

#### Key words:

1. *Crime* – an action or omission which constitutes an offence and is punishable by law
2. *Pre-crime* – describes and criticise tendency in criminal justice systems to focus on crimes not yet committed
3. *Criminal law* – system of law concerned with the punishment of offenders
4. *Criminalisation* – a socio-legal process by which certain acts are defined and labelled as criminal
5. *Human rights* – a right which is believed to belong to every person
6. *Social context* – immediate physical and social setting in which people live or in which something happens or develops – includes culture that individual was educated or lives in, and people and institutions with whom the interact
7. *Criminals* – person who has committed a crime
8. *Theories of crime*
  - Various social forces shape our views about crime
  - Why some forms of behaviour are automatically considered crimes while others are harder to classify
  - Why public relations to certain forms of harmful behaviour vary between urban and rural areas, across cultures or over time

#### Legal definition

- Certain behaviour is classified as crime when a person intends or produces harm to another (Brown 2009) or community in general
- *Crimes Act 1958* contains the following main classes of offending:
  - Offences against state, including treason'
  - Offences against person, including assault, threats to kill, extortion (*practice of obtaining something through force or threats*) and female genital mutilation;
  - Rape and other sexual offences;
  - Theft and related offences, including identity fraud and money laundering (*concealment of origins of illegally obtained money*);
  - Criminal damage to property, including arson (*criminal act of deliberately setting fire to property*);
  - Contamination of goods;
  - Conspiracies or plans to commit a serious offence
- Criminal law includes:
  - Rules governing police investigations
  - Ensure allegations of crime are dealt with fairly
  - Correct procedures for gathering evidence, questioning witnesses
  - Certain rights given to people accused of crime – right to legal representation
  - Sets limits on police and other agents in justice system
  - Balance powers to enforce law against certain rights aimed at protecting those accused of crime

#### Problems:

- Over criminalisation
- Failure of criminal law to define certain harmful behaviours as crimes
- Crimes by businesses, 'white collar crimes', and violence in the home (domestic assault) are rarely incorporated

#### Crime as a social and political process

- Crime is an inherently social process, encompassing harm that impact on individuals and community generally and range of social relations between police, court system, other justice practitioners and broader public