

ACR101 Criminology

Criminology:

- The study of crime and criminal behaviour including the nature, extent and causes of crime in a given society or population.
- Thus it seeks to answer the who, what, where, when and why of a crime.
- The application of sociological, legal, political and psychological principles to the study of crime and criminal behaviour.
- It offers a trans-disciplinary analysis of crime, criminal behaviour and criminal justice.

4 definitions of crime:

- Legal
- Social and political
- Human rights
- Harms (zemiological)

The variation in definitions is a product of:

- Trans-disciplinary nature of criminology.
- Contested and disputed theories and claims.
- Various perspectives on crime and solving crime.
- Historical changes.

Crimes in this respect are not just about 'breaking the law', but breaching the Criminal Code/Crimes Act.

Legal definitions are important because:

- What the law says is worthy of defining as crime (outer limit of acceptable behaviour).
- Authority (the state).
- Power and social order.
- Democratic – you can't just declare that something is law.
- Process – police, courts and precedent, rules for punishment.

Legal definitions cover:

1. Types of crime
2. Rules of criminal procedure that:
 - Limit police power.
 - Outline how investigations into crime are to be conducted fairly.

Types of crime

Crimes Act 1958 (Vic):

- Div. 1: Crimes against the Person
- Div. 2, 2a, 2aa, 3, 4: Crimes against the Property
- Div. 5-7: Crimes against Justice Processes
- Div. 9: Driving offences
- Div. 9aa: Dangerous dogs
- Div. 10-12: Planning offences

These types of crimes are replicated in the Crimes Act or Criminal Code of each Australian state and territory, and at the Federal level.

Rules of criminal procedure

- These are 'due process' requirements of administering criminal justice.
- Set out in the Crimes Act 1958 (Vic) (Pt. 111);
- And in the Crimes Act 1914 – the rules and procedures for federal investigations.

Legal definition of crime is:

- The types of behaviour the law deems to be criminal.

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- The rules and procedures designed to ensure this behaviour can be dealt with the police and justice system fairly ('due process' restrictions).
- Identifies behaviours involving a component of moral blame.

Problems with the legal definition of crime:

- Reactionary application of criminal law.
- Legal definitions do not always consider the context behind why the offense occurred.
- Over-criminalisation
- Unrepresentative
- Unfair
- Pre-crime regulation

Human rights definition of crime:

- A variant on the legal definition of crime.
- This definition is broader than, and occasionally at odds with, the strict criminal justice definition of crime.
- A human rights approach to defining crime shifts the **focus from the crimes of the powerless to the crimes of the powerful**.
- Focuses on the conditions that deny human rights.

A human rights definition of crime includes minimum standards such as:

- Personal safety
- Individual freedom
- Fairness
- Punishment
- Privacy

A human rights definition of crime requires action from more than the Criminal Justice System (CJS):

- Human rights include the right to food, shelter and medical care, as well as freedom from violence.
- Responding to these crimes requires social workers, engineers, carpenters, doctors and clean water, as well as police, courts, judges and prisons.

Problems with enforcing a human rights definition of crime:

- It is compliance based – voluntary (no UN police force).
- Can magnify social disadvantage in the process of protecting human rights:
 - Pre-crime laws targeting individuals or groups before they have committed a legally defined crime.
- The UDHR is not universally accepted, adopted or implemented.
- Crime and harm are defined solely in terms of humans; there are no protections in the UDHR for nonhuman animals.

This approach to defining crime looks beyond the law to consider the social and political processes of:

- Detecting crime
- Prosecuting crime
- Administering the criminal law
- The individual and social explanations for why crime occurs.

This definition focuses on the social relations between certain vulnerable populations.

Criminal behaviour as deviancy – at the centre of social and political definitions of crime is the concept of deviance.

Deviance can be:

- Inherent to an act or person.
- That which is rare, unusual and uncommon.
- That which causes harm.
- That which is criminal.

There is nothing inherently deviant in a particular behaviour or person – it is a relative rather than absolute concept.

- Can be defined as the fact or state of diverging from usual or accepted standards, especially in social behaviour.

1. Normative:

- Deviancy is a violation of the norms of the culture or subculture in which they take place or exist.

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- Problems with normative definitions:
 - There is never universal consensus on norms and values.
 - Dominant norms prevail when conflict arises.
 - Does not allow for extenuating circumstances.
- 2. Reactive:
 - Deviance is created.
 - It exists solely as a result of negative reactions to behaviour, individuals or conditions.
 - To qualify as deviance an act must:
 - Be observed or heard about.
 - Generate condemnation or punishment for the actor.
 - People who seek out and deal with violations of norms.
 - People who impose a particular definition of morality (moral entrepreneurs).
 - Problems with reactive definitions:
 - Ignores secret deviance.
 - Ignores the need for norms.
 - Ignores the instrumental role that deliberate deviance has in creating social change.

Zemiological definitions of crime

Zemiology (the study of harm):

- Shifts the focus from the individualised Enlightenment model to a communitarian model of social harm and injury.
- Combines human rights, critical legal and sociological definitions of crime and deviancy.
- Severity of crimes assessed by the harms caused:
 - Immediate harm v long-term harm.
 - Human, nonhuman animals, environment as victims of harm.
 - Harms caused by the few (powerful) against the many (powerless).
 - Harms caused by the many (majority) against the few (minority).
 - Harms generated from the systems of governance.
 - Harms generated from individual thoughtlessness.

Who is the criminal?

A criminal is a person who commits a crime (and is detected after the crime is committed):

- Different from an offender.
- Some crimes/criminals difficult to detect (e.g. crime in the home, cybercrime).

Who is likely to be criminal?

- Biological profiling (from measuring skulls to body shape, tattoos and gait).
- Genetics
- Psychological profiling
- Racial profiling
- Different opportunities

Harmful assumptions about offenders:

- Prevalence and visibility of offending equates with harm and risk.
- We can 'know' who will be a criminal:
 - Born criminals – biologically (or psychologically) determined criminality.
 - Uneducated, badly parented, unemployed, non-Anglo-Saxon, young men.
- Too much focus on the 'who' of a criminal can blind us to the social context of why they are defined as criminals.
- Those in authority and criminals are 2 mutually exclusive groups:
 - State/political crime.
 - Police crime and abuse of process.

Cultural context of crime statistics – most of what we know about crime and crime rates comes from the media:

- Sensationalised, aberrant and extreme crimes.

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- 'Moral panics' about particular crimes and rising crime rates.

Media leads you to believe that:

- There is an increasing rate of crime.
- Sentences are getting lighter.
- There are major disparities in sentencing.
- There is an increase in violent crime.

Crime rates are often presented as 'waves'.

Moral panic is a disproportionate and hostile social reaction to a condition, person or group defined as a threat to collective values. It involves stereotypical media representations and leads to a demand for greater social control; creating a spiral of reaction.

For a crime to be recorded in criminal statistics:

- Somebody must be aware that a crime has taken place.
- That crime must be reported.
- The police or other agency must accept that a law has been broken.

The 'zone of ambiguity' between the 'real' figure of crime reported to the police, and all those crimes unreported or undiscovered is called the 'dark figure of crime.'

Crime may not be reported to the police because:

- The crime is perceived to be too trivial.
- The victim is embarrassed to report the incident.
- Individuals are unaware that they are victims.
- Victims lack confidence or trust in the police.
- Victims or witnesses fear reprisals of victimisation.
- Young/vulnerable victims may not understand the issues.
- Victim may want to protect the offender.

Dark figure consists of all those occurrences that could be defined as crime according to some criteria, but are not recorded in the statistical collection of interest.

The concept of the dark figure of crime highlights gaps in the definition of crime:

- Often deviant behaviour is not considered criminal for a long time before it becomes illegal.
- Massive social change is often not reflected in criminal laws.

Victim or victimisation surveys are the most commonly employed research method used to capture some of the dark figure of crime.

Perspectives on crime statistics

Realist perspective concentrates on the 'real' figure of crime in the community:

- Assumes there is an objective or 'real' level of crime independent of our methods of measuring it.

Institutionalist approach rejects the realist claim that the true extent of crime can be known:

- Crime statistics are a 'tool' used to justify specific laws, policies and practices.
- Crime statistics are not a true representation of experiences of crime.

Critical realists borrow from both realist and Institutional theory accepting that:

- Crime is out there (and can be proven empirically).
- The law is not applied evenly to all.
- There will always be a dark figure of crime as it is the result of social (and therefore, changing) definitions of behaviour.

Types of crime data

Objective measures of crime:

1. Published police data:

- Collected by policing organisations in each jurisdiction and selected data reported.
- Regionally specific and therefore not easily comparable with other state or national crime statistics.
- Aggregate data (not individual cases).

2. Official crime statistics :

- Most common types of easily accessible crime-related data.
- Australian Bureau of Statistics, such as recorded crime – victims, offenders.

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- Free, easily accessible; good snapshot of crime trends based on police data.

3. Unpublished police data

- Some policing jurisdictions also grant researchers very limited access to study the primary crime data.

Social factors influencing objective measures of crime:

- Police blitzes and hot spot policing.
- Changes in policing and recording practices.
- Campaigns that raise awareness of particular offences.
- Insurance coverage for a crime = increased reporting.
- Media attention and 'moral panics'.

Interpreting objective measures of crime:

- Several years of statistics should be examined in order to gauge trends (not year-to-year fluctuations).
- Trends should normally be expressed in rates rather than absolute figures (raw offences).
- Ensure that 'like is being compared with like':
 - Changes can occur in the way in which statistics are compiled over time.
 - Avoid comparing official reported crime data with self-reported victimisation or offender surveys.

Subjective measures of crime:

1. Victim/victimisation and offender surveys:

- Reports on individual experiences of crime and fear of crime, and captures some of the dark figure.
- Broader scope as it enables data collection on individual's perceptions of crime.
- 4 main surveys in Australia.
- Not always appropriate to directly compare official statistics to victimisation surveys, or even between different victimisation surveys.

2. Ethnographic studies:

- Place a large emphasis on victims, offenders, witness and CJS agents speaking for themselves, in natural surroundings.
- Gains information about perceptions through in-depth interviews and observation.
- Through asking them directly about specific features of their life.

Technical and social factors influencing subjective measures of crime:

- Ongoing debate about the reliability of self-report crime data.
- Yet captures more of the dark figure of crime than police or crime statistics.
- Ideally suited to exploratory and explanatory research.
- Also ideal approach to investigating CJS practitioners' experiences with serving justice, and beliefs about crime, offenders and victims.

Pre-crime involves prohibiting the early signs of criminal behaviour to prevent a crime from occurring in the future (contrast to the supposed reactive function of law).

Displacement involves reducing opportunities at specific locations and times, ultimately deflecting crime rather than eliminating it – can be displacement to another location, type of offence, or another time.

Over-criminalisation is the act of imposing unbalanced penalties with no relation to the gravity of the offense committed or the culpability of the wrong-doer.

Summary

The problems and difficulties associated with each method are not necessarily insurmountable:

- May simply require that researchers are aware of the limitations of the statistical method used.

It is possible and desirable to use a variety of crime data collection techniques.

Youth and Crime

Children have not always been seen as special in the eyes of the law:

- Juvenile delinquency is a modern concept (discovered in the 19th century).