

CHAPTER 7

Crime in America

"Time is a great legalizer, even in the field of morals."

—H. L. Mencken

Crime wears many faces. It may be the teenager snatching a woman's purse or the career criminal planning a kidnapping. It may be the youth who steals a car for a joyride or the car theft ring that takes it for later sale. It may be the professional criminal who profits from organized gambling, extortion, or narcotics traffic, or the politician who takes a bribe. Crime may be committed by the professional person who cheats on tax returns, the businessperson who secretly agrees to fix prices, the burglar who ransacks homes while the owners are at work, or the terrorist who acts under the claim of a greater cause.

The Nature of Crimes

A **crime** is something one does or fails to do that is in violation of a law. It can also be defined as behavior for which a government has set a penalty. Criminal law designates certain conduct "criminal" and other conduct "noncriminal." Decisions as to what constitutes a crime are made by legislatures, which try to protect the public based on what most people believe is right and necessary for the orderly conduct of society. Certain acts are prohibited or required to protect life and property, preserve individual freedoms, maintain the system

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Police duties range from writing simple parking tickets to investigating violent crimes.



of government, and uphold the morality of society. Ideally, the goals of law are to protect human rights for all and to regulate human conduct so that people can live in harmony.

Many people do not realize that crime victims are also victims of human rights violations. For example, people have a human right to ownership of their own property (Universal Declaration of Human Rights [UDHR], Article 17). Theft crimes violate this right. People also have a human right to protection of their personal security (UDHR, Article 3). Violent crimes such as murder, rape, and assault violate this human right.

Problem 7.1

Assume you are a member of a commission established to evaluate laws. Consider the following acts. In each case decide whether the act should be treated as a crime. Then rank the acts from most serious to least serious using the following scale: VS (very serious), S (serious), U (undecided), LS (less serious), and NS (not serious). Also note if you think an act should not be a crime (NAC). Give reasons for your decisions.

- a.** Robert sells crack cocaine and uses the proceeds to support his mother, who is on welfare.
 - b.** Marley is a passenger in a car she knows is stolen, although she did not participate in the theft of the car.
 - c.** A corporate executive gives a million dollars to a candidate for the U.S. Senate.
 - d.** A wife finds out her husband is having an affair and runs over him with her car.
 - e.** Paulina is caught with a pound of marijuana.
 - f.** Ted robs a liquor store at gunpoint.
 - g.** Ellen leaves a store with change for a \$10 bill, knowing that she gave the cashier a \$5 bill.
 - h.** Lily approaches a man for purposes of prostitution.
 - i.** The president of the United States lies under oath.
 - j.** Ming refuses to wear a helmet while riding a motorcycle.
 - k.** A company pollutes a river with waste from its automobile factory.
 - l.** Pat gets drunk and hits a child while speeding through a school zone.
 - m.** Dakota observes his best friend shoplifting but does not turn him in.
-

Crime has long been a major problem in the United States. Preventing crime is not an easy task. In 2001, U.S. residents over the age of 12 experienced nearly 24.2 million crimes, about 24 percent of which were violent in nature. Following a trend that began in 1994, the rate of violent crime declined 10 percent between 2000 and 2001. The rate of property crimes fell 6 percent during the same period, the lowest crime rate recorded in the United States since 1973.

FIGURE 7.1 Crimes Reported and Arrests Made (2001)

Type of Crime	Number Reported	Percent Arrested		Total Number Reported	Percent Arrested
Larceny/Theft	5,329,949	17.6	} Total Property Crime	7,860,198	16.2
Burglary	1,585,074	12.7			
Motor Vehicle Theft	945,175	13.6			
Aggravated Assault	640,168	56.1	} Total Violent Crime	1,024,134	46.2
Robbery	304,077	24.9			
Forcible Rape	67,907	44.3			
Murder and Non-negligent Manslaughter	11,982	62.4			
			Crime Index Total*	8,884,332	19.6

*The crime index is the sum of violent crimes and property crimes.

Source: FBI, 2001.

Problem 7.2

- According to the information above, what was the most commonly reported crime in 2001?
- What percentage of the total reported crimes resulted in arrest?
- Of the crimes reported, for which crimes were people most likely to be arrested? Least likely to be arrested? Why do you think this is so?
- How can citizens act to help police improve arrest rates?



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According to surveys of victims, about 50 percent reported crimes against themselves to the police. Less than 40 percent reported property crimes to the police. Surveys of law enforcement records indicate that of the cases reported, about 20 percent led to an arrest. However, the arrest rate is considerably higher for violent crimes reported to police.

Crime rates are influenced by many factors, such as your location, age, and gender. Based on 2001 statistics, crime rates are higher in urban areas than in suburban areas. Similarly, crime rates are generally higher in suburban areas than in rural areas. Crime is not confined to any particular group, but people between the ages of 15 and 24 commit more violent crimes than any other group. Males commit almost

four times as many crimes as females, but the rate for female offenses has increased in recent years. In 2001, 68 percent of female victims knew their offenders, whereas only 45 percent of males knew their offenders. About 35 percent of victims report that the offender had been using alcohol. Violent crimes are more likely to occur during the day, but two-thirds of rapes occur at night.

One way in which crime affects us all is that it costs everyone money. Aside from the very significant cost of lost or damaged lives or of fear and suffering, the total amount of government expenditures on crime is approximately \$150 billion per year! A family of four pays an average of more than \$1,500 per year in taxes relating to crime, even if they are not victims of crime.

Although authorities agree that crime is a major problem, much disagreement exists over the causes of crime and what can be done about it. Among the reasons suggested for the high crime rate in the United States are poverty, permissive courts, unemployment, lack of education, abuse of alcohol and drugs, inadequate police protection, rising population, lack of parental guidance, a breakdown in morals, an ineffective correctional system, little chance of being caught or punished, and the influence of television and films. This lack of agreement indicates that the causes of crime are many and complex.

Let's examine some suggested causes of crime more closely. Some people point to the economic system in the United States, with its wide disparity between rich and poor, as a major influence on the rate of crime. In the 1990s, with a generally strong economy and low unemployment, the crime rate did tend to go down. Between 2001 and 2002, the United States experienced a weaker economy and a rise in crime rates. At other times in American history a strong economy has not reduced crime, and a weak economy has not caused crime to increase. Further, there are other countries around the world where the poverty level is high, but the crime rate is low.

Researchers have also looked at data from high-crime urban areas. They have found that poverty by itself is not a good predictor of crime; a more important factor is the stability of the family. For example, many families with few financial resources raise children who are responsible, law-abiding citizens. However, it is also true that poverty and lack of educational and economic opportunities make it more difficult for families to achieve the stability that would help reduce crime.

Many communities organize neighborhood crime watch groups to help monitor suspicious activities. *What approaches has your community taken to prevent crime?*



Would tougher penalties curb crime? Many people think so, but the United States already has some of the toughest criminal laws—as well as the highest **incarceration** rate—of any industrialized nation. Tough penalties may deter some people from committing crimes, but compared with the number of crimes committed, only a small number of people ever go to prison. Thus, some experts say that longer prison terms are not the answer. They say the certainty of punishment is more important than the length of the sentence.

Adequate police protection obviously has something to do with the crime rate, but studies show that simply increasing the number of police officers does not necessarily reduce the overall crime rate.

FIGURE 7.2 U.S. Crime Clock

Crime	2001 Data	1996 Data
PROPERTY CRIME	One every 3 seconds	One every 3 seconds
Larceny/Theft	One every 4.5 seconds	One every 4 seconds
Burglary	One every 14.9 seconds	One every 13 seconds
Motor Vehicle Theft	One every 25.7 seconds	One every 23 seconds
VIOLENT CRIME	One every 22 seconds	One every 19 seconds
Burglary	One every 14.9 seconds	One every 13 seconds
Aggravated Assault	One every 34.8 seconds	One every 31 seconds
Forcible Rape	One every 5.8 minutes	One every 6 minutes
Robbery	One every 1.2 minutes	One every 59 seconds
Murder	One every 32.9 minutes	One every 27 minutes
TOTAL CRIME INDEX OFFENSE	One every 2.7 seconds	One every 2 seconds

Source: *Uniform Crime Reports*, 1996 and 2001.

Problem 7.3

Consider the frequency of crimes listed above and answer the questions that follow.

- Did crimes occur less or more frequently in 2001 than they did in 1996? Do you think these changes are significant in any single category of crime? Among all the categories?
- What are the possible explanations for these changes? Are there any crimes that people might be reluctant to report to police? Explain.
- Based on what you read in the newspaper or watch on television news, do you think the data above accurately reflects the crime problem in your community?



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Many communities have embraced the idea of **community policing**. This strategy builds closer connections between police and the communities they serve. Police officers who have more direct contact with residents in neighborhoods can more effectively participate in community crime prevention activities, understand the nature and extent of local crime problems, and gather information about criminal activity.

Crime on Campus

Crime on high school and college campuses has been a source of increasing concern in recent years. According to the U.S. Department of Education and the Department of Justice, in 2000, students 12 to 18 years old experienced nearly two million incidents of violent and property crime while at school. Of these, about 128,000 were serious violent crimes, including rape, sexual assault, robbery, and aggravated assault. In 2001, approximately 10 percent of male students surveyed in grades 9 through 12 reported carrying a gun to school at least once in a 30-day period (compared to about 3 percent of female students in the same grades). During 2001, nearly one-third of students reported that drugs were available to them at school, an increase of 20 percent from 1993. Although the total nonfatal crime rates for students generally declined between 1992 and 2001, there was an increase in incidents of bullying at school during that same period. The overwhelming majority of these incidents occurred among middle school students in grades 6 through 8.

College campus crime includes violent assaults, hate crimes, and property crimes. Many of these crimes involve alcohol. In 2000, 20 murders were reported on college campuses, along with 1,858 forcible sex offenses, 1,933 robberies, 3,644 aggravated assaults, 26,543 burglaries, and 5,792 motor vehicle thefts. The incidence of crimes involving college students that occur off campus is considerably higher. Unfortunately, these statistics may not reflect the extent of the crime problem, as some colleges and universities may not fully report crime out of concern that this information would reduce student applications.

Thinking about crime requires us to go beyond slogans and stereotypes. We should carefully consider each of the suggested causes and the possible solutions to the problem. Perhaps the most that can be said is that disagreement exists over the causes of crime and that solutions to the crime problem are not simple.



At some schools, “security dads” volunteer to provide an adult presence at after-school activities and in the halls. *How else might a school attempt to reduce crime on campus?*

Where You Live

What is the major crime problem in your school? In your community? Have most crimes increased or decreased over the last three years where you live? Where can you get this information?

After-school programs give kids a place to go instead of hanging out on the street. How might the presence of after-school programs help reduce crime?



The National Council on Crime and Delinquency (NCCD) has been studying criminal justice in the United States since 1907, and recommends the following strategies for reducing crime:

- Build safer communities with special attention to safe schools, after-school programs, community policing, and prevention of domestic violence and child abuse.
- Reduce the costs and improve the fairness of the criminal justice system.
- Develop cost-effective alternatives to incarceration, reserving prison sentences for those who cannot be treated safely in the community.
- Create effective drug-control policies. Reduce funds spent on catching drug sellers and users; expand funding for drug treatment and job training; and repeal laws requiring mandatory prison sentences for drug possession.

It takes a village to raise a child.

— African Proverb

Problem 7.4

- a. Not everyone agrees with the NCCD's recommendations. Do you agree or disagree with their recommendations for reducing crime in the United States? Explain your answer.
- b. List the causes of crime described on page 77. Then rank them from most important to least important. Discuss your ranking.
- c. Are there other possible causes of crime not mentioned in the text? If so, what are they?
- d. What steps should the federal government take to reduce crime? What steps should your state government take? What steps should be taken by your local government?

Weapons at School

Sunshine City is a suburb of Metropolis, the largest city in the state. Sunshine High School (SHS), the only high school in Sunshine City, has 1,500 students. SHS's student population is racially and economically mixed. The school has many student organizations, as well as girls' and boys' sports teams. There are college and personal counselors on staff.

Sunshine High School has its share of problems with underage drinking and drugs. Except for an occasional fist fight, however, until recently it has not had a problem with school violence. The school board is aware of the problem of weapons being brought into Metropolis schools. It is committed to SHS student safety and recently discussed installing metal detectors at the school. However, although security guards are on duty at SHS, no detectors have been installed.

Samuel is a 16-year-old junior at SHS. He moved to Sunshine City from another state with his family four months ago and started school in the middle of last term. Samuel is a loner, has few friends, and spends most of his time surfing the Internet and playing violent video games. He has not had any disciplinary problems at school, but has been caught shoplifting.

Samuel has had a difficult transition to SHS. His grades are poor, and his general demeanor is dark. He is picked on by the popular guys. He skips school and is not allowed to enter school if he is late. Samuel's parents have noticed that lately he has been more withdrawn than usual and have been concerned about him. They contacted the school counselor, who promised to talk to him. Samuel did not go to the two appointments the counselor scheduled with him.

One Wednesday morning, Samuel left for school early, telling his mother good-bye and that he loved her. Although this struck his mother as odd—usually, he was late and did

not say anything as he left—she hoped it meant he was feeling better about things.

Because of the rain that day, the students congregated in the cafeteria to wait for the bell. Before going inside, Samuel saw Eddie, a quiet kid who sat next to him in algebra. Before reaching the front door, Samuel told Eddie that he “had to take care of something,” but that he did not want Eddie to be around when “it all went down.”

Eddie had the sense that something was wrong and went to the school resource officer. Officer Lee found Samuel just as he was about to enter the cafeteria. When the officer questioned Samuel and received a mumbled response, he decided to frisk him for weapons. Under Samuel's jacket was a semiautomatic gun. The actions that Eddie and Officer Lee took helped avoid a major tragedy at SHS.

The police and school administrators investigated. One student, Trisha, told a school counselor that Samuel advised her not to come to school that day. He wanted to keep her safe from danger, as she was always nice to him. The police discovered that Samuel had purchased the gun illegally from someone on the street and also found a disturbing note in Samuel's jacket pocket. In it, he outlined his plan to shoot people and remarked “after today, no one will push me around again!”

Problem 7.5

- What conditions might have led up to Samuel's decision to commit this crime?
- What, if anything, could have been done to help Samuel? Were there signs at school or home that he was at risk?
- Are there measures in place at your school to prevent acts of violence from occurring? Are additional measures needed? If so, what are they?

Gangs and Crime

At one time, violent gangs were thought to operate only in the largest cities in the United States. Evidence indicates, however, that gangs are now active in towns and cities of all sizes throughout the country. Nearly all cities with populations of more than 200,000 now report having gang problems. In 2001, 20 percent of all students aged 12 to 18 reported that street gangs were present at school. One reason gangs have spread is the lure of profits from the sale of illegal drugs, an activity in which many gangs participate. Many gang members also buy, sell, and steal firearms. The combination of drugs and guns has led to increased gang violence.

Estimates of the numbers of gangs and gang members vary greatly. However, most experts believe that there are several thousand youth gangs and several hundred thousand gang members, indicating the magnitude of the problem.

What Are Gangs?

In this discussion, gangs refer to people who form groups closed to the general public, for certain common business or nonprofit purposes that may include violent criminal activity. While the media have featured gang activity a great deal in recent years, gangs are not new in the United States. In the nineteenth century, gangs existed in

many American neighborhoods. They were primarily composed of adults and were usually organized along ethnic lines. Even then gangs had names, rules, emblems, initiation rituals, and distinctive ways of dressing. Early gangs were interested in protecting turf, reputation, and cultural heritage. But not all of these gangs engaged in criminal activity; neither do all gangs today. In fact, some gangs perform community work and operate job-training and other government-funded programs. Generally, however, these are not the gangs that contribute to the crime problem.

Today's gang members range in age from young children to middle-aged adults. While traditional youth gangs are still concerned with issues of status and turf, many gangs now operate with much more sophisticated organizational structures. Many focus on drug trafficking, firearm sales, auto theft, prostitution, and other criminal activity. Others use group-oriented violence or other criminal behavior to defend certain beliefs, which may be racist or sexist.

Many gangs identify themselves with colors. How are today's gangs different from those of the nineteenth century?



Gangs often associate themselves with one of several major gang “nations” and choose particular symbols, emblems, colors, phrases, and clothing with which to identify themselves. Gangs often use graffiti to mark, or “tag,” particular territory as theirs, to intimidate rival gangs, or to instill fear in citizens of a neighborhood. People who join gangs usually have to endure some initiation ritual or test, such as committing a crime, being beaten, or for female initiates, having sex with multiple members of the gang. Many gangs, however, are more concerned with prospective members’ abilities to sell drugs and make a profit. They may require new recruits to successfully complete a robbery or drug deal, or to commit an act of violence such as a drive-by shooting. It is not uncommon to have to endure a similar rite to get out of a gang, if getting out is an option at all. Violence, the use of deadly weapons, the use of drugs and alcohol, constant danger to themselves and their families, and criminal records are strongly associated with the lives of most gang members.



People join gangs for many reasons. *What are the factors that put young people at risk for gang involvement?*

Who Joins Gangs and Why?

While female gang membership is increasing, the overwhelming majority of gang members are male. In many cases, members’ relatives or friends are also involved with gangs. Many gang members live under poor conditions at home, where their basic needs are often unmet, and they lack success in school. They are frequently very pessimistic about their job prospects and other opportunities for the future.

While the media and entertainment industry may portray gang membership as appealing only to inner-city minority youth, there is no shortage of white gang members in urban, suburban, and rural areas. In addition, the idea that gang members can become financially prosperous as the result of gang membership is just an urban legend. In reality, very few gang members ever find either financial or social success.

Researchers have identified a number of factors that put young people at risk for gang involvement: poverty, school failure, substance abuse, family dysfunction, and domestic and community violence. Many gang recruits have poor self-esteem and little adult participation in their lives. However, there is no magic formula for predicting whether a young person will or will not join a gang. Millions of young people face the conditions described above, yet never join gangs.

Some young people join gangs to receive attention and to feel a sense of belonging that is missing in their lives. Others are the children of gang members and are choosing a similar lifestyle. Still others join because they feel pressure from friends, possibly in the form of

threats, or because they believe that once they join they will be protected from police or members of other gangs. To people who see a future without job or financial opportunities, gang membership may appear to be their only alternative. This may explain why many older members, still lacking opportunities, are not “maturing out” of gangs.

How Can the Gang Problem Be Solved?

Most experts agree that the best way to handle the problem of gangs is to prevent young people from getting involved with gangs. Communities that are successful in dealing with gangs take the following actions:

- Operate outreach and intervention programs in which social workers and trained counselors encourage gang members to become involved in positive, non-gang activities.
- Provide greater opportunities for young people, including athletics, clubs, school tutoring, community service work, and job training.
- Mobilize government agencies, schools, parents, community groups, religious organizations, and other youths to increase awareness of the problem and develop opportunities for young people.
- Organize prevention strategies in which police and probation officers identify gang members (and wanna-bes) and place them in anti-gang membership programs.
- Prosecute gang members for illegal activity.
- Organize neighborhood watch groups that regularly remove graffiti and make it difficult for gangs to establish a presence or intimidate the community.

Problem 7.6

- a. Is there a gang problem in your community? If not, what steps should be taken now to prevent such a problem? If there already is a problem, how do you know it exists? What steps should be taken to deal with it? Should police be able to place gang members (and wanna-bes) in special programs without charging them with specific crimes? Explain.
 - b. Why do you think gangs are such a serious problem in the United States today? How do gangs resemble families? Why do you think people join gangs? What steps, if any, should be taken on the national level to deal with the problem?
 - c. Do you think gang membership appeals only to those from lower socioeconomic groups? Is a group of middle-class or rich kids that hangs out, vandalizes, and sells drugs a gang?
 - d. Do you think the nightly news and other television shows, certain cartoons and movies, and the lyrics of some popular music encourage violence? What, if anything, should be done about this?
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Guns and the Law

Most Americans who own firearms own them legally and use them lawfully. However, guns are frequently used in violent crimes. Efforts (or lack of efforts) by the government to control firearms are very controversial among U.S. citizens, millions of whom believe passionately that their liberty and perhaps their safety will be at risk if gun ownership is restricted. Others believe that the relatively easy availability of firearms to young persons has aggravated the crime problem. Still others argue that it is not guns, but gun users, who cause violence and that law-abiding citizens have a right to own firearms.

Gun control is an extremely controversial issue. Some groups look to the Second Amendment as protection against government attempts to ban or regulate firearms. Other groups argue that the language of the Second Amendment protects a state's right to maintain a militia, or armed forces, but does not protect citizens against government efforts to legislate in this area.

The U.S. Supreme Court has interpreted the Second Amendment on several occasions, and so have many lower courts. All courts have ruled that the amendment guarantees a state's right to maintain a militia. However, the U.S. Supreme Court has not used the Second Amendment to strike down federal, state, or local legislation that controls guns.

The Million Mom March is a national organization advocating responsible limits to gun access and use. *How is the Second Amendment used as protection against government attempts to ban or regulate guns?*



Where You Live

What laws, if any, control gun possession in your area? Are they effective?

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

— **Second Amendment to the U.S. Constitution**

The primary federal gun-control law is the *Gun Control Act of 1968*, passed after the murders of Dr. Martin Luther King, Jr., and Senator Robert Kennedy. This law prohibits certain categories of persons—such as convicted felons, minors, and illegal aliens—from buying or possessing weapons. The act requires serial numbers on all guns and establishes a licensing-fee schedule for firearms manufacturers, importers, and dealers. It prohibits the mail-order sale of all firearms and ammunition, and it also prohibits the interstate sale of handguns. The passage of the *Gun Control Act* set penalties for carrying and using firearms in crimes of violence or drug trafficking, and it set age guidelines for firearms purchased through dealers (handgun purchasers must be at least 21; long-gun purchasers must be at least 18). A more recent federal law bans the importation of certain semiautomatic weapons.

In 1993 Congress amended the *Gun Control Act* by enacting the *Brady Act*. The *Brady Act* is named for former White House press secretary James Brady, who was shot and paralyzed by a bullet an assassin intended for President Ronald Reagan. The act required the attorney general to create a national system to instantly check the background of persons who want to buy guns. Gun dealers must check the instant background service before completing the proposed sale. Until the national background check system could be set up,



For Your Information . . .

Guns In America

- Although it is difficult to state with certainty how many guns there are in the United States (because of illegal guns), it is estimated that between 40 and 45 percent of households have a gun in their home. (U.S. Bureau of the Census)
- In 2000, firearms claimed the lives of 28,663 people in the United States. Of those, 10,801 were homicides, 16,586 were suicides, and 776 were accidental shootings. Another 270 were the result of legal intervention, and the causes of the other 230 were undetermined. (National Center for Health Statistics, 2002)
- Firearms are the second leading cause of injury-related death in the United States for people 19 and younger, second only to automobile fatalities. (National Center for Health Statistics, 2002)
- In 2001, guns were used in 63 percent of all homicides. Young people aged 20–24 were the most common victims. (Uniform Crime Reports, 2002)

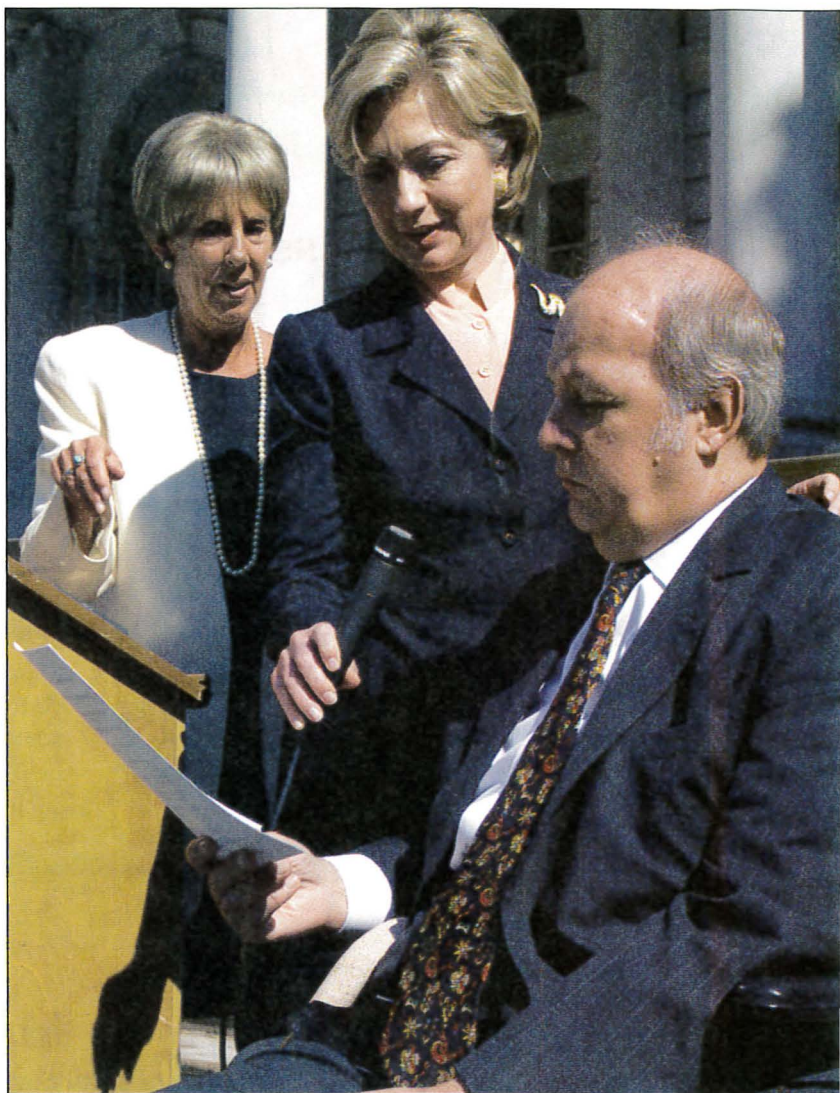


Where You Live

Are there any restrictions in your state on who can purchase a handgun? Does your state allow citizens who have permits to carry concealed guns?

an interim provision required local law enforcement officers to conduct the background check and required gun dealers to wait five days for the results before selling guns. This interim provision, however, was declared unconstitutional by the U.S. Supreme Court in 1997, which said Congress does not have the constitutional authority to force states to conduct such background checks. Even so, many states have enacted their own legislation requiring background checks, fingerprinting, firearm training, and other application requirements to purchase a gun. In 2001, 8 million applications for guns were processed in the United States; 151,000 were rejected.

A wide range of gun laws have been enacted at the state and local levels. Some states require a person to take a training course or test before purchasing a gun. State laws permitting citizens to carry a concealed weapon became a trend during the 1990s. Proponents of these laws often justify them on the grounds that individuals have a right to carry a weapon for purposes of self-defense. By 2002, 30 states had passed laws making it relatively easy to get a permit to carry a concealed weapon. Thirteen states make this permit process more difficult by requiring a specific need, such as working in a security job. Six states and the District of Columbia do not allow citizens to carry a concealed weapon. Vermont is the only state that does not regulate the carrying of weapons (concealed or openly) in any way. While many states are making it easier to get permits, polling data show that a majority of Americans favor stricter gun control laws.



James Brady became concerned about gun control after he was shot during an assassination attempt on President Reagan in 1981. *How does the Brady Act control gun possession?*

Problem 7.7

- a. Which is a better way to reduce crime—more gun control or less gun control? Give your reasons.
- b. What restrictions, if any, should the government place on the manufacture of firearms? The sale of firearms? The possession of firearms? Explain.

Law in Action

Child Access Prevention (CAP) Laws

In 1989 Florida became the first state to pass a so-called child access prevention law. The purpose of the law is to limit children's access to guns owned by adults. Florida's law makes it a crime to store or leave a loaded firearm within the reach or easy access of a minor. For this law, a minor is a person under the age of 16. The law applies only if the minor gains access to the gun. The law does not apply if the gun is stored in a locked box or secured with a trigger lock. The gun owner's offense is a misdemeanor if the minor gains access to the gun, but a felony if the minor uses the weapon to harm himself or others. Fourteen additional states and some cities have passed similar laws.

After a series of tragic shootings on school grounds by young people in 1997 and 1998, Congress passed a similar federal law.

Problem 7.8

- a. Do you think a child access prevention law is effective? Give your reasons.
- b. Is it appropriate that there is a similar federal criminal law? Explain.
- c. Suppose you wanted a similar law passed in your state. What steps might you take to get such a law enacted? What organizations might help you? What organizations might oppose such a law?

Substance Abuse and Crime

The term **substance abuse** has come into general use in recent years. The word *substance* is used to describe all the different kinds of chemicals that people abuse, including alcohol and drugs. This type of abuse has always plagued American society. Substance abuse contributes to many social problems, including the breakup of families, decreased productivity, injuries in the workplace, and automobile crashes. Criminal activity often results from substance abuse or the desire for money to purchase drugs.

Alcohol

Alcohol is the most widely abused substance in the United States today. One reason for this is that drinking alcohol is generally socially acceptable in our society. Alcohol use has been legal for adults over 21 years of age since the birth of the country—with the exception of a 14-year period from 1920 to 1933 known as Prohibition. Not all countries, however, believe alcohol use is acceptable. For example, it is a criminal offense to drink alcohol in Saudi Arabia.

Alcohol abuse is detrimental to society. Alcoholism contributes to the poor functioning of some families, and many people commit spouse and child abuse and other crimes while under the influence of alcohol. The annual cost of alcohol abuse to American society is estimated at nearly \$150 billion.

When considering alcohol and crime, most people focus on the tragic loss of life resulting from drinking and driving accidents. This topic will be covered below. However, many people do not connect alcohol to other forms of violence. According to the U.S. Department of Justice, alcohol abuse was a factor in 35 percent of violent crimes committed in the United States in 2001. And two-thirds of the victims who suffered violence by a spouse, former spouse, boyfriend, or girlfriend report that alcohol had been a factor.

The term **drunk driving** is used in a general sense to refer to the legal terms *driving while intoxicated* (DWI) and *driving under the influence* (DUI). Legally, these terms have meanings more precise than their meanings in everyday usage. The legal definition of DWI/DUI refers to a person's blood alcohol concentration (BAC). The BAC indicates the grams per deciliter (g/dl) of alcohol in the blood. A person's BAC can be determined through breath, urine, or blood samples. Alcohol is a mind-altering drug, and tests have shown that thinking and reaction time are affected in varying degrees by the level of alcohol in the blood system. Although the legal levels on BAC vary from state to state, an individual generally is considered *impaired* when the BAC is between 0.01g/dl and 0.09g/dl, and *intoxicated* when the BAC is 0.10g/dl or greater.

Every state in the country has a DWI/DUI law. In 1999 nearly 1.5 million people were arrested for driving under the influence of alcohol. Use of drugs, legal or illegal, that impair driving ability is also a violation of DWI/DUI laws. People can receive a variety of penalties for driving under the influence:

- monetary fine
- enrollment in a DWI school
- community service
- license suspended (taken away for a period of time)
- license revoked (permanently taken away)
- jail sentence (some laws require a minimum term)

Any combination of these penalties may be imposed on a convicted drunk driver. A repeat offender is likely to receive stiffer penalties, and many states now automatically suspend

Tasks such as walking a straight line help police determine if a person is driving while intoxicated. How does an implied consent law work?





Where You Live

How does your court system handle drunk drivers? Does it treat adults and juveniles differently? Are there programs in your community designed to help teens and adults with alcohol problems?

drivers' licenses for DWI/DUI. In most states, repeat offenders end up in jail. In some states, even a first-time offender must serve a brief jail sentence.

A driver who has been stopped may choose not to take an alcohol test. However, most states have an **implied consent** law under which the driver agrees to submit to a BAC test in exchange for the privilege of driving. In those states, refusal to take the test could result in immediate and automatic suspension of the driver's license for a certain period, even if the driver is not found guilty of DWI.

As drivers or passengers, young people are at a greater risk of being injured or killed in alcohol-related accidents than are people of any other age group. This is because teens are affected by alcohol faster and to a greater extent than adults and because teens tend to be less-experienced drivers. Approximately 40 percent of all highway deaths involved alcohol in 2001, and thousands of teens are injured each year in alcohol-related car crashes.

National and local organizations exist to help reduce drunk driving and provide assistance to those who are victims of drunk-driving crashes. Such organizations include Mothers Against Drunk Driving, Students Against Destructive Decisions (formerly Students Against Drunk Driving), Remove Intoxicated Drivers, the National Commission Against Drunk Driving, and the National Coalition to Prevent Impaired Driving. The work of these groups and others has resulted in greater public awareness of the dangers of drinking and driving.

Arrests for driving under the influence (DUI) peaked in the early 1980s, and started to decline by the early 1990s. Although total arrests for DUI declined by over 20 percent from 1991 to 2000, underage drinking continues to be a significant problem. Even though the arrest rate for drivers under age 18 decreased after all states adopted a uniform drinking age of 21 in the 1980s, the arrest rates for persons under age 18 who are caught driving under the influence rose nearly 14 percent from 1991 to 2000.

Organizations such as MADD have focused public awareness on drunk driving in recent years. Which of these organizations are active where you live?



Problem 7.9

Assume your state has recently had a series of automobile crashes, including a number of deaths, caused by people driving under the influence of alcohol. A high percentage of these crashes have been caused by drivers aged 17 to 25. Others have been caused by older drivers who have had drinking problems for years. These drivers have been arrested before for DWI and were either fined or given probation.

- a. You are a member of the state legislature, which has the power to change the law to try to solve this problem. Draft such a law.
 - b. Analyze the law that you drafted. Will it create any new problems? What can be done to resolve them?
 - c. What else could be done to reduce alcohol-related crashes? Would these measures work better than the law you proposed? Explain.
-

Drugs

While illegal drug use is not new, it has become increasingly widespread, and its effects have touched nearly everyone in American society. Illegal drug use costs society billions of dollars a year. The flourishing illegal-drug industry has led to a dramatic increase in criminal activity, ranging from murder to high-level government corruption. This has placed an overwhelming burden on the criminal justice system because so many people are arrested for selling or possessing drugs. Between 50 and 75 percent of persons taken into the criminal justice system test positive for one or more drugs at the time of their arrest. The trends in this area are difficult to determine: some cities have outbreaks of crack cocaine, while other cities experience increases in the use of marijuana, heroin, or methamphetamines. Some reports have shown a particularly close relationship between the increased use of crack cocaine and increases in the rate of violent crime in a community.

Earlier in this chapter you studied statistics that showed an overall reduction in crime in the 1990s. Various groups take credit for this reduction: economists cite the healthy economy, law enforcement credits community policing, and some politicians suggest that credit should go to get-tough-on-crime policies. While it is difficult to determine a certain cause-and-effect relationship, drug abuse arrests, prosecutions, and convictions rose during the 1990s. But increasing peer pressure *against* crack cocaine use may be the one factor that contributed most to reduced crime in specific communities. In fact, many teens have worked hard to show friends that using crack is a disastrous choice.

Possession, distribution, or sale of certain drugs is a crime that may violate federal law, state law, or both. Some drugs, such as heroin, are particularly addictive and can severely disrupt the personal life of the user. The federal drug law, known as the *Controlled Substances Act*, classifies drugs into five groups, depending on medical use (if any),



Where You Live

Many states have passed laws that deal with drug offenses. What state and local laws deal with drugs where you live?

potential for abuse, and capability to create physical or psychological addiction. The penalties and criminal sanctions are different for each of the five groups.

Federal laws and most state laws now carry harsher penalties for drug offenders than they once did. Those who sell drugs or possess large amounts with intent to sell often face mandatory jail terms even for their first offense. Under federal law and in some states, those found guilty of being major drug traffickers may face a sentence of “life without parole.” Some states treat simple possession of even small amounts of certain types of drugs as felonies. In addition to the federal government, some states have also enacted special drug forfeiture laws, which allow the government to seize property such as bank accounts, airplanes, automobiles, and even houses that were used for, or were acquired through the proceeds of, drug crimes.

Partly in an effort to combat drug-related crime, more than 40 states have some type of repeat offender or **recidivist** law. These laws, passed primarily in the 1990s, require long sentences—including sentences of life in prison without parole—for persons who are repeatedly convicted of the same crime, even relatively minor ones. Some of these laws have been highly criticized as being unduly harsh. In 2003, however, the U.S. Supreme Court ruled that California’s recidivist law (called the Three Strikes Law) did not violate the Eighth Amendment protection against cruel and unusual punishment.

Law in Action

Drug Courts

In 1989 the federal government began promoting the use of drug courts. Drug courts embody a humane philosophy of treating drug offenders in that they offer treatment in place of punishment. These specialized courts give nonviolent offenders a simple deal: submit to drug testing on a regular basis, enroll in court-supervised drug treatment, stay off drugs, and you can stay out of jail. Failure to meet any of these conditions results in prosecution. Drug courts also work with offenders, helping them obtain

education, training, and employment. By the end of 2000, there were over 600 drug courts, with plans to add several hundred more.

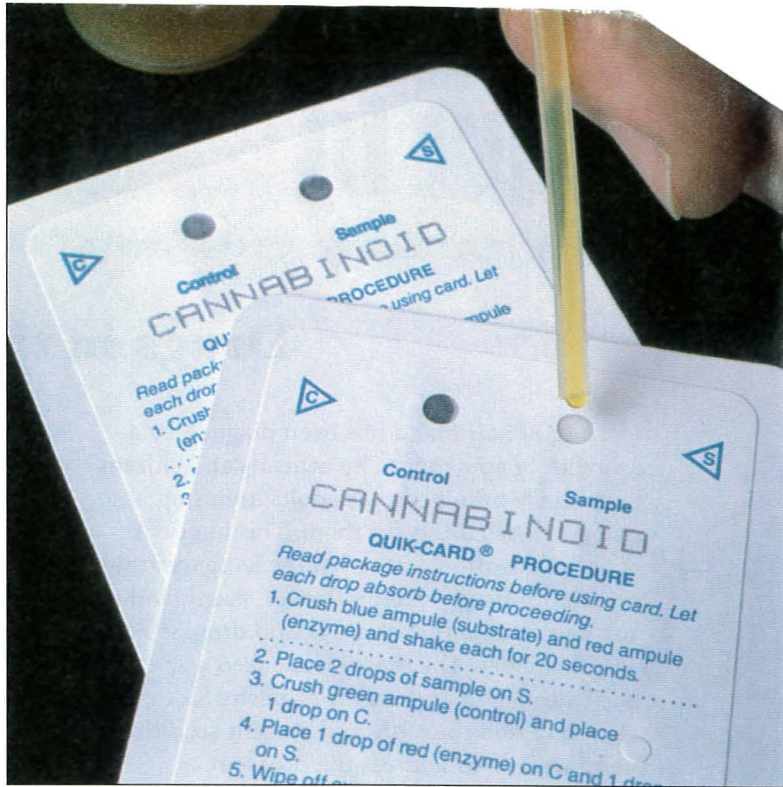
Problem 7.10

- Are drug courts a good idea? Explain.
- Do you have a drug court where you live? If so, is it effective?
- Why might some places not want a drug court?

As a result of escalating drug use and drug-related violence, some people, including a few politicians, have proposed that perhaps American society should consider legalizing certain drugs, such as marijuana. These people point to the failure of the “war on drugs” and say that as long as some drugs are illegal, we are creating a market for their illegal sale. They believe the United States would be better able to control the sale and use of drugs if the laws changed from drug prohibition to drug regulation. Proponents of the legalization of drugs suggest that the United States treat drugs as a health problem. It is hypocritical, they claim, to restrict the use of drugs while allowing the legal sale of alcohol and tobacco, which studies show are very harmful to people’s health and cause many more deaths than drugs.

Some people favor legalizing certain drugs that can be used for medical purposes. Several states have passed ballot initiatives in favor of removing state criminal penalties for marijuana possession because of its potential medical use. While not striking down these state laws, in 2002 the Supreme Court ruled that federal drug laws do not contain any “medical use” exception. For this reason, criminal penalties remain in place for those prosecuted under federal laws.

Many others are opposed to any sort of drug legalization. They believe that legalizing drugs and making them easier to get would lead to greater drug use, cause more deaths, and increase other drug-related problems. These people feel that criminal laws deter drug use and that reducing penalties would deliver a message of acceptance. Legalizing drugs, they say, would result in what some people call “the addicting of America” and would endanger our society as a whole.



Drug courts require offenders to submit to regular drug testing. *What other conditions set by the drug court must an offender meet?*

Problem 7.11

- a. Are there any controlled substances that should be legalized (which still might allow some form of government regulation and even fines)? If so, which controlled substances should be legalized?
- b. What are the most convincing arguments in favor of legalizing some controlled substances?
- c. What are the most convincing arguments against legalizing any controlled substances?
- d. How would society change if some controlled substances were legalized? Would these changes be good or bad? Explain.

Drugs in the City

The city of Southland has been plagued by a growing drug epidemic. City officials and citizens are especially outraged that adults are using teenagers to sell drugs for them. This happens because teens often receive lighter sentences than adults do for drug-related offenses. Southland is also facing an influx of drugs and drug dealers from other cities. The mayor has called a special council meeting to address the problem. Six experts have been asked to testify and present six different approaches to address the problem.

Police Chief Anderson (Law Enforcement Approach): “We cannot be everywhere at once. The department needs 100 more officers. The best way to combat the drug epidemic is to put more officers on the street and arm them with the newest and best weapons. Let’s show the dealers and their customers that we mean business.”

District Attorney Fisher (Restrict Civil Liberties Approach): “I think the city should declare an emergency and clamp down on drug sales on the street. Because of the epidemic, the civil liberties of the citizens of Southland must be temporarily limited. Since teenagers are selling drugs late at night, we need to institute a 9 P.M. curfew for anyone under the age of 18. I also advocate conducting random searches of students at school and establishing checkpoints where all cars will be stopped and searched in areas where drug trafficking is high.”

Terry Blade (Drug Treatment Approach): “I am an ex-drug addict who was cured because I was arrested and sent to a good treatment program. I see drug treatment as the best way to cut the demand for drugs, thereby driving the drug dealers out of business. Many addicts are turned away because treatment spaces are limited in this community. I want the city to devote more resources to treating people addicted to drugs.”

School Superintendent Lee (Preventive Education Approach): “Preventive education is the real answer to the drug problem. We must address the issue of values and the choices every student has—obey the law, or use or sell drugs. I want innovative drug education for every student, starting in the first grade.”

Judge Horton (Penalties Approach): “Stiffer penalties are needed. The city council should recommend to the state legislature tougher mandatory sentences for drug offenders. Anyone aged 15 or older who is convicted of selling drugs should be given a mandatory two-year sentence and be treated as an adult.”

Alana Fuentes (Legalization Approach): “We should push for the legalization of drugs. If drugs are made legal, the government can regulate the price and quality of the product, and thereby reduce or eliminate the black market for drugs. Drug addicts won’t need to commit other crimes in order to obtain money to buy drugs at outrageously high street prices. Finally, our tax dollars won’t be wasted chasing drug traffickers and international cartels. Some of the money saved should be used to fund preventive education programs and treatment programs.”

Problem 7.12

- After listening to the experts, decide which of the approaches will most help the city of Southland. List the six approaches in order of your preference and give reasons for your rankings.
- What are the costs and benefits of each approach? What are the problems of each?
- Could more than one of the approaches be tried at the same time? If so, which ones go together most easily?
- Which approach will you vote for? Explain.

Victims of Crime

Crime affects us all, but victims suffer most. Victims of crime are found among all segments of society: young, old, rich, poor, and among people of all racial and ethnic groups. Each year, more than 24 million Americans aged 12 and older are victims of crime.

Teens and young adults are more likely to be victims of crime than people in any other age group. In 2001, persons 12 to 24 years old were victims of violent crime at rates higher than any other age group. Among persons aged 12 to 15, 55 of every 1,000 were victims of violent crime, compared to 3 of every 1,000 persons over age 65.

Gender, socioeconomic status, race, and location are also factors that influence a person's likelihood of becoming a victim of crime. Except for rape and sexual assault, males are more frequently the victims of violent crime. Persons from lower-income households are more likely to be victims of crime than those with higher incomes. Members of minority groups, urban dwellers, and those who rent their homes are more likely to be victims of crime than persons who are white, nonurban and property owners. For example, in 2000, 49 percent of all murder victims were African American, even though only 12 percent of the U.S. population were African American.

In recent years, public interest in aiding victims of crime has grown. Most states now have victim assistance programs. These programs provide victims with counseling, medical care, and other services and benefits. Most states also have victim compensation laws. These laws provide financial help for victims—paying medical bills, making up lost salary, and, in some cases, paying funeral costs and death benefits to victims' families. In recent years some states have begun to allow prosecutors to submit victim impact statements to the court when a person is sentenced for a crime. These impact statements show the effect of the defendant's crime on the victim's physical and psychological well-being. In addition, courts sometimes order **restitution**—requiring criminals to pay back or otherwise compensate the victims of their crimes.

Today, victim advocacy groups are playing a more significant role in the criminal justice system. Their primary function is to help victims through their trauma and also to protect the rights of victims. Most of these groups deal with specific crimes, like rape, spouse abuse, drunk driving, and child abuse. One highly successful victim advocacy group is Mothers Against Drunk Driving (MADD). In recent years, MADD has been instrumental in calling attention to the problem of drunk driving and in lobbying for and winning stricter punishment for people caught driving while intoxicated.



Where You Live

Contact your police or prosecutor's office to learn whether there is a victim's assistance program in your community. If there is one, how does it operate? Is there a victim compensation law? If so, how does it operate?

- Urban dwellers are more likely to become victims of crime. *What other factors influence a person's likelihood of becoming a victim of crime?*

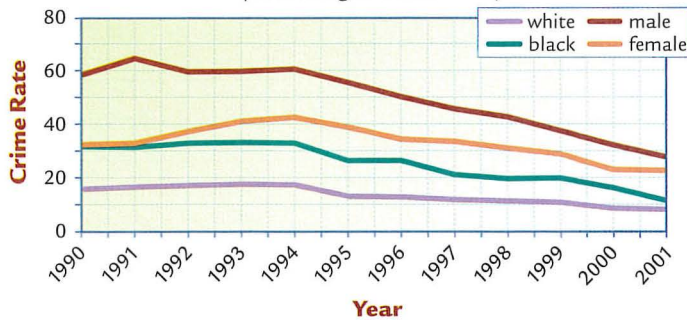


FIGURE 7.3 Violent Crime Rates

Year	Age of Victim (Adjusted victimization rates per 1,000 persons aged 12 and over)						
	12–15	16–19	20–24	25–34	35–49	50–64	65+
1990	101.1	99.1	86.1	55.2	34.4	9.9	3.7
1991	94.5	122.6	103.6	54.3	37.2	12.5	4.0
1992	111.0	103.7	95.2	56.8	38.1	13.2	5.2
1993	115.5	114.2	91.6	56.9	42.5	15.2	5.9
1994	118.6	123.9	100.4	59.1	41.3	17.6	4.6
1995	113.1	106.6	85.8	58.5	35.7	12.9	6.4
1996	95.0	102.8	74.5	51.2	32.9	15.7	4.9
1997	87.9	96.3	68.0	47.0	32.3	14.6	4.4
1998	82.5	91.3	67.5	41.6	29.9	15.4	2.9
1999	74.5	77.6	68.7	36.4	25.2	14.4	3.9
2000	60.1	64.4	49.5	34.9	21.8	13.7	3.7
2001	55.1	55.9	44.9	29.4	23.0	9.5	3.2

Race and Gender of Victim

(Adjusted victimization rates per 1,000 persons aged 12 and over)



Sources: Rape, robbery, and assault data are from the *National Crime Victimization Survey (NCVS)*. The homicide data are collected by the *FBI's Uniform Crime Reports (UCR) Supplementary Homicide Reports* from reports from law enforcement agencies. Homicide estimates for 2001 are based on 2001 Preliminary Annual Release data.

Problem 7.13

Study the victimization data above. Then answer the following questions.

- a. Which age group is most frequently the victim of crime? Least frequently?
- b. What trend do you see in the data on victimization by age? Explain this trend.
- c. What trend do you see in the data on victimization by gender? How would you explain this trend?
- d. What trend do you see in the data on victimization by racial group? How might you explain this trend?



Street Law
online
update

Visit streetlaw.glencoe.com and click on **Textbook Update—Chapter 7** for an update of the data.

Victims' Rights: Megan's Law as Advocacy

Victims' groups can often be successful in helping to pass legislation that provides protection for particularly vulnerable members of society. For example, in the early 1990s, seven-year-old Megan Kanka was abducted, sexually molested, and murdered by a neighbor who, unknown to her parents, was a convicted sex offender. Following this tragedy, through the advocacy of parent groups and communities, voters across the country began enacting local legislation that would help protect children from sex offenders. Within two years of Megan's abduction and murder, all 50 states and the District of Columbia had passed their own versions of Megan's Law, requiring the registration of all convicted sex offenders in the community. Ex-offenders have challenged these laws in several states, claiming they are being punished twice for the same offense—once by a term in jail and then again by being listed on these registries. In 2003 the U.S. Supreme Court upheld the Alaska and



Signing Megan's Law

Connecticut versions of these laws based on the states' interest in maintaining public safety and because the goal of an offender registry is to inform, not to judge an offender as currently dangerous to society.

Preventing and Reporting Crime

Crime is something that almost everyone worries about. As an effective citizen, you can help fight crime by learning how to protect yourself. This means knowing both how to prevent crime and what to do if you are ever a victim of crime. Remember that reporting crime helps to prevent others from becoming victims in the future. To reduce the risk of crime, be sure to take the following steps:

- Report suspicious activity to the police. The police cannot help you if you do not call them.
- Always lock doors and windows. You can prevent many burglaries by locking up! Also, when at home, do not open the door unless you know who is outside. Cancel newspapers and the mail when on vacation. Do not enter your home if you think someone has broken in. Instead, call police from a neighbor's house.

- Be alert when in high-crime areas such as dark, deserted streets and parking lots.
- Use the “buddy system.” Criminals are less likely to target pairs or groups of people.
- Do not flash money in public.
- If you witness a crime or have been victimized, stay calm and call the police.
- Try to provide police with as much information as possible. If you can, write down the details of the situation as well as a description of the suspect.
- You may be asked to file a complaint or to testify in court. Helping the police will assist them in preventing the criminal from committing additional crimes in the future.

Crimes of identity theft and consumer fraud are also significant and growing problems. You can learn more about protecting yourself from these crimes in Chapter 10, Crimes Against Property. You will also learn about identity theft and consumer fraud in Unit 4, Consumer and Housing Law.

If You Become a Victim

There are two different views on what to do if you believe you are about to become the victim of a crime. The first theory is that you should not fight back. For property crimes, for example, many believe you should give up the property without objection to reduce your risk of injury. The second theory is that you should resist the assailant. Many advocate learning self-defense techniques to protect yourself in the event of a personal crime. Which course should you follow? Every situation is unique, but your safety should always come first.

If you choose to fight back against the assailant, be prepared to risk injury. Know your own limitations. Not everyone has the strength or size to be able to fight back successfully. If the assailant has a weapon, you should assume it is going to be used.

As a general rule, criminals do not want an audience. If you are able to scream or blow a whistle, do so if you know you will be heard. If you cannot run away, sit down so you will not get knocked down. Finally, call the police as soon as you can. Do not wait! The longer you wait, the more likely it is that the criminal will get away.

Survivors of crime can turn to governments and private organizations for assistance. *In what ways can a rape crisis center help a rape victim?*



Law in Action

Good Samaritan Laws

Are witnesses to crimes under any obligation to come to the aid of victims? Until recently, the legal answer, as opposed to the moral answer, was no. Most states have had Good Samaritan laws that relieve bystanders from most civil liability when they help people in danger, but they have not required bystanders to help. Now,

however, several new state laws require witnesses to offer whatever help they can reasonably provide without endangering themselves. In the case of a violent crime, this simply means reporting the crime to the police. Does your state require witnesses to report violent crimes to police? If not, should it?

Problem 7.14

- a. Do you know anyone who has been the victim of a crime? What was the crime? How did it affect the person? The person's family?
 - b. List and discuss at least four things you can do to protect yourself from becoming a victim of crime.
 - c. Have you ever witnessed a crime? What happened? What did you do? If it happened again, would you do the same thing?
-

Getting Help for Survivors of Crime

Many federal, state, and local governments, as well as private organizations, have established programs to assist survivors of crimes. These programs range from counseling and support groups to advocacy initiatives to funds established to lend financial assistance to families of and survivors of crime. Two such groups are the National Center for Victims of Crime and the Office for Victims of Crime.

The National Center for Victims of Crime is a nongovernmental organization that provides local services, crisis intervention, and practical information related to navigating through the criminal justice system. The organization also provides counseling services. Additional information about the National Center for Victims of Crime and its services can be found online at www.ncvc.org.

The Office for Victims of Crime is a federally administered program that was established by the *Victims of Crime Act of 1984*. It provides a vehicle for policy and legislative initiatives, as well as providing services to victims and families. The Office for Victims of Crime provides information online at www.ojp.usdoj.gov/ovc.