SOW107

CRIMINOLOGY and JUVENILE DELINQUENCY

Course Manual

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Criminology and Juvenile Delinquency

SOW107

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Vice-Chancellor's Message

The Distance Learning Centre is building on a solid tradition of over two decades of service in the provision of External Studies Programme and now Distance Learning Education in Nigeria and beyond. The Distance Learning mode to which we are committed is providing access to many deserving Nigerians in having access to higher education especially those who by the nature of their engagement do not have the luxury of full time education. Recently, it is contributing in no small measure to providing places for teeming Nigerian youths who for one reason or the other could not get admission into the conventional universities.

These course materials have been written by writers specially trained in ODL course delivery. The writers have made great efforts to provide up to date information, knowledge and skills in the different disciplines and ensure that the materials are user-friendly.

In addition to provision of course materials in print and e-format, a lot of Information Technology input has also gone into the deployment of course materials. Most of them can be downloaded from the DLC website and are available in audio format which you can also download into your mobile phones, IPod, MP3 among other devices to allow you listen to the audio study sessions. Some of the study session materials have been scripted and are being broadcast on the university's Diamond Radio FM 101.1, while others have been delivered and captured in audio-visual format in a classroom environment for use by our students. Detailed information on availability and access is available on the website. We will continue in our efforts to provide and review course materials for our courses.

However, for you to take advantage of these formats, you will need to improve on your I.T. skills and develop requisite distance learning Culture. It is well known that, for efficient and effective provision of Distance learning education, availability of appropriate and relevant course materials is a *sine qua non*. So also, is the availability of multiple plat form for the convenience of our students. It is in fulfilment of this, that series of course materials are being written to enable our students study at their own pace and convenience.

It is our hope that you will put these course materials to the best use.

Prof. Isaac Adewole

Vice-Chancellor

Foreword

As part of its vision of providing   education for "Liberty and Development" for Nigerians and the International Community, the University of Ibadan, Distance Learning Centre has recently embarked on a vigorous repositioning agenda which aimed at embracing a holistic and all encompassing approach to the   delivery of its Open Distance Learning (ODL) programmes. Thus we are committed to global best practices in distance learning provision. Apart from providing an efficient administrative and academic support for our students, we are committed to providing educational resource materials for the use of our students. We are convinced that, without an up-to-date, learner-friendly and distance learning compliant course materials, there cannot be any basis to lay claim to being a provider of distance learning education. Indeed, availability of appropriate course materials in multiple formats is the hub of any distance learning provision worldwide.

In view of the above, we are vigorously pursuing as a matter of priority, the provision of credible, learner-friendly and interactive course materials for all our courses. We commissioned the authoring of, and review of course materials to teams of experts and their outputs were subjected to rigorous peer review to ensure standard. The approach not only emphasizes cognitive knowledge, but also skills and humane values which are at the core of education, even in an ICT age.

The development of the materials which is on-going also had input from experienced editors and illustrators who have ensured that they are accurate, current and learner-friendly. They are specially written with distance learners in mind. This is very important because, distance learning involves non-residential students who can often feel isolated from the community of learners.

It is important to note that, for a distance learner to excel there is the need to source and read relevant materials apart from this course material. Therefore, adequate supplementary reading materials as well as other information sources are suggested in the course materials.
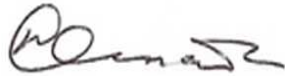
Apart from the responsibility for you to read this course material with others, you are also advised to seek assistance from your course facilitators especially academic advisors during your study even before the interactive session which is by design for revision. Your academic advisors will assist you using convenient technology including Google Hang Out, You Tube, Talk Fusion, etc. but you have to take advantage of these. It is also going to be of immense advantage if you complete assignments as at when due so as to have necessary feedbacks as a guide.

 The implication of the above is that, a distance learner has a responsibility to develop requisite distance learning culture which includes diligent and disciplined self-study, seeking available administrative and academic support and acquisition of basic information technology skills. This is why you are encouraged to develop your computer skills by availing yourself the opportunity of training that the Centre's provide and put these into use.

In conclusion, it is envisaged that the course materials would also be useful for the regular students of tertiary institutions in Nigeria who are faced with a dearth of high quality textbooks. We are therefore, delighted to present these titles to both our distance learning students and the university's regular students. We are confident that the materials will be an invaluable resource to all.

We would like to thank all our authors, reviewers and production staff for the high quality of work.

Best wishes.

Professor Bayo Okunade

Director

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About this course manual

Criminology and Juvenile Delinquency SOW107 has been produced by University of Ibadan Distance Learning Centre. All course manuals produced by University of Ibadan Distance Learning Centre are structured in the same way, as outlined below.

How this course manual is structured

The course overview

The course overview gives you a general introduction to the course. Information contained in the course overview will help you determine:

- If the course is suitable for you.
- What you will already need to know.
- What you can expect from the course.
- How much time you will need to invest to complete the course.

The overview also provides guidance on:

- Study skills.
- Where to get help.
- Course assignments and assessments.
- Activity icons.
- Study Sessions.

We strongly recommend that you read the overview *carefully* before starting   your study.

The course content

The course is broken down into Study Sessions. Each Study Session comprises:

- An introduction to the Study Session content.
- Study Session outcomes.
- Core content of the Study Session with a variety of learning activities.
- A Study Session summary.
- Assignments and/or assessments, as applicable.
- Bibliography

Your comments

After completing Criminology and Juvenile Delinquency we would appreciate it if you would take a few moments to give us your feedback on any aspect of this course. Your feedback might include comments on:

- Course content and structure.
- Course reading materials and resources.
- Course assignments.
- Course assessments.
- Course duration.
- Course support (assigned tutors, technical help, etc.)

Your constructive feedback will help us to improve and enhance this course.

Course Overview

Welcome to Criminology and Juvenile Delinquency SOW107

This course examines crime as a social problem that pervades our society. Criminology is a discipline that gathers and analyzes empirical data in order to explain violation of the criminal law and societal reactions to those violations. The course looks at the basic issues in the criminal and juvenile justice systems, and community-based corrections.

This book is organized to discuss the components of criminal justice system, such as the police, courts and prisons; rehabilitation and types of treatment for offenders; social control and deviance, ways by which punishment may prevent crime, and methods of reducing crime and delinquency.

Course outcomes

Upon completion of Criminology and Juvenile Delinquency SOW107 you will be able to:

Outcomes

- *discuss* the nature of crime and delinquency.
- *point out* the sources and causes of crime and delinquency.
- *explain* various types of crime and theories of crime and criminality respectively.
- *outline* the characteristics of juvenile and criminal process.
- *discuss* juvenile justice reforms.

Timeframe

How long?

This is a 15 weeks course. It requires a formal study time of 45 hours. The formal study times are scheduled around online discussions / chats with your course facilitator / academic advisor to facilitate your learning. Kindly see course calendar on your course website for scheduled dates. You will still require independent/personal study time particularly in studying your course materials.

Need help?

Help

As earlier noted, this course manual complements and supplements SOW107 at UI Mobile Class as an online course.

You may contact any of the following units for information, learning resources and library services.

Distance Learning Centre (DLC)
University of Ibadan, Nigeria
Tel: (+234) 08077593551 – 55
(Student Support Officers)
Email: ssu@dlc.ui.edu.ng

Head Office
Morohundiya Complex, Ibadan-Ilorin Expressway, Idi-Ose, Ibadan.

Information Centre
20 Awolowo Road, Bodija, Ibadan.

Lagos Office
Speedwriting House, No. 16 Ajanaku Street, Off Salvation Bus Stop, Awuse Estate, Opebi, Ikeja, Lagos.

For technical issues (computer problems, web access, and etcetera), please send mail to webmaster@dlc.ui.edu.ng

Academic Support

Help

A course facilitator is commissioned for this course. You have also been assigned an academic advisor to provide learning support. The contacts of your course facilitator and academic advisor for this course are available at onlineacademicsupport@dlc.ui.edu.ng

Activities

Activities

This manual features "Activities," which may present material that is NOT extensively covered in the Study Sessions. When completing these activities, you will demonstrate your understanding of basic material (by answering questions) before you learn more advanced concepts. You will be provided with answers to every activity question. Therefore, your emphasis when working the activities should be on understanding your answers. It is more important that you understand why every answer is correct.

Assessments

Assessments

There are two basic forms of assessment in this course: in-text questions (ITQs) and self assessment questions (SAQs), and tutor marked assessment (TMAs). This manual is essentially filled with ITQs and SAQs. Feedbacks to the ITQs are placed immediately after the questions, while the feedbacks to SAQs are at the back of manual. You will receive your TMAs as part of online class activities at the UI Mobile Class. Feedbacks to TMAs will be provided by your tutor in not more than 2-week expected duration.

Schedule dates for submitting assignments and engaging in course / class activities is available on the course website. Kindly visit your course website often for updates.

Bibliography

For those interested in learning more on this subject, we provide you with a list of additional resources at the end of each study session; these may be books, articles or web sites.

Getting around this course manual

Margin icons

While working through this course manual you will notice the frequent use of margin icons. These icons serve to "signpost" a particular piece of text, a new task or change in activity; they have been included to help you to find your way around this course manual.

A complete icon set is shown below. We suggest that you familiarize yourself with the icons and their meaning before starting your study.

Activity	**Assessment**	**Assignment**	**Case study**
Discussion	**Group Activity**	**Help**	**Outcomes**
Note	**Reflection**	**Reading**	**Study skills**
Summary	**Terminology**	**Time**	**Tip**

Study Session 1

The Nature of Crime and Delinquency

Introduction

In this Study Session, we will examine the concepts of crime, juvenile delinquency and justice reforms. We will also examine the characteristics of crime, causes of crime and delinquent behaviour; as well as the differences between the juvenile and criminal process. It will also look into the juvenile.

Learning Outcomes

After you have studied this Study Session, you should be able to:
1.1 *define* and use correctly the term in bold:
  - crime
  - juvenile delinquency
1.2 *enumerate* the characteristics of crime.
1.3 *describe* the characteristics of juvenile justice system.
1.4 *differentiate* between juvenile and the criminal process.
1.5 *discuss* the juvenile justice reforms.
1.6 *point out* the causes of crime.

1.1 What is Crime?

Many scholars including criminologists define crime in different ways. Technically, crime is any violation of the criminal law. This definition is inadequate when we consider other types of crimes (e.g. "white-collar" crime). Although there is no single compelling definition of crime that is acceptable to all criminologists. This lecture will therefore define "Crime" as an act that violates the criminal law and is punishable by the state. Criminal laws are formalized or codified norms, which are rules that make explicit certain social expectations about what is appropriate behaviour for particular people in specific situations (Conklin, 1998). Crimes, which are violations of these codified norms, are treated as offences against the state rather than acts against specific individuals.

1.1.1 Characteristics of Crime

Durkheim (1933) asserted that punishment is the defining characteristics of crime. He therefore, identified three main characteristics of crimes such as criminal intent, excuses and justification.

1. **Criminal intent:** Crime usually involves criminal intent, which is the willed or conscious desire to commit an act that violates a

criminal law. For instance, an act that violates the law and causes harm may not be treated as a crime by the legal system if criminal intent is absent.

2. **Excuses:** The law allows several excuses and justifications as defences to criminal charges. Excuses, which deny criminal intent, include the insanity defence. The excuse that one committed a crime because of drunkenness or influence of drugs is less likely to exonerate a defendant than to reduce the seriousness of the charge for which he or she is guilty. For example, ignorance of the law is an excuse that is accepted only under care circumstances.

3. **Justification:** This involves a defence that the law allows a person to act in a particular way. Self-defence against an offender threatening serious bodily injury is permitted if the potential victim uses no more force than necessary to prevent the harm. The defence of duress is the claim that another person coerced one into committing crime; stealing a bicycle because someone forced you to at knifepoint is not a crime. The justification that one had to violate the law to avoid the threat of some greater harm from a non-human force is called the 'defence of necessity'; stealing a car to escape a dangerous situation is an example.

1.1.2 Types of Crime

Many diverse forms of behaviours are classified as crimes, with the only major common thread being a violation of criminal statute. It is impossible to look at all crimes, we will therefore, examine the more important ones. You should keep in mind that the following categories are not mutually exclusive; there is overlap among them.

Organized Crime

Organized crime is a large-scale operation. Illegal activities are carried out as part of a well-designed plan developed by a large organization seeking to maximize its overall profit (Zastrow, 1996; and Berger, 1999). Activities that lend themselves to organized crime include illegal gambling, drug dealing, fencing (receiving and selling stolen goods), prostitution and extortion (in the form of selling protection).

Large scale operations are more cost efficient than small-scale operations in certain illegal activities. For example, in drug trafficking, drugs are smuggled into a country and distributed on a large-scale, with corrupt officials being paid off to reduce the risks of arrest and prosecution. A major characteristic of organized crime is that many of its activities are not predatory (such as robbery, which takes from its victim). Instead, organized crime generally seeks to provide to the public desired goods and services that cannot be legally obtained (drugs, gambling, prostitution, loan money). For its success, organized crime relies on public demand for such illegal services.

White-Collar Crime

The term white-collar crime was first used by the sociologist Edwin Sutherland to refer to a crime committed by a person of respectability and

high status in the course of his occupation (Sutherland, 1949). Embezzling, padding expense accounts, stealing from an employer and evading personal income taxes all fall into these categories. So does the misuse of public funds by government officials (accepting bribes, padding payrolls and the like). One difference between White-Collar crime and common crime is that White-Collar crime seldom involves force or violence.

Embezzlement is an offence in which an employee fraudulently converts some of the employer's funds for personal use through altering of company records. It occurs at all levels of business, from a clerk stealing from petty cash to the head of a company stealing large investment sums. Many cases go undetected or unprosecuted. White-Collar crime also involves computer-related crime. This involves illegal use of computer technology. For example, people who have access to a personal computer with, a modem, and the correct password can transfer millions of dollars anywhere in the world.

Victimless Crimes

These are violations of law in which there is no readily apparent victim. In truth, the people who commit such crimes are themselves both offenders and victims. Victimless crimes include prostitution, vagrancy, pornography, gambling, drunkenness, curfew violations, loitering, drug abuse, fornication, and homosexuality between consenting adults. Although, some of these actions are illegal in certain jurisdictions and legal in others. In other words, because public opinion about such activities varies considerably, the laws regulating victimless crimes differ from place to place.

For example, in United States, gambling is legal in a few locations, including Nevada and part of New Jersey, prostitution is legal only in part of Nevada; homosexual behaviour among consenting adults is illegally restricted to about half of the states. Criminal penalties for victimless crimes may do more harm than good. For example, treating someone arrested for homosexual activity as a hardened criminal may well damage the person's self-concept and status in the community.

Sex Offences

Sex offences include rape, prostitution, fornication, sodomy, homosexuality, adultery and incest. In sex offences, many victims are reluctant to report the offence because they believe they have nothing to gain, and more to lose by making a report. A danger to society of underreporting of rape, for example, is that the rapist is less likely to seek out other victims.

However, certain sex offences (such as incest, rape, and homosexual contact with under age) incite considerable repugnance among the general public, which results in harsh punishment for offenders. Unfortunately, less attention is given to helping the victims cope with their exploitation or to rehabilitating the offenders.

Homicide and Assault

Criminal homicide involves the unlawful killing of one person by another. Criminal assault is the unlawful application of physical force on

another person. Most homicides are unintended outcomes of physical assaults. People get into physical fights because one (or both) is incensed about the other's actions and decides to retaliate. Provoking actions may include ridicule, flirting with the other's spouse or lover, and failure to repay a debt. Fighting is often an attempt by one or both to save face when challenged or degraded. Homicides frequently are "crimes of passion", occurring during a violent argument or other highly charged emotional situations.

Yet, some homicides are carefully planned and premeditated, including gangland killings, killings to obtain an inheritance, and mercy killings. Homicides are also associated with robberies, during which the victim, the robber, or a law enforcement official may be shot. Because of the averted physical damage from assault and homicides, these crimes generate the most fear. For instance, the police have a higher arrest rate, around 70% in homicide cases than with any other crime, partly because they devote extensive attention to murders.

Theft

This category of crime refers to illegal acquisition of someone's property without the person's consent. This encompasses crimes that involve theft of property belonging to others. Property crimes range from burglary to larceny-theft, auto theft and pick pocketing.

People who fall into this category of crime are described as professional thieves who engage in confidence games, forgery, expert safe cracking, counterfeiting, extortion (for example, blackmailing others who are involved in illegal acts), and organized shop lifting (Sutherland, 1937). Professional thieves use sophisticated, non-violent techniques. For instance, their crimes are carefully planned, and they tend to steal as a regular business.

Apart from the professional thieves, we have the semiprofessional thieves who engage in armed robbery, burglaries, holdings, and larcenies that do not involve much detailed planning. Some semiprofessional thieves work alone, holding up service stations, convenience stores, liquor stores, and the like. Semiprofessionals often wind up spending substantial portions of their lives in prison, because they commit the types of crimes that are harshly punished by courts. They adjust fairly well in prison, because other inmates often have similar backgrounds, lifestyles, and views of life. However, as a group they are poor parole risks.

Juvenile Delinquency

In general, children under the age of 18 are handled by the juvenile courts either as status offenders or as delinquent offenders. A status offence is a violation that can only be committed by a juvenile, such as running away from home, truancy, and underage drinking. A delinquent offence is an offence that would be a crime if committed by an adult. For instance, the most common status offences handled in juvenile court are underage drinking, truancy, and running away from home. In most cases, juveniles commit more property offences than violent offences.

1.2 Juvenile Delinquency

The concept of juvenile delinquency is a modern one. Until the late 19th century, juvenile offenders were regarded as incapable of certain crimes or were treated as adults in the criminal justice system. The concept began to change in the 19th century when a group of reformers set out to redeem the nation's wayward youth (Platt, 1969 and Lauer and Lauer, 2002).

People who violate the law but are not legally adults – defined as those below the age of eighteen in many states or countries – can be adjudged "delinquent" rather than convicted of a crime in juvenile court. These delinquents might have committed an act that would be a crime if done by an adult.

In general, children under the age of 18 are handled by the juvenile court either as a status offender or as delinquent offenders. A status offence is a violation that can only be committed by a juvenile, such as running away from home, truancy, and underage-drinking. A delinquent offence is one that can be committed by an adult, such as serious property crimes, serious violent crimes, robbery, murder, etc.

1.2.1 Juvenile Court System

Juvenile courts were originally designed as informal welfare agencies that offered counselling and therapy tailored to the needs of the individual offender. The youthfulness or the offender was thought to confer a kind of diminished capacity to commit crime and to make the offender easier to reform than an adult criminal.

The juvenile courts were first established in Cook County, Illinois, U.S.A. in 1899. The philosophy of the juvenile court is that it should act in the best interests of the child, as parents should act. In essence, juvenile courts have a treatment and rehabilitation orientation. In adult criminal proceedings, the focus is on charging the defendant with a specific crime. In contrast, the focus of juvenile courts is often on the psychological, physical, emotional, and educational needs of the defendant, as opposed to the child's guilt in a unique case.

Characteristics of Juvenile System

To understand the functioning of the juvenile justice system, it is necessary to know the characteristics of juvenile justice system. The philosophy of juvenile court is that it should act in the best interest of the child as parents should act.

The main characteristics of the juvenile justice system are discussed as follows:

1) In juvenile justice system, jurisdiction over criminal children had to be removed from criminal court and established in the juvenile court.

2) The early conception of the juvenile court proceeding was one in which a fatherly judge touched the heart and conscience of the erring youth by talking over his problems.

3) The juvenile court had broad jurisdictions, and which no juvenile court confines its definition of delinquency to violations of laws and ordinances.

4) In the juvenile justice system, the juvenile court was not a criminal court, instead of criminal procedure, a non-adversarial proceeding was used which took the best interest of the child fully into consideration.

5) In the juvenile justice system, children coming under the jurisdiction of the juvenile court were often removed from the custody of their parents without notification and placed in institutions.

6) Youths under the jurisdiction of the juvenile court must be afforded their "due process rights", such as:

   a. Adequate notice to parents and child

   b. The right to legal counsel

   c. The right to confront and cross-examine witnesses.

   d. Guarantee against self-incrimination

7) In juvenile justice system, the juvenile court has jurisdiction over children who commit offences such as running away from home, being out of parental control, or failing to attend school. These are not grave offences because the children are minors. These children are labeled "Status Offenders".

8) Juvenile justice system provides treatment and rehabilitative measures to correct and prevent crime and delinquent behaviour from recurring.

1.2.2 Criminal Justice System

The criminal justice system has been described as a funnel that sorts out cases. It is a modern society's system of roles and activities for defining and dealing with crime. The criminal justice system is composed of the police, the courts, and the correctional system.

However, Zastrow (1996) observed that, criminal justice systems face a conflict between two goals: crime control versus due process. "Crime control" involves the need to curb and protect society from law breakers. It includes an emphasis on speedy arrest and punishment for those who commit crimes. "Due process" on the other hand, involves the need to protect and preserve the rights and liberties of individuals

1.2.3 Differences between Juvenile and Criminal Justice Systems

The differences between the juvenile and criminal processes are identified below, according to Barlow (2000):

   i. A petition is a formal request for the court to see whether it should take jurisdiction over a case involving a juvenile.

   ii. In criminal courts, formal charges are read during an arrangement: in juvenile courts, there is an intake bearing where the court determines whether the alleged fact about the crime warrants further action by the court.

iii. The criminal trial is an adversarial process; prosecution and defence battle over their visions of the truth. Although, lawyers for both sides often claim victory, the adversarial process implies winners and losers. For the prosecution, conviction is victory, while, for the defence, acquittal is victory. This adversarial is reflected in the wording of the case.

iv. In juvenile court, the case is referred to as "regarding" or in the matter "of". There is no sense of context or friction, or rift. In addition, since the juvenile court process was designed to be non-adversarial, the constitutional guarantee of the due process was thought to have little relevance in this environment. Juvenile has no right to counsel, no right to question witness, and no right to self-examination.

v. In juvenile court, children are not asked whether they admit or deny the fact alleged in the petition. If they admit the fact, the juvenile court judge will say that the case has been adjudicated and the facts are as stated in the petition. If they deny the alleged fact, there is a hearing during which the judge reviews the evidence presented and adjudicate the merit of the petition. If the judge finds in favour of the petition, the child is not convicted as a criminal, but is adjudicated.

vi. After conviction, of a felony crime in criminal court, the judge usually orders a pre-sentence investigation. In juvenile courts, the judge asks the juvenile probation department to develop a social history of the child, including such things as family history, education, education progress, medical history and police record. Instead of passing sentence, the judge enters a "dispositional order" a term that does not imply punishment, although the juvenile may be placed in detention or be required to do something they perceive as punishment.

vii. Another important way, by which juvenile procedures differ from criminal justice experienced by adult offenders, concerns record keeping and privacy. Consistent with the philosophy of shielding the child, juvenile court records are sealed and many states resist access to juvenile police record. For many years, most states forbade the police to take photograph or fingerprint of juveniles taken into custody – the term "arrested" was reserved for adult suspects. This does not mean that there is no record keeping in the juvenile justice system. Police incident reports are kept on a file because they are needed to develop a case.

1.2.4 Juvenile Justice Reforms

Reforms are necessary because critics of the juvenile justice system outnumber supporters, and various efforts to reform the system are considered. In this section, we are going to consider two major juvenile justice reforms such as:

1. Due process reforms
2. Reform in handling serious juvenile and violent juvenile offenders. Each of these reforms will now be discussed, according to Barlow (2000)

Due Process Reforms

This reform dates back to the 1950's and early 60's. In this reform, the juvenile court was meant to be non adversarial, everyone working instead towards the best interest of the child.

The first major due process reform came with the U.S. Supreme Court's ruling in Kent versus United States (1966) that the juvenile court must be provided the "essential due process" when transferring juveniles to the adult system. These due process rights include:

1. Adequate notice to parents and child
2. The right to legal counsel
3. The right to confront and cross-examine witnesses
4. Guarantees against self-incrimination

The decision was responsible for overhauling the juvenile court system by forcing the courts to establish new legal procedures that respected the child's due process rights.

Reforms in Handling Serious Juvenile and Violent Juvenile Offenders

In 1994, U.S. congress called for a new national strategy to address the problem of rising rates in violent delinquency. In 1996, the coordinating council on juvenile justice and delinquency published a national juvenile justice action plan, headed by U.S. attorney general, Jerret Reno; composed of 9 representatives of the federal government and 9 juvenile justice practitioners, appointed by congress and the president. The council concluded that while the future of the nations' children rest in the local community; states and local initiatives are to reduce violence and present delinquency and to increase and present delinquency and to increase capacity of the juvenile practice systems. In this respect, the following reforms were made:

1. Most serious and violent juvenile offenders are being removed from the juvenile justice system in favour of criminal court prosecution. A majority of states have added new crimes to the list of offences for which juveniles may be transferred to the criminal court.

2. Traditional confidentiality provisions are being revised in favour of more open proceedings and records. In the 1990's, debates over the protection of the juvenile versus the protection of the community and over the juvenile right to privacy and the common right to know, was being resolved in favour of the common. For instance, local police and community have the right to know the identity of any potential threat to public order.

   There are various ways that states are opening up juvenile records and revealing confidential juvenile records for proceeding. Some are allowing juvenile courts proceedings to be published. Some are releasing the name of offenders. Most now allow photos and fingerprints of offenders to be deposited in criminal history file. A few states now prohibit the sealing or removal of records and roughly have the state central repository of juvenile case records.

3. State correctional administrators are faced with increasing pressures to develop new programmes for juveniles. Since nearly all states now send juveniles sentenced as adults to the department of correction. This means that there are more young inmates whose need, and vulnerability require special attention. In some states, a special category of youthful offenders have been identified, to distinguish more serious offence from their delinquent peers. Although they have committed serious crimes, and are housed in secured facilities, they are offered more extensive programmes and services than their adult counterparts.

1.3 Causes of Crime and Delinquent Behaviours

The explanations of the sources and causes of crime and delinquent behaviour are varied and more complex. In this section, seven out of the many causes of crime and delinquency will discussed. Each of these will now be described briefly:

1.3.1 Family Background of Offenders

One factor that has received the most attention by researchers is the relationship between delinquency and problems in the child's family system. Some studies have shown that family conflict, tension, and disruption, family disorganization, lack of parental control, parental rejection, inconsistent and inappropriate discipline, and child abuse appear to cause juvenile delinquency (Free, 1991).

In line with Free (1991)'s findings, there are less delinquency among those youths whose parents value, love, accept, and spend time with them (Barnes and Farrell, 1992; and Warr, 1993). In contrast, rates of delinquency are higher among those youths whose parents define them in negative terms (or abuse) them (Matsueda, 1992). The rates of delinquency are also higher among those whose families are disrupted by severe conflict, unemployment, and divorce (Free, 1991; Romo and Falbo, 1992).

When there are poor relationships in the family, parental moral and emotional authority is weakened. The diminished authority tends to weaken children's bonds to the social order and increases the likelihood of delinquency (Browning and Loeber, 1999).

1.3.2 Peer Influence

This is another causative factor that has also received the most attention associated with delinquency. This influence has led to the development of juvenile gangs, which has become a significant problem in many of our nation's cities. Learning to commit crime often occurs within groups or gangs, but many adolescents learn not to be delinquent from their peers. Those who are concerned with their reputation, and believe they have an investment in abiding by the law cite the influence of their peers as a major reason for not violating the law (Rogers, 1977).

However, adolescents who do not have a stake in conformity sometimes join gangs, and learn criminal motives and skills from peers who encourage and reward violation of the law. In gangs, adolescents gain

respect for older criminals, develop specific skills such as car theft, learn to cooperate with other offenders, and become aware of fences (receivers of stolen goods), shady lawyers, bondsmen, corrupt politicians and police officers (Rottig, Torrest and Garrett, 1977).

1.3.3 Alcohol and Drug Use

Alcohol drug use and crime are strongly correlated with one another. They are factors that are often present when crimes are committed, but do not actually cause crime (Collins, 1981). The high frequency with which these factors are present during crimes suggests that they are "facilitating factors" that increase the chance that a situation will lead to criminal violence or theft. Some studies have shown that, alcohol is present in a significant proportion of homicides and assaults and, a small proportion of rapes (Dawson and Langan, 1994). Alcohol also seems to play a role in various sex offences. Another explanation of why alcohol use is linked to crime is that people who are actively involved in a life of crime rely on alcohol to reduce their anxiety or build up their courage for the crimes they plan to commit (Collins, 1981; Tunnell, 1992).

Drug use is clearly associated with greater involvement in criminal activities. There is a high correlation between drug use, especially cocaine use, and being booked for property and violent crimes (Harrison and Gfroerer, 1992). The greater amount of drug use by offenders does not tell us the reason for the association between drug use and crime. Offenders might purchase expensive drugs. They might have their crimes facilitated by the effects of the drugs. However, drug users are more likely to be arrested because they are known by the police to be criminals, or because the drugs affect their behaviour in ways that draw the attention of the police.

1.3.4 Lack of Employment Opportunity for Youth

Unemployment is related to crime in complex ways. Some crimes cannot occur unless a person is working. But other offenders mix employment and crime by "moonlighting" in crime, i.e by using a job as a front (as with a professional fence receiver of stolen goods), or by using legitimate income as a stake for a crime (as in drug deals). Some people, especially youths, alternate between employment and crime, and in those cases more unemployment might increase (Hagedorn, 1994). Some offenders are committed to crime as a source of income. For instance, they would not work even if jobs were available, and so a higher unemployment rate would not affect their criminal activities.

People who are without jobs seem more likely to commit the kinds of crime that lead to imprisonment (Austin and Irwin, 1990). Crime also occurs at work. For instance, sudden loss of a job or conflict with a supervisor sometimes leads to violent crime against those thought to be responsible for the employee's problem. Youth's lack of access to jobs that provide the income they need to participate in peer-group activities, and to buy the clothes, and other things that will win them respect of their friends are sources of delinquency. Some delinquency is also situational, for example, among homeless youths unemployment and problems of

shelter may lead to prostitution, and problems of shelter and hunger may lead to serious theft (McCarthy and Hagan, 1992).

1.3.5 Psychological Views of the Criminal Personality

Crime is seen simply as a manifestation of a compulsion derived from unresolved conflicts between the superego and the id. Someone with criminal personality – by definition a defective ego – is unable to overcome the desire to defy social taboos, yet the conflict reflects itself in an unconscious desire to be thought. This indicates that, delinquent behaviour results when the restraining forces in the superego (one's self-ideal) and the ego (mediator among superego, the id, and reality) are too weak to curb the id (source of psychic energy).

Human nature was therefore seen as largely determined by id instincts, which were basically antisocial and immoral in character. This shows that current behaviour was largely controlled by early childhood experiences. Deviant behaviour or crime was viewed as stemming from unconscious conflicts, fixations, and repressed traumatic experiences (Zastrow, 1996).

1.3.6 Social Views of Criminal Behaviour

Another perspective suggests that crime is not caused by individual physical or mental deficiencies but rather by societal breakdown. For instance, some studies have shown that family conflict, tension and disruption, family disorganization, lack of parental control, and child abuse appear to cause juvenile delinquency. Free (1991) observed that, there is a weaker link between broken homes and delinquency, and those social, economic, and environmental factors, including poverty, racism, socialization in criminal attitudes by family or peers, and lack educational achievement, may also be involved in juvenile delinquency.

The social view of crime advocates a criminal justice system that offers a variety of social intervention strategies (Cullen, 1983). One of such strategy of importance to social work practitioners is collaboration between social workers and police officers at the earliest intervention point. That is, when the suspected offender is first in police custody, social workers and police officers are expected to agree on the case disposition.

1.3.7 Economic Rationale of Crime

This view sees the criminal as an amoral person who calculates the cost and benefits of a particular crime, much as a businessperson calculates the costs and benefits of opening a new store. In the economic formulation, potential criminals assess the probable benefits of successful completion of the crime. They decide to be criminal or not, depending on the outcomes of the calculations. For instance, people who are not poor commit fewer crimes because the costs of going to prison (in lost wages, deprivation of status, amenities of life, etc) are higher for them than for others.

Study Session Summary

Summary

In this Study Session, we discussed the concepts of crime, juvenile delinquency, juvenile court system and criminal justice system. We also discussed the characteristics, types, sources and causes of crime, as well as identified the roles played by the components of criminal justice system.

Assessment

Assignment

1. What do you understand by "Child Savers"?
2. When was the first juvenile court established? And where?
3. Discuss why juvenile court was established?
4. What factors do you think can cause crime in our society?
5. Identify and describe three characteristics of crime?
6. What do you understand by crime?
7. Briefly differentiate between crime and delinquent behaviour
8. What do you consider to be other forms of crime in our societies?
9. When was the first juvenile court system established? And where?
10. Give two major reasons why juvenile courts were established all over the world.
11. When was the first juvenile court established? Give reason(s) for its establishment.
12. Identify and briefly describe six offences committed by juveniles.
13. What is a "petition" before the court?
14. What is a "dispositional order" in juvenile court?

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Study Session 2

Theories of Crime and Criminality

Introduction

This Study Session will expose you to crime causation theories. These include: demonology; classical and neoclassical theory; psychoanalytic theory of crime causation; differential association theory; anomie theory; deviant subcultures theory; and labelling theory.

Learning Outcomes

After you have studied this Study Session, you should be able to:

2.1 analyse crime causation theories.

2.1 Theories of Crime and Criminality

A variety of theories about the causes of crime has been advanced by several disciplines. In this study session, only few out of the more prominent theories will be discussed. They are:

1. Demonology
2. Classical and Neoclassical theory
3. Psychoanalytic theory of crime causation
4. Differential association theory
5. Anomie theory
6. Deviant subcultures theory
7. Labeling theory

Each of these will now be described briefly.

2.1.1 Demonology

For centuries, many primitive societies conceived crime as being caused by evil spirits. This is commonly referred to as demonology. It was thought that those who engaged in deviant behaviour were possessed by the devil. The only way to cure the criminal act, it was believed, was to remove the evil spirit through prayer, a ritual, or by torture (sometimes to the point of death). This theory is no longer prominent, partly because scientific study has found no evidence that law breakers are possessed by evil spirits.

2.1.2 Classical and Neoclassical Theory

This theory maintained that man is rational, endowed with freewill, and motivated to seek pleasure and avoid pain. Classical theory therefore, asserted that a person makes a decision regarding whether to engage in criminal activity based on the anticipated balance of pleasure minus pains. Each person was assumed to have freewill and to act solely on the basis of the anticipated "hedonistic calculations". Advocates of the classical/neoclassical theory assumed this explanation was a full and exhaustive explanation of causality.

However, applied to corrections, these approach states that definite amounts of punishment are assigned to each offence so the prospective offender could calculate anticipated pleasure and pains. The penalties assigned were to be slightly more severe than anticipated pleasures in order to discourage criminal activity. The Neoclassical school/theory accepted the basic notions of "hedonistic calculation" but urged that "children" and "lunatics" be exempted from punishment because of their inability to calculate pleasure and pain responsibly.

2.1.3 Psychoanalytic Theory

This theory postulated that delinquent behaviour results when the "restraining forces" in the superego (one's conscience and self-ideal) and the ego (mediator between the superego, the id and reality) are too weak to curb the instinctual, antisocial pressures from the id (source of psychic energy). Psychoanalytic theory therefore, asserted that human nature was largely determined by id instincts, which is basically antisocial and immoral in character. This theory postulated current behaviour was largely controlled by early childhood experience.

Fraud (1933) therefore emphasized the importance of instinctual drives within the individual. According to him, each person is endowed with reservoir of anti-social impulses (id) and, as a result of reality contact, develops control (ego) and regulator (superego) that serve to hold these impulses in check. If these impulses are unchecked, it leads to crime and delinquent behaviours.

2.1.4 Differential Association Theory

This is also called "cultural transmission" theory. Sutherland (1940) holds that, deviance, as all human behaviour, is learned through symbolic interaction, especially in small intimate, primary groups such as family, the peer group and the neighbourhood. That is, an individual exposed to interaction with people who are themselves deviant learns deviant techniques, rationalization for deviant acts, as well as conceptions of laws, property and human rights from a deviant perspective.

Sutherland and his co-authors asserted that, learning principles explain criminal behaviour. According to them, the techniques, motives, and attitudes associated with criminality are learned as one is exposed to an excess of social definitions favourable to law violation over definitions unfavourable to law violation.

In conclusion, Sutherland however, suggested that we learn social patterns, including deviance, through association with others, especially in primary groups. He stressed the point that, we all encounter forces promoting criminality as well as those supporting conformity. That is, likelihood that a person will engage in criminal activity depend upon the frequency of association with those who encourage norm violation compared with those who encourage conformity.

2.1.5 Anomie Theory (Merton's Strain Theory)

This theory was formulated by sociologist Robert Merton. Merton (1938, 1968) views criminal behaviour as resulting when an individual is prevented from achieving high status goals (cultural goals in a society). He noted that every society has both approved goal and approved means (Institutionalized means) for attaining these goals. The approved goals, for example, are wealth and material possessions, while the approved means are something like, schooling and hard work.

According to Merton, when certain members of society share these goals but have insufficient access to approved means for attaining them, a state of anomie results (Anomie is a condition in which acceptance of the approved conduct is weakened). But unable to achieve the goals through society's legitimately defined channels, they then seek to achieve them through illegal means. In other words, the essence of legitimate means produces frustration. This frustration according to Merton, in turn, helps to fuel deviance as a way of getting back at the society that limits opportunities.

2.1.6 Deviant Subcultures Theory

This is also known as Cohen's theory of delinquent subcultures. This theory asserts that some groups develop their own attitudes, values, and perspectives, which support criminal activity. Miller (1958) argues that lower-class culture is organized around six values – trouble, toughness, excitement, fate, smartness (ability to con others) and autonomy – and allegiance to these values produces delinquency. Miller asserts and concludes that, the entire lower-class subcultures is deviant in the sense that male growing up in it will accept these values and almost certainly violate the law.

However, Cohen (1955) contended that gangs develop a delinquent subculture that offers solutions to the problems of young male gang members. This is so, because a gang gives them the chance to belong, to amount to something, to develop their masculinity, and to fight middle-class society. In particular, the delinquent subculture, according to Cohen, can effectively solve the status problems of working-class boys, especially those who are rejected by middle-class society. Cohen therefore, contends that the main problems of working-class boys resolve around status.

2.1.7 Labeling Theory

This theory focuses on the process of branding people as criminals and on the effects of such labeling. Cooley (1902) argues that, people develop their self-concept (Sense of who and what they are) in terms of how

others relate to them, as if others were a looking glass or mirror. For example, if a neighbourhood identified a young boy as being a "troublemaker" or "delinquent", neighbours are likely to relate to the youth as if he were not to be trusted. They may accuse him of delinquent acts, and they will label his semi delinquent and aggressive behaviour as being "delinquent".

This labeling process also results in a type of prestige and status for the boy, at least from his peers. In the absence of objective ways to evaluate or gauge whether he is, in fact, a "delinquent", the youth will rely on the subjective evaluations of others. Thus, gradually, as he is related to as being "delinquent", he begins to perceive himself in that way and to enact the delinquent role.

Study Session Summary

Summary

In this Study Session, we discussed causative theories of crime. These theories identified why crime occur. For instance, differential association theory proposes that crime and delinquencies are learned through face-to-face interaction. People violate the law when definitions favourable to violation of the law exceed definitions unfavourable to violation of the law. For example, professional thieves are often introduced to crime through tutelage by experienced thieves. Much delinquency occurs in groups, and delinquents interact frequently with other delinquents.

Assessment

Assignment

1. Define and differentiate between delinquency and crime.
2. Explain why crime rates in Nigeria began to rise in recent years.
3. Explain how homicide and assault are both similar to and different from each other.

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Study Session 3

Sentencing the Criminal Offenders

Introduction

Since the sentence that is handed down specifies a particular punishment for the offence, the best place to begin our discussion of sentencing is with examination of the concept of punishment and the types of penalties for crime.

Learning Outcomes

After you have studied this Study Session, you should be able to:

3.1 *define* the concept of punishment.
3.2 *explain* the justification and aims of punishment.
3.3 *highlight* the goals of the criminal justice system.

3.1 The Concept of Punishment

Punishment is any action designed to deprive someone of things of value because of something the person is believed to have done (Barlow, 2000). Valued things include freedom, civil rights, money, health, identity, personal relationships, and life itself. According to Barlow (2000), throughout the ages, rulers have devised all manners of punishments for people found guilty of wrong doing.

However, the more serious an offence was considered to be, the harsher the penalties attached to it. Many people consider the harshest penalties to those that cut offenders off from their families. For example, when a judge formally announces a sentence in a felony case, the penalty could be as little as twelve months on probation, or as severe as life imprisonment or death penalty.

3.1.1 Types of Penalties for Crime

Having briefly discussed the concept of punishment for crime by Barlow (2000), it is therefore pertinent to describe the three major types of punishment that criminals face, according to Barlow (2000):

1. **Official criminal penalties:** These are punishment by law and imposed by a jurisdiction according to legal procedures. For instance, in most countries like United States, the most commonly used official

penalties for felony crimes have been imprisonment, fines, probation, and the death penalty.

2.   **Extralegal penalties:** These are best thought of as informal punishments. They are not illegal, neither are they specified in law as penalties for crime. Extralegal penalties may be imposed by all sorts of people, and they come in many forms. Examples are loss of friendship, rejection by family or community, divorce or refusal to marry, and various forms of harassment. Some of these may occur in the context of official criminal penalties. For example, when guards humiliate or insult prisoners or are slow in responding to requests for assistance, those actions are extralegal punishments even though they occur in conjunction with official criminal punishment.

Extra penalties are usually imposed in addition to official criminal penalties, and they may be imposed even when a defendant has been acquitted of a crime.

1.   **Illegal penalties:** These are punishments that are against the law, such as torture or mutilation, or that applied illegally – such as lynching of a convicted murderer or the use of excessive fines. It is not always clear whether a particular penalty is or is not illegal, and so appeal court will sometimes be asked to decide. For example, a penalty may be appealed to the Supreme Court as a violation of the Eight Amendment prohibition against cruel and usual punishment; if the court agrees, that particular penalty becomes illegal for the offence charged.

3.2 Justification and Aims of Punishment

There are two major arguments offered as justifications for the punishment of criminals. The first is called the "justice model", and the second is the "crime prevention model". Both models justify punishment in general as well as in its application to specific offenders. Let us look at the two models in detail.

3.2.1 Justice Model of Punishment

According to the justice model, punishment is justified (1) when people are guilty of willfully violating the laws of the society in which they claim membership, and (2) when the guilty person has received a punishment matching the gravity of the offence. The combination of guilt and making the punishment fit the crime is called "proportionality" which makes a particular legal punishment a "just dessert".

In order to achieve "proportionality" in the society, the following possibilities are suggested. They should be able to:

1.   make the punishment mirror the crime itself (an eye for an eye);

2.   adjust the severity of penalties according to the social harm caused by different offences; and

3.   link the penalty to the moral outrage felt by a majority of citizens.

3.2.2 Crime Prevention Model (Reductivism)

The key to reductivism is the idea that punishment can prevent crime. This idea was borrowed from the philosophy of "utilitarianism" for instance; utilitarians hold that the social value of something is found in its contribution to the greatest happiness of the greatest number. According to Beccaria (1963), applying the utilitarian view, holds that, although crime may produce pleasure for the criminal, it produces pain for others. However, if punishment prevents crime, the group as a whole is given more pleasure at the expense of the criminal.

An ideal punishment, in Baccaria's view is one that is both proportionate to the offence and sufficient to outweigh the pleasure derived from it. So, crime is prevented when people refrain from offending so as to avoid the pain of punishment.

3.2.3 Goals of the Criminal Justice System

Three overall goals unite the three functional areas of the criminal justice system. These include:

1. Tracking down and punish those found guilty of committing crimes.
2. Maintaining order
3. Promoting justice

Barlow (2000) lists the immediate goals and primary activities of the police, the courts, and corrections, and found that one area relies on another. For example, a primary goal of the police is the detection and arrest of suspects. Unless that is accomplished, the courts have no one to process, and therefore cannot achieve their goals of determining guilt or innocence and promoting justice through fair punishments. Likewise, if no one is declared guilty by the courts, the goals of corrections cannot be achieved. Like any other system, the whole achieves its purpose only if the parts accomplish theirs.

These interrelationships of sub-systems of criminal justice system are shown in the lists below (Barlow, 2000):

3.3 Goals and Primary Activities of the Criminal Justice System

3.3.1 Overall Goals of Criminal Justice System

1. Track down and punish those guilty of committing crime
2. Maintain order
3. Promote justice

3.3.2 Goals of Police

Primary Goals

1. Enforce the law

2. Maintain order
3. Prevent crime

Primary Activities in Support of the Goals

1. Detection and investigation of crimes
2. Identification and arrest of suspects
3. Routine patrol, surveillance, and intelligence gathering
4. Education and training of officers and citizens, including children (e.g. bicycle safety).
5. Community and problem-oriented policing

3.3.3 Goals of Courts

Primary Goals

1. Determine guilt or innocence of suspects
2. Set the appropriate penalty upon conviction
3. Uphold the cause of justice, including due process

Primary Activities in Support of Goals

1. Prosecution and defence of suspects
2. Pre-trial hearings
3. Impartial bench and jury trials
4. Plea negotiations
5. Sentencing
6. Appeals of conviction or sentence
7. Provide probation and parole services in conjunction with corrections

3.3.4 Goals of Corrections

Primary Goals

1. Apply court-ordered punishment
2. Maintain safety and security of correctional personnel and the community
3. Uphold due process and other constitutional rights of offenders.

Primary Activities in Support of the Goals

1. Design, construct, and run prison and jail facilities
2. Carry out the death penalty
3. Design and implement correctional programmes
4. Provide probation and parole services in conjunction with courts

Study Session Summary

Summary

In this Study Session, we discussed the justification for and aims of punishment. We also noted the three main goals of criminal justice system. We explained how the police, the courts, and corrections address these goals separately and together.

Assessment

Assignment

1. What do you understand by juvenile delinquency?
2. Give the main reason(s) why the juvenile court was established basically to handle juvenile offences.
3. Who are the criminals in our society?
4. What is punishment for crime?
5. Identify and explain the three major types of penalties for crime.

Bibliography

Resources

Study Session 4

Community-Based Corrections

Introduction

Community-based corrections include a variety of criminal penalties that either reduce or eliminate time in prison, or ease the transition from prison to freedom. This Study Session will expose you to different forms of community-based corrections such as fines, restitution, probation and parole.

Learning Outcomes

After you have studied this Study Session, you should be able to:

4.1 *describe* at least three forms of community-based correction.

4.1 Forms of Community-Based Corrections

4.1.1 Fine

Fines have been part of the criminal sanctioning process for centuries. It is often thought of as a community-based penalty. Under early laws, monetary payments in the form of damages or compensation were made directly to crime victims, which are fines. In recent years, the use of fines for more serious crime has been increased, mainly as a result of prison overcrowding and heavy probation caseloads. In spite of this usefulness, American judges have generally been reluctant to use fines as the penalty for felony crimes. This is so because; they see a fine as too lenient for many common crimes. This situation is reversed in many other countries, where fines are the preferred penalty for offences (Tonry, 1996).

4.1.2 Restitution

Restitution and community services are old ideas. Restitution and community service are sometimes imposed along with other sanctions such as jail time and fines. For instance, some countries place these two punishments at the more lenient end of immediate sanctions, and reserve them for petty criminals, drunk drivers, and some white-collar offenders.

The spread of restitution as a community-based alternative or supplement to incarceration did not reflect any fundamental change in corrections philosophy, which retained its emphasis on the offender.

Three different methods of establishing the nature and amount of restitution are now used as follows (Klein, 1997):

1. The court determines restitution after hearing from the prosecution and defence, a probation official, the victim, and the offender

2. The victim is required to file what amounts to a restitution claim with the court, and in fixing the offender's payment, the court may consider any insurance the victim might have. This method is generally regarded as the least satisfactory.

3. The restitution is established through face-to-face meetings of offender and victims who work out a mutually acceptable agreement.

4.1.3 Probation

Probation is an alternative to jail or prison that allows offenders to remain in the community under court supervision. That is, this is a true alternative to imprisonment and has become the mainstay of community-based corrections. For instance, instead of going to jail or prison, offenders sentenced to probation are allowed to remain in the community under supervision of authorized agent of the court. Probation supervision involves two aspects: surveillance of probationers and access to services in the community. Surveillance means little more than a periodic check-in by the probationers or it involves much closer monitoring.

There are various models of probation supervision. A "casework model" is an example of this, in which the probation officers established one-to-one relationship with their clients, and provided counseling and treatment services directly. In this respect, the probation officer is viewed as a primary change agent, helping offenders deal with every problem, and guiding them in the modification of their behaviour.

4.1.4 Parole

Parole is the supervised release of inmates prior to the full completion of their prison term. That is, prisoners who meet parole board criteria for release may be released long before their prison sentence expires. For example, an offender with a sentence of five to ten years might earn more than a year of "good time" credit and be eligible for parole in just over three years. Unfortunately, one of the criticisms of parole boards observed by Allen and Simonsen (1995) is that, the process for selecting inmates for parole is highly objective, and prisoners often do not know what standards will be applied in their case. However, prisoners are released from prison under parole subject to conditions that include no further criminal violations and adherence to the rule laid down by parole officials. For instance, they sign an agreement to that effect. In practice, this means following the instructions of a "parole officer".

Parole officers have difficult tasks, made worse by the fact that they must be cops and a social workers at the same time: Their cop duties include restricting parolees' activities, detecting violations, making arrests, and initiating proceedings that may lead to revocation of parole; their social work duties include providing counsel and support to parolees and otherwise assisting them in the difficult adjustment back to the community.

Study Session Summary

Summary

In this Study Session, we described community-based penalties such as fines, restitution, probation and parole. These are also known as community-based corrections. A criminal sentence specifies the penalty to be paid by the offender – whether prison, a fine, probation, or an intermediate sanction such as retribution. The justification of punishment is retribution, which involves making the guilty person pay a penalty proportional to the seriousness of the offence, or prevention of crime.

Assessment

Assignment

1. What do you understand by the "justice model of punishment"?
2. Identify and briefly explain the three functional goals of criminal justice system.

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Study Session 5

Crime and Criminal Justice System

Introduction

Many proposals for reducing crime seek to reform the criminal justice system by redefining the kinds of behaviour over which the law should have jurisdiction or by changing the way that the police, courts and prisons operate. This Study Session will therefore explain the primary way the police, courts and prisons might reduce crime in criminal justice system.

Learning Outcomes

After you have studied this Study Session, you should be able to:

5.1 *explain* the ways by which the police can reduce crime.
5.2 *discuss* the functions of court in criminal justice system.
5.3 *Point out* how crime rate is linked to imprisonment.

5.1 The Police

There are some factors that help the police to reduce crime in the cities. These include:

   i.   Size of the police force;

   ii. Risk of arrest; and

   iii. Police patrol tactics

There is little evidence that increasing the resources or the numbers of the police will significantly reduce crime. For instance, large variations in the number of police officers per capital may affect crime rates in certain situations. Police saturation of an area sometimes occurs for a short time, and it can reduce crime, but this policy is not feasible over the long run (Sherman, 1986). According to (Martin and Sherman 1986) therefore, crime might be reduced if the police established better relationships with the community, and increased public trust so that more crimes were reported.

Politicians and public commonly assume that the police deter crime through arrest, even though the rate at which the police solve crimes is quite low. Even though arrest rates are higher for violent crimes than for property crimes, violent offences are probably harder to deter, because they are often expressive in nature and occur in private settings to which the police have little access.

Can the police deter crime by increasing the risk of arrest? Some researchers found that the more the crimes the police solve, the fewer crimes of that sort there are (Yu and Liska, 1993). In the same vein, Greenberg and Kessler (1982) found that there is no consistent evidence that higher clearance rates reduce crime rates.

In police patrol tactics, police patrol cars increase the area that the police can cover and an increased mobility enhances the likelihood that officers will be at or near the scene of a crime when it occurs. Street patrols might change the type of crime that an offender commits; for instance, a criminal might burgle a house rather than rob a pedestrian.

5.2 The Courts

The primary way that the courts might reduce crime is by increasing the certainty of punishment. For example, punishment might be a more effective deterrent if fines were heavier and, more offenders were incarcerated. Blumstein, Cohen, and Nagin (1978) found that, there is an inverse relationship between crime rates and the risk of conviction: lower crime rates are associated with higher conviction rates. For instance, a high crime rate would reduce the risk of conviction if prosecutors drop cases because they lack the resources to bring all suspects to trial or if they lose cases because of hasty preparation.

5.3 The Prisons

Crime rates are inversely related to the risk of imprisonment, with crime being more common when there is less threat of incarceration. Blumstein, Cohen and Nagin (1978) observed that it is unclear if the risk of imprisonment affects crimes rates, if crime rates influence the risk of imprisonment, or if both are true.

However, because there is no compelling evidence that incarceration reduces crime through rehabilitation, some criminologists have argued that prison sentences should be based on the principles of just deserts. Offenders who seem unlikely to commit more crimes might be left in the community where they can maintain ties to their families and jobs; but leaving offenders in the community continues to expose them to the influences that led them to break the law in the first place.

Study Session Summary

Summary

In this Study Session, we discussed the three general recommendations for reducing crime and change the criminal justice system. These are the police, courts and prison in criminal justice system. The number of police officers in a city does not make much difference in its crime rate, but the kind of action the police take might make a difference. The courts on the other hand, might curb crime by increasing the certainty of punishment, it is not clear that this can be done within the constraints of existing

constitutional rights.

Assessment

Assignment

1. What is crime?
2. What is criminal justice system
3. What are the components of criminal justice system?
4. Why do you think that police is important in reducing crime?

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Study Session 6

Treatments in Rehabilitation

Introduction

This Study Session will expose you to treatment in rehabilitating offenders. Treatment programmes aimed at rehabilitating offenders take many forms. Some deal with individuals and others with groups. Some seek to alter personality and others only to change behaviour.

Learning Outcomes

After you have studied this Study Session, you should be able to:

6.1 *define* and *use* correctly the term in bold:
   rehabilitation
6.2 *point out* the treatment that are aimed to rehabilitate offenders.

6.1 The Meaning of Rehabilitation

Rehabilitation is the restoration of criminals to a law-abiding way of life through treatment; that is, the result of any planned intervention focused on the offender that reduces criminal activity.

6.2 Types of Treatment

Treatment programmes aimed at rehabilitating offenders take many forms, and it is made up of seven components (ConKlin, 1998). They are:

1. Individual therapy (casework approach)
2. Social-skills training
3. Group counselling
4. Family intervention
5. Education and work programmes
6. Behaviour modification
7. Milieu therapy

Each of these will now be discussed briefly.

6.2.1 Individual Therapy (Casework)

This is carried out by psychiatrists, psychologists or psychiatric social workers and is based on the assumption that offenders are emotionally troubled people, who need to solve the psychological problems that have caused them to commit crime. In some prisons, social workers provide

inmates with counselling that is intended less to help them understand their motivations than to help cope with the specific problems they face. This casework approach is oriented toward getting inmates to realize they can change, showing them how to solve problems of daily living, teaching them to adapt to reality, and informing them of community resources that can help them to reform.

6.2.2 Social-Skills Training

Social-skills training programmes use methods such as role-playing and modelling to help offenders take the perspective of other people, exercise greater self-control, negotiate solutions to interpersonal problems, and develop moral reasoning.

6.2.3 Group Counselling

Group counselling allows several inmates to be treated at the same time and at the low cost, especially if correctional officers are used as group leaders. Groups are also led by psychotherapists and by people who have been specially trained in guided-group interactions. Inmates in these groups discuss their feelings and attitudes in an effort to create mutual acceptance and support. However, in correctional systems that use parole, inmates might conceal their true feelings rather than risk revealing feelings that could be used against them in a parole hearing.

6.2.4 Family Intervention

Some programmes, especially those focused on juvenile offenders; treat the whole family rather than just the individual who has broken the law. Some "family intervention" programmes seek to improve communication and the expression of feelings, but others try to change patterns of behaviour within the family and alter the way that parents manage their children.

6.2.5 Education and Work Programmes

Many prisons offer educational programmes that help inmates work toward a high school equivalent degree of courses taken for college credit. Some correctional systems make it possible for inmates to leave prison on a daily basis to courses outside.

Prisons put inmates to work producing goods for sale to outsiders or maintaining the institution, but these jobs rarely provide skills that can be used to find attractive employment after release. Work-release programmes try to ease re-entry into society by allowing inmates to be released during the day to work at jobs outside the prison.

6.2.6 Behaviour Modification

This is also known as behaviour therapy. It tries to shape conduct by rewarding desirable action (for example, with money) and punishing undesirable ones (for example, by withdrawing institutional privileges). This form of treatment does not regard criminal behaviour as a symptom of underlying personality flaws that must be corrected, but sees it instead as a problem that has to be dealt with directly. There is the belief that

behaviour modification programmes within institutions (i.e. prison, psychiatric hospital etc.) can significantly change how offenders will act after they are released.

6.2.7 Milieu Therapy

Milieu therapy is a treatment method that introduces the idea of rehabilitation into aspects of an institution, including relations between inmates and staff. This treatment method employs casework and group counselling, stresses inmate responsibility and self-determination, and creates a warm and supportive climate for change.

Study Session Summary

Summary

In this Study Session, we explained treatment programmes to include individual therapy, casework, social-skills training, group counselling, family intervention, education and work programmes, behaviour modification and milieu therapy. Each of these was described briefly in this study session, and showed how each of them could change the behaviours of offenders or inmates. Research on rehabilitation is complicated by the amenability issue, the idea that some kinds of offenders are suited only to certain types.

Assessment

Assignment

1. What are the components of criminal justice system?
2. Briefly explain the three tactics of police in reducing crime in our society.

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Study Session 7

Social Control and Deviance

Introduction

Just as deviance is socially constructed, so also are the measures employed to limit it. Social control refers to the efforts of a group or society to regulate the behaviour of its members in conformity with established norms. In this Study Session, you will focus on the agents and types of social control. It will also look into how conformity is related to social control.

Learning Outcomes

After you have studied this Study Session, you should be able to:

7.1 *describe* briefly the agents of social controls.

7.2 *identify* the types of social control.

7.3 *enumerate* the Hirschi's Control Theory.

7.1 Agents of Social Control

Agents of social control include parents, kinsmen, employer and fellow workers, community elders, neighbours, local leaders, government officers, the courts, the police and the army.

Macionis (1995) asserts that considerable social control is exercised within the family, as parents socialize their children into proper behaviour and punish them for deviance, and kinsmen press for conformity to community norms. For instance, community elders often deal with offenders even though they have been recently deprived of the courts they formally ran. People come to them for the settlement of disputes and abide by their decisions.

7.2 Types of Social Control

There are two major types of social control – informal and formal sanctions.

7.2.1 Informal Sanctions

These are unofficial, often causal pressures to conform. The informal sanctions are positive and negative sanctions. Positive informal sanctions involve rewards for conformity, such as a smile, a kiss, and a word of

approval. Negative informal sanctions involve informal penalties for not conforming, such as ridicule or ostracism.

Informal social control usually remains strong in indigenous areas of towns and operates in other neighbours with a relatively stable population or where cohesive community has developed.

7.2.2 Formal Sanctions

Formal sanctions are official, institutionalized incentives to conform and penalties for deviance. Formal sanctions are especially needed in large complex societies such as our own where people hold competing ideas about appropriate behaviour and the power of informal sanctions is diluted (Calhoum, Light and Keller, 1997). They emphasize that the criminal justice suite is the most important and visible institution of social control in modern societies.

Unlike the informal social control, the "formal social control" is in the hands of police and courts.

7.3 Hirschi's Control Theory

Based on Durkheim's analysis of deviance, Hirschi (1969) control theory assumes that everyone finds at least some deviance tempting, what requires explanation is not deviance but conformity. Hirschi therefore suggests that conformity arises from four types of social controls. They are:

7.3.1 Attachment

Strong social attachments to others encourage conformity; weak relationships in the family, peer group and school leave people freer to engage in deviance.

7.3.2 Commitment

The higher one's commitment to legitimate opportunity, the greater the advantages of conformity. A young person bound for college, with good career prospects, has a stake in conformity. In contrast, someone with little confidence in future success is more likely to drift toward deviance.

7.3.3 Involvement

Extensive involvement in legitimate activities – such as holding a job, going to school and completing homework or pursuing lobbies – inhibits deviance. People with little legitimate involvement who simply "hang out" waiting for something to happen – have time and energy for deviant activity.

7.3.4 Belief

Strong beliefs in conventional morality and respect for authority figures also restrain tendencies toward deviance; people with weak beliefs are more vulnerable to temptation toward deviance.

Study Session Summary

Summary

In this Study Session, we described agents of social control, and the two major types of social control which include informal and formal sanctions. We also explained Hirschi's theory of social control. This theory shows how conformity is related to deviant behaviour.

Assessment

Assignment

1. What is rehabilitation of criminals?
2. What is behaviour modification?
3. How will you differentiate between individual therapy and group counseling?

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Study Session 8

Methods of Reducing Crime and Delinquency

Introduction

The prospects for reducing crime in the future remain uncertain, because we do not as yet know enough about how to prevent people from committing crimes or how to reform them after they do so. Nevertheless, in this Study Session, you will be exposed to the major approaches or methods that have been advanced to improve the situation.

Learning Outcomes

After you have studied this Study Session, you should be able to:

8.1 *present* at least two major methods of reducing crime and delinquency.
8.2 *point out* ways by which punishment may prevent crime.

8.1 Delinquency or Crime?

There are three major methods of reducing crime and delinquency, according to Zastrow (1996). They are:

1. Increasing or decreasing sentences.
2. Reforming the correctional system
3. Preventing crime

8.1.1 Increasing or Decreasing Sentences

Suggestions to improve the effects of various sentences include shortening the times between arrest, conviction, and punishment; imposing harsher sentences; permanently imprisoning repeat offenders; increasing prosecution of white-collar criminals; creating uniform sentences; decriminalizing victimless offences; and imposing stricter gun control. For instances, imposing harsher sentences entails longer prison sentences and increased use of capital punishment.

However, for repeat offenders of serious crimes we should just "throw away the key". But our courts are in fact heading in this direction by looking up "repeaters" for longer periods of time. It has been argued that more vigorous arrests, prosecution, and sentencing of white-collar crime

and organized crime would lead to increased respect for law by all citizens and would reduce crime.

8.1.2 Reforming the Correctional System

Perhaps the first step in improving the correctional system is to clarify its confronting objectives, some of which are punitive in nature and others of which are treatment oriented. When the general public and public officials are confused about what the primary objective for incarceration should be, prison administrators and inmates will also be confused, making rehabilitation difficult to achieve.

However, if the correctional system had rehabilitation as its primary objective, a number of changes would occur. For example, sentencing of wrongdoers is now based primarily on the nature of their past deeds. If a convicted person has previously committed serious felonies, a long incarceration is likely. A reformative approach would, instead, focus on identifying ways to curb the supervisee's (or offender's) tendency to break the law.

Needed services would then be specified, and the responsibilities of the supervisee would be identified – such as maintaining or securing employment, enrolling in an educational or vocational programme, receiving counseling or family therapy, undergoing medical or drug treatment, paying debts, and/or making restitution. Removal from society would generally be used only after the supervisee (or offender) fails to meet requirements of the supervision plan (for example, restitution) or when the supervisee was a definite threat to society.

8.1.3 Preventing Crime

Theoretically, there are four ways to prevent crime.
1. Make the punishment for violating a law so severe that law breakers will be too terrorized to commit crimes. Studies on the use of capital punishment, however, suggest that even this severest penalty does not deter crime.
2. Keep the convicted law breakers in prison. Such an approach would be very expensive – especially since practically everyone occasionally commits a crime.
3. Change the economic, social and political conditions that breed crime. Among the numerous proposals that have been advanced are: improve family life; improve educational system to make education an exciting, growth-producing experiencing for students; improve housing conditions and living conditions in our cities; and curb alcohol and drug abuse.
4. Educate the general public on how to avoid becoming a victim of crime.

8.2 Ways by which Punishment may Prevent Crime

Deterrence, incapacitation, reform, and rehabilitation are conventionally regarded as the most likely ways that punishment may prevent crime.

However, there are at least ten ways that punishment could conceivably prevent crime, which we will discuss in this section.

8.2.1 Reformation

Punishment conveys a sense of shame and remorse to some offenders and this promotes subsequent conformity. In the original penitentiary, offenders were placed in solitary confinement to reflect on the evil of their ways and through penitence be reformed.

8.2.2 Incapacitation

Offenders cannot commit crimes because the opportunity or ability to do so has been removed or reduced. Imprisonment is considered an incapacitating penalty, and so are some forms of mutilation.

8.2.3 Rehabilitation

Rehabilitation alters behaviour by non-punitive means so that the individual no longer commits crimes. While not punishment in itself, rehabilitation is often attempted within the context of punishment. Work release and prison education programmes are examples.

8.2.4 Deterrence

People are scared away from criminal activities by fear of the consequences if they are caught.

8.2.5 Surveillance

When people are watched closely or monitored by electronic means, their behaviour is made visible to others. This may prevent some crimes from occurring. Obviously, deterrence may be involved here, too.

8.2.6 Normative Validation

Punishment confirms and reinforces the view that an act is wrong. When a teacher or a judge says, "I'm going to make an example out of you", it reminds the offender and others how they ought to behave and what will happen if they do not.

8.2.7 Retribution

Punishing offenders in a just manner may prevent other crimes such as private vengeance or armed vigilantism. The "subway vigilante" Bernard Goetz is a real-life example. He shot three young men that he claimed were about to rob him. He blamed his behaviour on the inability of society to protect him from criminals.

8.2.8 Stigmatization

Punishment marks people as offenders, and the label criminal may stick to them long after the punishment is over. An individual may refrain from crime not because of the punishment itself, but because of the anticipated stigmatization that is associated with it.

8.2.9 Normative Insulation

People tend to be influenced by those they associate with. If people could somehow escape the influence of criminals, there would be less crime. Parents who keep tight reins on their children may contribute to normative insulation – which children undoubtedly see as a punishment. Also, electronic monitoring of offenders on probation may contribute to normative insulation as well.

8.2.10 Habituation

Punishment can lead to the development of habitual behaviour that conforms to the law. For example, driving tends to be slower in places where police routinely use speed traps to catch violators. Habituation differs from deterrence because conforming behaviour may persist long after enforcement has ended.

Study Session Summary

Summary

In this Study Session, we described the three main approaches for reducing crime. These include increasing or decreasing sentences, reforming the correctional system, and preventing crime. Current correctional systems throughout the world reflect conflicting objectives; some components are punishment oriented, whereas others are treatment oriented. Generally, the two components, when combined, result in a system that is confusing and ineffective in curbing criminal activity. We also discussed ten ways by which punishment may prevent crime. These include reformation, incapacitation, rehabilitation, deterrence, surveillance, normative validation, retribution, stigmatization, normative insulation and habituation. It is believed that out of these ways, deterrence, incapacitation, reform and rehabilitation are conventionally regarded as the most likely ways that punishment may prevent crime.
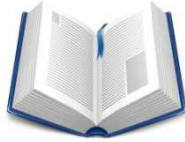
Assessment

Assignment

1. What do you consider to be punishment in criminal justice system?
2. Identify and describe briefly one of the treatments for offenders.
3. What is delinquency?
4. How will you differentiate between crime and delinquency? How are they similar?

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