

2.2: Crime Trends

Crime Trends

How Crime is Measured ^[32]

A crime is an act or omission that is prohibited by law. To be a good law, a particular punishment or range of punishments must be specified. In the United States, the most common punishments are fines and imprisonment. As a matter of legal theory, a crime is a failed duty to the community for which the community will exact some punishment. This is the reason that prosecutions are always brought forward by the government, as a representation of the community that government serves. Historically, legal scholars differentiated between things that were “wrongs in themselves,” which were referred to as mala in se offenses. These were distinct from mala prohibita offenses, which represented acts that were criminal merely because the government wished to prohibit them. Many criminal justice scholars use these terms to differentiate between heinous crimes like rape and murder and victimless crimes such as gambling and vagrancy.

Felonies, Misdemeanors and Violations

Today, the most common and most basic division of crimes is based on the seriousness of the offense, and thus the possible punishment. Misdemeanors are less serious crimes that are punishable by fine and confinement in a local jail for a period not to exceed a year. Felonies are more serious crimes that the government punishes by fines, imprisonment (most commonly under the auspices of the state’s Department of Corrections) for a period exceeding a year, or death. The distinction between misdemeanors and felonies is of ancient origin, coming to us through the Common Law of England . Common law felonies included murder, rape, mayhem, robbery, sodomy, larceny, arson, manslaughter, and burglary.

What is classified as a misdemeanor largely depends on the jurisdiction. Common examples are petty theft, prostitution, public intoxication, simple assault, disorderly conduct, and vandalism. Some crimes can be both misdemeanors and felonies, depending on the circumstances. A battery that results in a handprint on the victim’s face may be classified as a misdemeanor, while a kick that breaks the victim’s ribs may be a felony. Similarly, an arson that does relatively little damage (in terms of financial costs) may be a misdemeanor, while an arson that destroys a home will be a felony. These distinctions have made it into our popular culture, where criminals who commit felonies are often known as felons . Less commonly used is the term misdemeanant , who is a person convicted of s misdemeanor.

Most jurisdictions recognize a class of offenses that do not result in any period of incarceration and are punished with only a fine. These minor breaches of the law are usually called violations . We will delve much deeper into the particulars of what constitutes various crimes in a later section.

Measuring Crime

In order to understand crime and the criminal justice system, we need to understand the prevalence of crime. Good crime statistics are critically important to understanding crime trends. The more federal and state agencies know about crime trends, the more intelligently they can allocate precious resources and maximize efforts at crime suppression and prevention. Crime statistics are also frequently used as an evaluation tool for justice programs. If the rate of a particular crime is falling, then what the system is doing will seem to be working. If the rate of a particular crime is rising, then it will seem to indicate that the criminal justice system is failing.

In the United States, the most frequently cited crime statistics come from the FBI’s Uniform Crime Reports (UCR) . The UCR are crime data collected by over 16,000 local and state law enforcement agencies on crimes that have been brought to the attention of police. These law enforcement agencies voluntarily send information to the FBI, which compiles them into an annual published report along with several special reports on particular issues.



Pin It! Uniform Crime Reports

To learn more about the Uniform Crime Reports (UCR) and the National Incident Based Reporting System (NIBRS), visit the FBI’s UCR page at: <http://www.fbi.gov/ucr/ucr.htm>

Most UCR data concern the so-called Part I Offenses, eight felonies that the FBI considers the most serious. Four of these are violent crimes: homicide, rape, aggravated assault, and robbery; four are property crimes: burglary, larceny (e.g., shoplifting, pickpocketing, purse snatching), motor vehicle theft, and arson.

According to the FBI, in 2008 almost 1.4 million violent crimes and 9.8 million property crimes occurred, for a total of almost 11.2 million serious crimes, or 3,667 for every 100,000 Americans. This is the nation's official crime rate, and by any standard it is a lot of crime. However, this figure is in fact much lower than the actual crime rate because, according to surveys of random samples of crime victims, more than half of all crime victims do not report their crimes to the police, leaving the police unaware of the crimes. (Reasons for nonreporting include the belief that police will not be able to find the offender and fear of retaliation by the offender.) The true crime problem is therefore much greater than suggested by the UCR.



Figure 2.3 When a crime occurs, the police do not usually find out about it unless the victim or a witness informs the police about the crime. ^[33]

This underreporting of crime represents a major problem for the UCR's validity. Several other problems exist (Lynch & Addington, 2007). First, the UCR omits crime by corporations and thus diverts attention away from their harm (see a little later in this chapter). Second, police practices affect the UCR. For example, the police do not record every report they hear from a citizen as a crime. Sometimes they have little time to do so, sometimes they do not believe the citizen, and sometimes they deliberately fail to record a crime to make it seem that they are doing a good job of preventing crime. If they do not record the report, the FBI does not count it as a crime. If the police start recording every report, the official crime rate will rise, even though the actual number of crimes has not changed. In a third problem, if crime victims become more likely to report their crimes to the police, which might have happened after the 911 emergency number became common, the official crime rate will again change, even if the actual number of crimes has not changed.

To get a more accurate picture of crime, the federal government began in the early 1970s to administer a survey, now called the National Crime Victimization Survey (NCVS), to tens of thousands of randomly selected U.S. households. People in the households are asked whether they or their residence has been the victim of several different types of crimes in the past half year. Their responses are then extrapolated to the entire U.S. population to yield fairly accurate estimates of the actual number of crimes occurring in the nation. Still, the NCVS's estimates are not perfect. Among other problems, some respondents decline to tell NCVS interviewers about victimizations they have suffered, and the NCVS's sample excludes some segments of the population, such as the homeless, whose victimizations therefore go uncounted.

Table 2.1 "Number of Crimes: Uniform Crime Reports and National Crime Victimization Survey, 2009" lists the number of violent and property crimes as reported by the UCR (see earlier) and estimated by the NCVS. Note that these two crime sources do not measure exactly the same crimes. For example, the NCVS excludes commercial crimes such as shoplifting, while the UCR includes them. The NCVS includes simple assaults (where someone receives only a minor injury), while the UCR excludes them. These differences notwithstanding, we can still see that the NCVS estimates about twice as many crimes as the UCR reports to us.

Table 2.1 Number of Crimes: Uniform Crime Reports and National Crime Victimization Survey, 2009 ^[34]

Type of crime	UCR	NCVS
Violent crime	1,318,398	4,343,450
Property crime	9,320,971	15,713,720
Total	10,639,369	20,057,170

A third source of crime information is the self-report survey. Here subjects, usually adolescents, are given an anonymous questionnaire and asked to indicate whether and how often they committed various offenses in a specific time period, usually the past year. They also answer questions about their family relationships, school performance, and other aspects of their backgrounds. Although these respondents do not always report every offense they committed, self-report studies yield valuable information about delinquency and explanations of crime. Like the NCVS, they underscore how much crime is committed that does not come to the attention of the police. ^[35]

Since its inception in the 1930s, many people have been critical of the UCR system for a variety of reasons. Among these reasons are the facts that the UCR includes only crimes reported to the police, only counts the most serious crime committed in a series of crimes, does not differentiate between completed crimes and attempts, and does not include many types of crimes, such as white-collar crimes and federal crimes. Another critical complaint (especially among scholars) was that the UCR did not obtain potentially important information about the victim, the offender, the location of the crime and so forth. Without this information, social scientists could not use the UCR data in attempts to explain and predict crime. These complaints eventually led to the development of a much more informative system of crime reporting known as the National Incident Based Reporting System (NIBRS).

The NIBRS is an incident-based reporting system in which agencies collect data on each single crime occurrence. NIBRS data come from local, state, and federal automated records' systems. The NIBRS collects data on each single incident and arrest within 22 offense categories made up of 46 specific crimes called Group A offenses. For each of the offenses coming to the attention of law enforcement, specified types of facts about each crime are reported. In addition to the Group A offenses, there are 11 Group B offense categories for which only arrest data are reported.

According to the FBI, participating in NIBRS can benefit agencies in several ways. The benefits of participating in the NIBRS are:

- The NIBRS can furnish information on nearly every major criminal justice issue facing law enforcement today, including terrorism, white collar crime, weapons offenses, missing children where criminality is involved, drug/narcotics offenses, drug involvement in all offenses, hate crimes, spousal abuse, abuse of the elderly, child abuse, domestic violence, juvenile crime/gangs, parental abduction, organized crime, pornography/child pornography, driving under the influence, and alcohol-related offenses.
- Using the NIBRS, legislators, municipal planners/administrators, academicians, sociologists, and the public will have access to more comprehensive crime information than the summary reporting can provide.
- The NIBRS produces more detailed, accurate, and meaningful data than the traditional summary reporting. Armed with such information, law enforcement can better make a case to acquire the resources needed to fight crime.
- The NIBRS enables agencies to find similarities in crime-fighting problems so that agencies can work together to develop solutions or discover strategies for addressing the issues.
- Full participation in the NIBRS provides statistics to enable a law enforcement agency to provide a full accounting of the status of public safety within the jurisdiction to the police commissioner, police chief, sheriff, or director.

The major problem with NIBRS today is that it has not been universally implemented. Agencies and state Programs are still in the process of developing, testing, or implementing the NIBRS. In 2004, 5,271 law enforcement agencies contributed NIBRS data to the UCR Program. The data from those agencies represent 20 percent of the U.S. population and 16 percent of the crime statistics collected by the UCR Program. Implementation of NIBRS is occurring at a pace commensurate with the resources, abilities, and limitations of the contributing law enforcement agencies.

A commonly cited problem with the UCR is that there are many, many crimes that do not come to the attention of police. This is not limited to minor offenses. For example, it is estimated that nearly half of all rapes go unreported. These undocumented offenses are often referred to as the dark figure of crime. This is the reason that the United States is the Bureau of Justice Statistics' (BJS) developed the National Crime Victimization Survey (NCVS). The NCVS, which began in 1973, provides a detailed picture of crime incidents, victims, and trends. Today, the survey collects detailed information on the frequency and nature of the crimes of rape, sexual assault, personal robbery, aggravated and simple assault, household burglary, theft, and motor vehicle theft. It does not measure homicide or commercial crimes (such as burglaries of stores).

Two times a year, U.S. Census Bureau personnel interview household members in a nationally representative sample of approximately 42,000 households (about 75,000 people). Approximately 150,000 interviews of persons age 12 or older are conducted annually. Households stay in the sample for three years. New households are rotated into the sample on an ongoing basis.

The NCVS collects information on crimes suffered by individuals and households, whether or not those crimes were reported to law enforcement. It estimates the proportion of each crime type reported to law enforcement, and it summarizes the reasons that victims give for reporting or not reporting.

The survey provides information about victims (age, sex, race, ethnicity, marital status, income, and educational level), offenders (sex, race, approximate age, and victim-offender relationship), and the crimes (time and place of occurrence, use of weapons, nature of injury, and economic consequences). Questions also cover the experiences of victims with the criminal justice system, self-protective measures used by victims, and possible substance abuse by offenders. Supplements are added periodically to the survey to obtain detailed information on topics like school crime. BJS publication of NCVS data includes Criminal Victimization in the United States, an annual report that covers the broad range of detailed information collected by the NCVS.



Pin It! National Crime Victimization Survey

To learn more about the National Crime Victimization Survey (NCVS), visit the BJS Criminal Victimization page at: <http://www.ojp.usdoj.gov/bjs/cvictgen.htm>

Index Crimes

The Federal Bureau of Investigation (FBI) designates certain crimes as Part I or index offenses because it considers them both serious and frequently reported to the police. The Part I offenses are defined as follows:

Criminal homicide : Murder and nonnegligent manslaughter: the willful (nonnegligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded.

Forcible rape : The carnal knowledge of a female forcibly and against her will. Rapes by force and attempts or assaults to rape, regardless of the age of the victim, are included. Statutory offenses (no force used, victim under age of consent) are excluded.

Robbery : The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated assault : An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Burglary (breaking or entering) : The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Larceny-theft (except motor vehicle theft) : The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles, motor vehicle parts and accessories, shoplifting, pocket picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, check fraud, etc., are excluded.

Motor vehicle theft : The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Arson : Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Key Terms

Aggravated Assault, Arson, Burglary, Common Law Felonies, Criminal Homicide, Dark Figure of Crime, Felon, Forcible Rape, Index Offenses, Larceny-theft, Mala In Se, Mala Prohibita, Misdemeanant, Motor Vehicle Theft, National Crime Victimization Survey (NCVS), National Incident Based Reporting System (NIBRS), Omission, Rate, Robbery, U.S. Census Bureau, Uniform Crime Reports (UCR), Victimless Crime, Violation

Overview of Crime Trends ^[36]

Despite being aware that crime does go unreported, it is still important to estimate and attempt to measure crime in the country. However, it is essential always to be aware of the data sources strengths and weaknesses when reading crime statistics. Also, be

cautious of how changing data collection techniques may alter statistics. For example, if a survey never collected data on prescription drug abuse but then all of a sudden does it could seem like prescription drugs are being abused at high rates. However, it is most likely just because it is the first time the questions got asked and there are no comparison groups.

Official statistics are gathered from various criminal justice agencies, such as the police and courts, and represent the total number of crimes reported to the police or the number of arrests made by that agency. Remember, if an officer uses discretion and does not arrest a person, even if a crime was committed, this does not get reported.

The Federal Bureau of Investigation's (FBI's) Uniform Crime Reports (UCR) is the largest, most common data on crime currently available. The UCR lists the number of crimes that were reported to the police and the number of arrests made.



Pin It! Uniform Crime Reports

The link below can take you to the UCR homepage

<https://www.fbi.gov/services/cjis/ucr>

The UCR Program's primary objective is to generate reliable information for use in law enforcement administration, operation, and management. Various groups and agencies rely upon the UCR crime data, such as law enforcement executives, students, researchers, the media, and the public at large seeking information on crime in the nation. [1] The UCR began in 1929 by the International Association of Chiefs of Police to meet the need for reliable uniform crime statistics for the nation. In 1930, the FBI was tasked with collecting, publishing, and archiving those statistics. Every year there are four annual publications produced from data received from more than 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily participating in the program. [2]

The UCR Program consists of four data collections: The National Incident-Based Reporting System (NIBRS), the Summary Reporting System (SRS), the Law Enforcement Officers Killed and Assaulted (LEOKA) Program, and the Hate Crime Statistics Program. The UCR also publishes special reports on Cargo Theft, Human Trafficking, and NIBRS topical studies. The UCR Program will manage the new National Use-of-Force Data Collection.

Hate Crime Statistics

Congress passed the Hate Crime Statistics Act, 28 U.S.C. § 534, on April 23, 1990. This required the attorney general to collect data "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity." Hate crime statistics may assist law enforcement agencies, provide lawmakers with justification for certain legislation, provide the media with credible information, or simply show hate crime victims that they are not alone (FBI, 2018). See the link to go to the FBI's hate crime statistics link <https://www.fbi.gov/services/cjis/ucr/hate-crime>.

The FBI UCR Program's Hate Crime Data Collection gathers data on the following biases:

Race/Ethnicity/Ancestry

- Anti-American Indian or Alaska Native
- Anti-Arab
- Anti-Asian
- Anti-Black or African American
- Anti-Hispanic or Latino
- Anti-Multiple Races, Group
- Anti-Native Hawaiian or Other Pacific Islander
- Anti-Other Race/Ethnicity/Ancestry
- Anti-White

Religion

- Anti-Buddhist
- Anti-Catholic
- Anti-Eastern Orthodox (Russian, Greek, Other)
- Anti-Hindu

- Anti-Islamic
- Anti-Jehovah's Witness
- Anti-Jewish
- Anti-Mormon
- Anti-Multiple Religions, Group
- Anti-Other Christian
- Anti-Other Religion
- Anti-Protestant
- Anti-Atheism/Agnosticism/etc.

Sexual Orientation

- Anti-Bisexual
- Anti-Gay (Male)
- Anti-Heterosexual
- Anti-Lesbian
- Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)

Disability

- Anti-Mental Disability
- Anti-Physical Disability

Gender

- Anti-Male
- Anti-Female

Gender Identity

- Anti-Transgender
- Anti-Gender Non-Conforming

The types of hate crimes reported to the FBI are broken down by specific categories. The aggregate hate crime data collected for each incident include the following:

- Incidents and offenses by bias motivation: Includes crimes committed by and against juveniles. Incidents may include one or more offense types.
- Victims: The types of victims collected for hate crime incidents include individuals (adults and juveniles), businesses, institutions, and society as a whole.
- Offenders: The number of offenders (adults and juveniles), and when possible, the race and ethnicity of the offender or offenders as a group.
- Location type: One of 46 location types can be designated.
- Hate crime by jurisdiction: Includes data about hate crimes by state and agency.

Law Enforcement Officers Killed and Assaulted Program LEOKA

LEOKA provides data and training that helps keep law enforcement officers by providing relevant, high quality, potentially lifesaving information to law enforcement agencies focusing on why an incident occurred as opposed to what occurred during the incident, with the hope of preventing future incidents. [4]

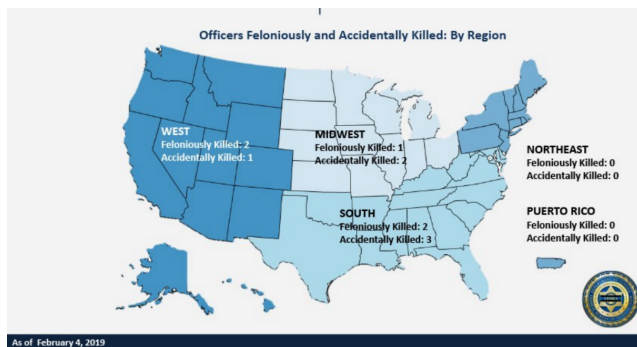


Figure 2.4 LEOKA Data ^[37]

Exclusions from the LEOKA Program's Data Collection

Deaths resulting from the following are not included in the LEOKA Program's statistics:

- Natural causes such as heart attack, stroke, aneurysm, etc.
- On duty, but death is attributed to their own personal situation such as domestic violence, neighbor conflict, etc.
- Suicide

Examples of job positions not typically included in the LEOKA Program's statistics (unless they meet the above exception) follow:

- Corrections/correctional officers
- Bailiffs
- Parole/probation officers
- Federal judges
- The U.S. and assistant U.S. attorneys
- Bureau of Prison officers
- Private security officers

All of these official statistics are a great starting point, although, recognize they are imperfect in nature. Police agencies can change their attention to certain events, which can change the overall number of arrests. For example, if police begin cracking down on domestic violence the statistics may go up. This crackdown can make it appear that the problem has increased, although it can be related to the crackdown. Just remember, if the crime is not reported, or no arrest is made it will not get captured in the data.



Act it Out - Bureau of Justice Statistics Exercise

The BJS is relatively user-friendly. Look at crime statistics by state, region, or city, and explore different years and crime types. <https://www.bjs.gov/index.cfm?ty=datool&surl=/arrests/index.cfm> Examine current state AND city crime trends in the past five years. Second, pick a state AND city interested in living in and examine the crime trends for the past five years.

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