CHAPTER 2

The Raw Materials of Criminal Justice

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INTRODUCTION

According to the most recent data collection, 13,636 people were the victims of murder or non-negligent manslaughter in 2009, for which 12,418 people were arrested.\(^4\) Unless you were a criminologist or otherwise an avid reader of governmental publications on crime, it is unlikely that you would know this. Indeed, most people do not accurately quantify the crime problem. Consider the following example: Criminologists Margaret Vandiver and David Giacopassi administered questionnaires to 323 introductory students and 45 seniors majoring in criminal justice to determine how well they grasped the magnitude of the crime problem relative to other mortality conditions. They found that almost 50% of the introductory students estimated that 250,000 murders were committed annually in the United States. Fifteen percent of the students estimated that more than one million people were murdered each year.\(^5\) For many reasons, perhaps most notably the extensive media focus on crime, students overestimated the likelihood of being murdered, but underestimated the prevalence of other causes of death that were less sensationalistic.

The purpose of the current chapter is to provide basic information about the “which, who, what, where, and how” of crime. Which behaviors constitute the most serious crimes? Who counts all of the crimes that occur in the United States? What are the assorted ways that crime is quantified? Where can you find crime-related statistics? How are crimes processed through the criminal justice system? Answers to these and other basic questions are provided.

To adequately understand criminal justice, it is crucial to understand the three essential players or components of the criminal justice process: criminals or offenders, crime victims (see Box 2-1), and the various agents of the criminal justice system, such as police. More dramatically, the sheer quantitative magnitude of the crime problem means that the criminal justice system cannot handle...
all criminal cases. The state simply does not have the capacity or resources to process all crimes. Instead, cases are diverted or funneled through the criminal justice system for a variety of reasons that this book explores. In a way, the criminal justice system responds to crime similarly to the medical triage model: the most serious crimes get the most attention.

The imbalance between the volume of crime and the capacity of the criminal justice system to respond to crime necessitates that criminal justice personnel use their discretion in determining which crimes are most deserving of system resources. (For insights into the reality of crime, see Box 2-2.) In other words, at all points of the criminal justice system, personnel such as police, prosecutors, and detention staff must balance the objectives of crime control and due process in completing the course of their duties.

**COUNTING CRIME**

*Uniform Crime Reports (UCR)*

**History and Scope of the UCR Program**

For the first three decades of the 20th Century, the United States did not have a systematic, nationwide policy on counting crime. Instead, crimes were recorded by individual police agencies across the country. In 1927, the International Association of Chiefs of Police (IACP) led efforts to create a national crime...
statistics initiative and formed the Committee on Uniform Crime Records. The Committee determined that the number of offenses known to law enforcement, whether or not there was an arrest, would be the most appropriate measure of the nation’s criminality. From the beginning, the Committee realized that differences between state criminal codes precluded the mere aggregation of state statistics to arrive at a national total. Differences in state statutes also precluded accurate distinguishing between felony and misdemeanor crimes. To avoid these problems and to provide nationwide uniformity in crime reporting, the Committee formulated standardized offense definitions in which law enforcement agencies were to submit data without regard to local statutes.6

The Committee identified seven main offense classifications variously known as Part I crimes. Seven crimes were originally selected—murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft. In 1978, Congress mandated the collection of arson data and in 1982 directed the FBI to permanently count arson as a Part I offense. Part II offenses were less serious crimes and included 21 offenses, other assaults, forgery and counterfeiting, fraud, embezzlement, buying/receiving/possessing stolen property, vandalism, weapons carrying,
prostitution and commercialized vice, sex offenses (other than forcible rape and prostitution), drug abuse violations, gambling, offenses against family and children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, “other” offenses, suspicion, curfew and loitering (applies to persons under age 18), and runaways (applies to persons under age 18).

Law enforcement agencies that participated in the UCR Program (it is voluntary) performed two important functions: classifying and scoring. Classifying is determining the proper crime category in which to report an offense to the UCR Program. Scoring is counting the number of offenses after they have been classified and entering the total count on the appropriate reporting form. The UCR Program relies on the hierarchy rule whereby only the highest offense in a multiple-offense situation is counted. The clearance rate refers to crimes known to the police that have been solved in the sense that a defendant has been arrested for the crime. Crimes cleared by exceptional means refer to cases where arrest is impossible, such as the death of the suspect, but police knew who had committed the crime.

Congress enacted Title 28, Section 534, of the United States Code authorizing the Attorney General to gather crime information. The Attorney General charged the Federal Bureau of Investigation (FBI) with collecting the crime data from police departments, serving as the national crime data clearinghouse, and disseminating the crime information nationally. In September 1930, the UCR program began with 400 cities from 43 states participating in the data collection effort. By 2011, the UCR encompassed more than 17,000 law enforcement agencies that represented about 95% of the U.S. population. This data collection effort results in three annual publications, Crime in the United States, Hate Crime Statistics, and Law Enforcement Officers Killed and Assaulted. Additionally, the FBI publishes the Preliminary Semiannual Uniform Crime Reports and Preliminary Annual Uniform Crime Reports. The UCR data provide our basis for understanding the incidence of crime in the United States.

Over the years, the UCR Program has been revisited and improved to include more detailed information about the extent of the crime problem. There are several examples of the refinement of UCR data. In 1952, agencies began collecting data on the age, sex, and race of arrestees. In 1958, the FBI incorporated the concept of a national Crime Index, the total of six Part I offenses (excluding arson) and larceny over $50 to serve as the general indicator of criminality. The UCR was expanded in 1960 to collect statistics on law enforcement officers killed and again in 1962 to collect detailed information on homicide which constituted the Supplementary Homicide Report (SHR). In 1966, the National Sheriffs’ Association (NSA) established a Committee on Uniform Crime Reporting to serve in an advisory capacity and to encourage county-level sheriffs throughout the country to fully participate in the program. The UCR program would continue to be revised in
the 1980s, ultimately culminating in the National Incident-Based Reporting System (NIBRS) data collection program (described later in this chapter).

**Definitions and Rates of UCR Index Offenses**

**Violent Part I Offenses**

Murder and non-negligent manslaughter is the willful killing of one human being by another. As a general rule, any death caused as the result of an interpersonal fight, argument, quarrel, assault, or other crime is classified as murder and non-negligent manslaughter. Suicides, fetal deaths, traffic fatalities, accidental deaths, assaults to murder, and attempted murder are not classified as criminal homicides. Certain willful killings must be classified as justifiable or excusable. According to the UCR, justifiable homicide is the killing of a felon by a peace officer in the line of duty or the killing of a felon, during the commission of a felony, by a private citizen.

In legal parlance, first-degree murder refers to a homicide committed with premeditation, malice aforethought, intention, or one that is otherwise planned. It is the most serious crime. Second-degree murder typifies intentional but unplanned killings, such as a domestic killing during an intense argument (or “heat of passion”). Thankfully, murder is the rarest violent Index crime. The national murder rate is 5 murders per 100,000 in the population.

Forcible rape is the carnal knowledge of a female forcibly and against her will. According to the UCR Handbook, carnal knowledge is the act of a man having sexual bodily connections with a woman or sexual intercourse involving penile penetration of the vagina. Other sexual-based offenses such as statutory rape, incest, rape by instrumentation, sodomy, or forcible fondling are not classified as forcible rape. Instead they are classified as assaults or other sex offenses. Because of its strict definition, males cannot be raped according to the UCR. Forcible rape is about six times more prevalent than murder. According to the most recent data, the forcible rape rate was 28.7 per 100,000 females in the population.

Robbery is 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. Robbery is a vicious theft committed in the presence of the victim. Unlike thefts, robbery is aggravated by the element of force or threat of force. Because of the element or actual presence of force, robbery should always be considered a violent crime. The UCR delineates robbery in four ways depending on the means that the robbery was committed. In descending order of seriousness, robbery can be perpetrated with a firearm, knife or cutting instrument, other dangerous weapon, and strong-arm via hands or feet. Colloquialisms such as stickups, holdups, heists, muggings and related terms are robberies. The robbery rate is 133 per 100,000 in the population making it nearly 27 times more prevalent than murder.
Aggravated assault is 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 serious bodily harm. Aggravated assault encompasses a variety of charges such as assault with intent to kill, assault with intent to murder, assault with a dangerous or deadly weapon, mayhem, maiming, and others. Reporting agencies must consider the seriousness of the injury incurred as the primary factor in establishing whether an assault is aggravated or simple. Generally speaking, injuries that require immediate medical care or hospitalization, such as broken bones or internal injuries, qualify an assault as aggravated. The aggravated assault rate is 263 per 100,000 rendering it nearly twice as prevalent as robbery.

*Property Part I Offenses*

Burglary is the unlawful entry into a structure to commit a felony or theft. The UCR Program classifies offenses locally known as burglary (any degree), unlawful entry, breaking and entering, housebreaking, safecracking, and attempts of these offenses as burglary. Persons who conceal themselves inside a building to commit felonies or theft and then exit the structure should also be described as burglars. Burglary is further classified by the means that entry occurs, such as forcible entry, unlawful entry without force, or attempted forcible entry. According to conventional wisdom, residential burglary is viewed as a more grievous offense than commercial or business burglary because of the potential that victims are home and could confront the burglar. In fact, about one third of burglaries target residences or dwellings during the day. The national burglary rate is 716 per 100,000 in the population.

Larceny-theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is to exercise dominion or control over a thing. Larceny and theft have the same meaning and are used interchangeably. Larceny-theft encompasses many offenses such as stealing, pocket-picking, purse-snatching, shoplifting, and the like. Larceny-theft is the most prevalent crime in the United States, with a rate of 2,061 per 100,000 inhabitants. The theft rate is 412 times greater than the murder rate!

Motor vehicle theft, defined as the theft or attempted theft of a motor vehicle (e.g., auto, truck, bus, or other vehicle), is a separate property Index offense. According to the most recent UCR, the motor vehicle theft rate is 259 per 100,000 in the population.

Arson is any willful or malicious burning or attempt to burn, with or without intent to fraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Arson is classified according to what was burned, such as structures, mobile units, or other property. Reporting agencies can only report arson or attempts to burn after an investigation has
determined that the fire was willfully set. Fires of suspicious or unknown origin should not be reported as arsons. Arson is a unique crime. It is by far the least prevalent property crime. With a rate of 21.3 per 100,000, arson has approximately the same incidence as forcible rape. Additionally, arson is committed disproportionately by juvenile offenders. More than 47% of arsons are cleared by the arrest of a person under age eighteen.  

Part II Offenses

The UCR Program also collects data on 21 additional crimes. Part II offenses are considered less serious than Index crimes and are defined below.

Other assaults described as interpersonal attacks in which weapons are not used and the injuries incurred or minor. The following types of crimes should be classified as other assaults: simple or minor assault, assault and battery, stalking, intimidation, coercion, resisting or obstructing an officer, or hazing.

Forgery and counterfeiting is the altering, copying, or imitating of something without authority or right with the intent to deceive or defraud by passing the copy as an original. Forgery and counterfeiting are treated as allied offenses and include forging of public records, forging wills or other financial documents, and signing the name of another person or fictitious person with the intent to defraud.

Fraud is the intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. According to the UCR Handbook, fraud involves either the offender receiving a benefit or the victim incurring a detriment. Both benefits and detriments can be tangible or intangible. Agencies should classify various acts such as passing bad checks (except forgeries), false pretenses, swindling, credit card /ATM/welfare/wire fraud, and impersonation as fraud.

Embezzlement is the unlawful misappropriation or misapplication by an offender to his or her own use or purpose of money, property, or some other thing of value entrusted to his or her control. Generally, the victims of embezzlement are businesses. Most people recognize embezzlement as “stealing from one’s work or place of employment.”

Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken is classified as a stolen property violation. Many jurisdictions use the letters RSP as a catch-all for this violation, meaning receiving stolen property.

Vandalism is the willful or malicious destruction of property without the consent of the owner. Vandalism covers a wide range of malicious acts such as cutting tires, drawing obscene images on public restrooms, destroying school property, or defacing books.

The violations of laws prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments,
explosives, incendiary devices, or other deadly weapons is a weapons viola-
tion. One of the most common weapons violations is carrying a concealed 
weapon (or CCW).

Prostitution and commercialized vice is the unlawful promotion of or par-
ticipation in sexual activities for profit. To solicit customers or to transport 
persons for prostitution purposes; to own, manage, or operate a dwelling or 
other establishment for the purpose of prostitution; or to assist or otherwise 
promote prostitution is also illegal.

The generic sex offenses classification includes offenses against chast-
tity, common decency, morals, and the like. Unlike forcible rape, which is 
defined as a male against female crime, sex offenses can include cases where 
males are the victim of sexual assault or abuse. The types of crimes that are 
viewed as sex offenses include adultery and fornication, buggery, seduction, 
sodomy or crime against nature, incest, indecent exposure, indecent liberties, 
and statutory rape.

Drug abuse violations include the unlawful possession, sale, use, growing, 
manufacturing, or making of any controlled drug or narcotic substance, such 
as marijuana, cocaine, heroin, morphine, methamphetamine, barbiturates, 
etc. The UCR specifies that agencies differentiate between drug violations 
involving mere possession or use and those involving manufacturing or sale. 
In this sense, a distinction is made between drug dealers and drug users.

Gambling violations include unlawfully betting or wagering money on 
something else of value; assisting, promoting, or operating a game of chance 
for money; possessing or transmitting wager information; or tampering with 
the outcome of a sporting event or contest to gain a gambling advantage. 
Reporting agencies divide gambling arrests into three categories: bookmaking 
(horse and sport book), numbers and lottery, and all other.

Offenses against the family and children are unlawful non-violent acts by a 
family member or legal guardian that threaten the physical, mental, or economic 
well-being or morals of another family member and that are not classifiable 
as other offenses, such as assault or sex offenses. These include non-violent 
cruelty or abuse; desertion, abandonment, or nonsupport of spouse or child; 
neglect; non-payments of alimony; or attempts to commit any of these acts.

Driving under the influence is operating a motor vehicle while mentally 
or physically impaired as the result of consuming an alcoholic beverage or 
using drugs/narcotics. Depending on jurisdiction, this offense is described as 
drunk driving (DUI, DWI, OWI, or OUI).

Four Part II offenses are commonly known as public-order or nuisance 
crimes that involve the public use of alcohol. These crimes frequently but 
not always are committed by transients. Liquor laws entail the violation of 
ordinances prohibiting the manufacture, sale, purchase, transportation, pos-
session, or use of alcoholic beverages. Variants of liquor laws include boot-
legging and the underage possession of alcohol. Drunkenness is to drink
alcoholic beverages to the extent that one’s mental faculties and physical
coordination are substantially impaired. Disorderly conduct is any behavior
that tends to disturb the peace or decorum, scandalize the community, or
shock the public sense of morality. Vagrancy is the violation of a court order,
regulation, ordinance, or law requiring the withdrawal of persons from the
streets or other specified areas; prohibiting persons from remaining in an area
of place in an idle or aimless manner; or prohibiting persons from going from
place to place with visible means or support. Offenses included as vagrancy
are begging, loitering, and vagabondage.

All violations of state or local laws that are not specifically identified
as Part I or II offenses, except traffic violations, are termed other offenses.
Some miscellaneous crimes in this category include blackmail and extortion,
bribery, kidnapping, bigamy, trespassing, and the like.

Suspicion is an interesting thing. It is not a criminal offense; instead it is
the grounds for many arrests in jurisdictions where the law permits. After law
enforcement officers conduct an investigation, they either formally charge the
prisoner with a crime or release him or her. Suspicion essentially facilitates
law enforcement as they gather information to formally charge.

Finally, two Part II offenses pertain to juveniles or persons under the age of
eighteen. Curfew and loitering laws are violations of specific ordinances that
limit the times of night when youth should not be on the streets. Runaway is
limited to juveniles taken into protective custody under local statutes. It is also
known as “running away from home.”

**Weaknesses of UCR Data**

Over the years, a variety of criticisms of the UCR Program and official crime
data generally have been levied. Some of these are that the UCR is voluntary
and incomplete, omits many types of crime, and underestimates crimes
because of its use of the hierarchy rule. In June 2004, it was recommended
that the FBI discontinue the Crime Index and instead publish a violent crime
total and property crime total. Over time, it was recognized that the Crime
Index was not an accurate measure of the degree of criminality in a locality
because larceny-theft comprised 60% of all crimes reported. Consequently,
the volume of thefts overshadows more serious but less frequently committed
crimes, such as murder or robbery. For more information on the prevalence
of crime, the arrest totals for all UCR offenses appear in Box 2-3.

**NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS)**

In the 1980s, the Bureau of Justice Statistics, the Department of Justice
agency responsible for funding criminal justice information projects, initiated
efforts to overhaul the UCR Program because of the limitations of its
### ARRESTS IN THE UNITED STATES

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<tr>
<th>Offense</th>
<th>Number of Arrests</th>
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<tbody>
<tr>
<td>Total</td>
<td>13,687,241</td>
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<tr>
<td>Murder and Non-negligent manslaughter</td>
<td>12,418</td>
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<tr>
<td>Forcible rape</td>
<td>21,407</td>
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<tr>
<td>Robbery</td>
<td>126,725</td>
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<tr>
<td>Aggravated assault</td>
<td>421,215</td>
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<td>Burglary</td>
<td>299,351</td>
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<td>Larceny-theft</td>
<td>1,334,933</td>
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<td>Motor vehicle theft</td>
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<td>Arson</td>
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<td>Other assaults</td>
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<td>Forgery and counterfeiting</td>
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<td>Fraud</td>
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<td>Embezzlement</td>
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<td>Stolen property</td>
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<td>Vandalism</td>
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<td>Weapons</td>
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<td>Prostitution and commercialized vice</td>
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<td>Sex offenses</td>
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<td>Drug abuse violations</td>
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<td>Gambling</td>
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<td>Offenses against family and children</td>
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<td>Driving under the influence</td>
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<td>Liquor laws</td>
<td>570,333</td>
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<td>Drunkenness</td>
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<td>Disorderly conduct</td>
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<td>All other offenses</td>
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<td>Suspicion</td>
<td>1,975</td>
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<td>Curfew and loitering law violations</td>
<td>112,593</td>
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<tr>
<td>Runaways</td>
<td>93,434</td>
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</table>


data. The Federal Bureau of Investigation awarded a contract to develop new offense definitions and data elements for the redesigned system. The goals were to revise the definitions of Index offenses, to identify additional significant offenses, to refine definitions of offenses, and to develop incident details.
for all UCR offenses. In short, the Department of Justice sought to create a national crime data collection effort that enhanced the quantity, quality, and timeliness of crime data and generally improved upon the methodology of the UCR. The result was the National Incident-Based Reporting System (NIBRS), which was introduced in 1989.

NIBRS has several advantages over the UCR Program. First, NIBRS contains incident- and victim-level analysis disaggregated to local jurisdictions and aggregated to intermediate levels of analysis. By comparison, the UCR was a summary-based system. Second, incident details the analysis of ancillary offenses and crime situations. By comparison, the UCR hierarchy rule counts only the most serious offenses. Third, NIBRS data permit separable individual, household, commercial, and business victimizations. Fourth, NIBRS offers data on incidents involving victims under age 12 (the NCVS only targets victims twelve and older). Fifth, NIBRS offers a broader range of offense categories. Sixth, NIBRS contains victimization information beyond which the NCVS provides. Seventh, NIBRS yields individual-level information about offenders from arrests records and victim reports and thus provides residual information on victims and offenders.13

As shown in Box 2-4, NIBRS contains 46 incidents in 22 categories for all incidents and eleven additional crimes for incidents that produce arrests. Although there is considerable overlap between the two crime data collection programs, NIBRS offers more information and, specifically, more contextual information about criminal events, as shown in Box 2-5. Since its modest beginning in 1989, more agencies are participating in the NIBRS program. For example, in 1991, 269 agencies participated in NIBRS covering a population of 4.1 million. By 1996, NIBRS participation increased to 1,082 agencies and covered about 15 million people. To date, 25 states participate in the NIBRS program with many other states in various stages of planning and development. This includes 5,271 law enforcement agencies and coverage of about 65 million people.14

Despite concerns about the quality of UCR data and the differences between the two programs, NIBRS and UCR data tend to paint the same picture about the incidence of crime in the United States. Ramona Rantala, a statistician with the Bureau of Justice Statistics, and Thomas Edwards, an FBI systems analyst, recently examined the effects of NIBRS on crime statistics. Overall, Rantala and Edwards found that when comparing data from the same year for the jurisdictions in this study, NIBRS rates differed only slightly from Summary UCR rates. Murder rates were the same. Rape, robbery, and aggravated assault rates were about 1% higher in NIBRS than UCR. The NIBRS burglary rate was a mere 0.5% lower than the UCR rate. Differences in theft were just 3.4% and motor vehicle thefts were just 4.5%. The convergence of NIBRS and UCR data suggests that both programs are worthwhile estimates of crime in the nation.15
### NIBRS OFFENSE CATEGORIES

#### GROUP A OFFENSES (REPORTED FOR ALL INCIDENTS)

1. Arson
2. Assault offenses (aggravated assault, simple assault, intimidation)
3. Bribery
4. Burglary
5. Counterfeiting/forgery
6. Vandalism
7. Drug/narcotics offenses (drug/narcotics violations, drug equipment violations)
8. Embezzlement
9. Extortion/blackmail
10. Fraud offenses (false pretenses/con game, credit card/ATM fraud, impersonation, welfare fraud, wire fraud)
11. Gambling offenses (illegal betting, operating illegal gambling, gambling equipment violations, sports tampering)
12. Homicide offenses (murder and non-negligent manslaughter, negligent manslaughter, justifiable homicide)
13. Kidnapping/abduction
14. Larceny/theft offenses (pocket-picking, purse-snatching, shoplifting, theft from building, theft from coin-op machine, theft from motor vehicle, theft of vehicle parts/accessories, all other larceny)
15. Motor vehicle theft
16. Pornography-obscene material
17. Prostitution (prostitution, assisting/promoting prostitution)
18. Robbery
19. Forcible sex offenses (forcible rape, forcible sodomy, sexual assault with object, forcible fondling)
20. Non-forcible sex offense (incest, statutory rape)
21. Stolen property offense
22. Weapons law violations

#### GROUP B OFFENSES (REPORTED FOR INCIDENTS PRODUCING ARRESTS)

1. Bad checks
2. Curfew/loitering violations
3. Disorderly conduct
4. Driving under influence
5. Drunkenness
6. Family offenses, nonviolent
7. Liquor law violations
8. Peeping tom
9. Runaway
10. Trespass
11. All other offenses

### BOX 2-5

**INFORMATION THAT NIBRS RECORDS ON EACH CRIME INCIDENT**

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<tr>
<th>ADMINISTRATIVE SEGMENT</th>
<th>OFFENDER SEGMENT</th>
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<td>Offender number</td>
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<td>Age of offender</td>
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<td>Incident date/hour</td>
<td>Sex of offender</td>
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<td>Exceptional clearance indicator</td>
<td>Race of offender</td>
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<th>OFFENSE SEGMENT</th>
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<tr>
<td>UCR offense code</td>
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<td>Attempted/completed code</td>
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<td>Alcohol/drug use by offender</td>
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<td>Type of location</td>
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<tr>
<td>Number of premises entered</td>
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<tr>
<td>Method of entry</td>
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<th>PROPERTY SEGMENT</th>
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<td>Recovery date</td>
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<td>Number of stolen motor vehicles</td>
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<tr>
<td>Number of recovered motor vehicles</td>
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<td>Type of arrest</td>
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<td>Multiple clearance indicator</td>
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<tr>
<td>Ethnicity of arrestee</td>
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<tr>
<td>Resident status of arrestee</td>
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<tr>
<td>Disposition of arrestee under 18</td>
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<tr>
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<tr>
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<tr>
<td>Sex of victim</td>
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<tr>
<td>Race of victim</td>
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<tr>
<td>Ethnicity of victim</td>
</tr>
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</tr>
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</table>

CHAPTER 2  The Raw Materials of Criminal Justice

NATIONAL CRIME VICTIMIZATION SURVEY (NCVS)

Perhaps the most damaging criticism of official measures of crime, such as the UCR and NIBRS, is that they omit crimes not reported to or discovered by the police. During the mid-1960s, criminologists such as Albert Biderman and Albert Reiss began to write about the “dark figure of crime,” a term that describes the actual amount of crime that takes place but is impossible to detect because most crimes are neither reported to the police, nor result in arrest. As part of President Lyndon Johnson’s war on crime, The President’s Commission of Law Enforcement and Administration of Justice conducted a pilot study of 10,000 households to assess the incidence of criminal victimization. The findings indicated that there was much more crime than the estimates produced by official data indicated. Inspired by these findings, the U. S. Bureau of the Census and the Bureau of Justice Statistics agency of the U. S. Department of Justice initiated the National Crime Survey (NCS) in 1972–1973. Now known as the National Crime Victimization Survey (NCVS), it is the victim’s perspective on measuring crime.

The NCVS is a survey that obtains information about criminal victimizations and incidents from an ongoing, nationally representative sample of households in the United States. In 2009, 38,728 households and 68,665 people age 12 or older were interviewed. Nearly 92% of the eligible households participated in the NCVS. The crimes measured by the NCVS are rape/sexual assault, robbery, aggravated assault, simple assault, and personal theft and constitute violent crimes. Murder is not included in the NCVS because it is impossible to interview murder victims, of course. Household burglary, theft, and motor vehicle theft constitute property crimes.

Of course, like any form of data, the NCVS has its limitations. By its very design, the NCVS does not measure the criminal victimization of persons younger than 12. Similarly, the NCVS is a survey, not a census, and thus is susceptible to sampling error. Finally, victims can inadvertently or intentionally report inaccurate information for a variety of reasons, such as embarrassment about being a crime victim, shame in hiding their own criminal activity, or simple misunderstanding of the definitions of various crimes.

The Bureau of Justice Statistics has produced numerous reports based on NCVS data. In sum, the NCVS sheds further light on the quantity of crime and victimization occurring annually. Some of the highlights from these reports appear below.

- More than 20 million crimes occurred among U.S. residents age 12 and older.
- The violent crime rate was 17.1 victimizations per 1,000 persons age 12 or older; for property crimes it was 127.4 per 1,000 households.
- Males experienced 18.4 violent victimizations and females experienced 15.8 violent victimizations per 1,000 persons age 12 or older.
• African Americans experienced higher rates of violence (26.8 violent victimizations per 1,000 persons age 12 or older) than whites (15.8 violent victimizations per 1,000 persons age 12 or older).
• Strangers commit 55% of victimizations of males and 30% of victimizations of females.
• About 22% of all violent crime incidents involved an armed offender.
• Overall, 49% of violent and 40% of property victimizations were reported to police.\textsuperscript{19}
• College students were the victims of nearly one half million violent crimes annually.
• Overall, college students have lower victimization rates than similarly aged non-students.\textsuperscript{20}
• African Americans are six times more likely than Whites to be murdered and about eight times more likely to be murdered than other racial groups.\textsuperscript{21}
• With a rate of 8.4 per 1,000 African Americans age 12 or older, blacks have a firearm victimization rate that is 40 percent higher than Hispanics and 200 percent greater than Whites.\textsuperscript{22}

**DO OFFICIAL AND VICTIMIZATION DATA MATCH?**

Official measures of crime, such as the UCR and NIBRS, and victimization surveys, such as the NCVS, are most important in understanding the incidence of crime. To what degree do official and victimization data paint the same picture about the extent of crime in the United States? This is an important question. If official and victimization reports conflict widely, then we should have little confidence in our understanding about the true magnitude of crime (see Box 2-6). Moreover, there would be all the more reason to believe methodological criticisms of these methods. If official and victimization data converge, then we are likely measuring the crime problem with confidence, validity, and reliability.

Fortunately, official and victimization data match. For example, criminologists Janet Lauritsen and Robin Schaum recently compared UCR and NCVS data for robbery, burglary, and aggravated assault in Chicago, Los Angeles, and New York from 1980 to 1998. As the three largest cities in the country, this sampling method represents the bulk of crime that is committed in the United States. They found that for burglary and robbery, UCR crime rates were generally similar to NCVS estimates over the 18-year period. Police and victim survey data were more likely to show discrepancies in levels and trends of aggravated assault perhaps because of its susceptibility to domestic violence polices. Lauritsen and Schaum also found that even when UCR and NCVS data were different, the differences were not
CHAPTER 2  The Raw Materials of Criminal Justice

CRIMINAL JUSTICE CONTROVERSY

WHAT IS CONTROVERSIAL TO CRIMINOLOGY MAY BE IRRELEVANT TO CRIMINAL JUSTICE

Controversy has swirled around the validity of crime statistics since data collection began. Are crime statistics accurate, valid, reliable, or biased? In the academic criminology community, most of the controversy pertains to who is involved in crime. Official data like the UCR consistently show that youths, males, and racial minorities commit proportionately more crimes than older persons, females, and whites. Because official data are dependent on the discretionary decision making of police, it has been argued that certain groups, especially racial minorities, are discriminated against by law enforcement entities. If so, official crime estimates reflect these biased arrest processes.

Fortunately, it is relatively easy to examine the demographic correlates of crime (age, sex, and race) from various data sources to arrive at a triangulated answer. A variety of conclusions can be reached. First, official estimates of crime such as the UCR and NIBRS have been shown to be valid indicators of crime. In this sense, the correlates of crime that the data reflect are indeed the empirical correlates of crime. Second, victimization data such as the NCVS tend to match official estimates. This counters the claim that the police and official data generally discriminate against statistically high-crime groups such as youth, males, and minorities. Third, self-reports of crime still show significant differences by age, sex, and race for involvement in serious forms of crime, such as violent Index offenses. In other words, crime data, whether measured by officials, victims, or self-reports, tell the same substantive story. Fourth, there is almost universal understanding and acknowledgement that bias, most of it class-based, does exist in the criminal justice system. Consequently, it is naive and simply incorrect to assert that justice is indeed blind to various social characteristics. Fifth and concomitantly, most criminologists acknowledge the differential involvement hypothesis, which asserts that various groups (e.g., youths, males, minorities) are indeed disproportionately involved in criminal behavior. In other words, criminal justice system bias is far down on the list of reason why youths, males, and minorities disproportionately commit crime.

When studying the correlates of crime, students should examine the empirical evidence and, of course, make of their own mind. Some classic and contemporary works on age, sex, race and ethnicity, and social class are referenced here. Finally, while the correlates of crime are highly controversial to criminologists, they can be viewed as largely irrelevant to criminal justice practitioners. Suspects, arrestees, detainees, defendants, inmates, probationers, parolees, death row inmates, and the like are processed by the criminal justice system for their legal status, not for their assorted demographic characteristics. In other words, the statuses of murderer, murder victim, and material witness to the murder are infinitely more important to the criminal justice system than age, sex, race, and social class.

Photo © JupiterImages, Corp.
statistically significant. Substantively, the UCR and NCVS tell the same story about the magnitude of these three serious crimes in the nation’s three biggest metropolitan areas. In fact, criminologists have examined the concurrent validity of official and victimization (and even self-reported) data for decades. With a few minor exceptions, researchers have found that official estimates like the UCR and victimization data like the NCVS are indeed measuring the same thing: the actual incidence or existence of crime.

CRIMINAL JUSTICE STRUCTURE AND THE MAGNITUDE OF THE CRIME PROBLEM

The data presented in Box 2-7 and the schematic of the criminal justice system shown in Figure 2-1 convey two immensely powerful messages. First, there is a staggering amount of crime that occurs in the United States. If you were to boil the incidence of crime down to regular time intervals it would occur with frightening regularity. Indeed, as the Crime Clock shows, one violent crime occurs every 24 seconds and one property crime occurs every 3 seconds. Think of it this way: Your university criminal justice course lasts approximately one hour, which is 3,600 seconds. In the span of each and every one-hour criminal justice course that you take, 150 violent crimes and 1,200 property crimes occur!
What is the sequence of events in the criminal justice system?

**FIGURE 2-1 Schematic of the Criminal Justice System (Funnel)**

Source: Adapted from The challenge of crime in a free society. President’s Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 50th Anniversary of the President’s Commission, was prepared by the Bureau of Justice Statistics in 1997.
Second, the criminal justice system has often been referred to as a funnel because cases are subjected to increasing levels of legal scrutiny as they pass from the possession of police to courts to corrections. As the UCR, NIBRS, and NCVS show, most crimes do not result in arrest because they never come to the attention of the police. The “dark figure” of crime is immense; the capacity of the criminal justice system is significantly more limited. Even if a crime is cleared by arrest, it does not mean that it will result in criminal punishment. There are many ways that a case can be ejected from the criminal justice system resulting in very few cases at the end of the criminal justice funnel. The next sections provide evidence for the sheer magnitude of the crime problem and the structural limitations and inabilities of the criminal justice system to address it.25

**Federal Justice Statistics**

Criminal justice often refers to local and state entities that combat crime across the country. Importantly, the United States has its own criminal justice system comprised of numerous federal agencies, such as the Federal Bureau of Investigation, the U. S. Marshals Service, the Drug Enforcement Administration, the Executive Office for the U. S. Attorneys, the Administrative Office of the U. S. Courts, the U. S. Sentencing Commission, and the Federal Bureau of Prisons. In one year, the federal criminal justice system investigated 124,335 persons for violations of federal law in which 124,074 were ultimately arrested. Of those arrested, 87,727 persons were actually prosecuted. In other words, U. S. Attorneys declined to prosecute more than one in four (27%) federal arrestees. Among those prosecuted, 71,798 were convicted and 53,682 were sentenced to prison. Of those originally investigated for federal violations, only 43% end in prison.26 Although these data might seem unnerving, it is important to recognize that the federal criminal justice system is tougher than the various state-level criminal justice systems. As you will see, non-federal criminal justice is characterized by even more slack and leniency.

**State Justice Statistics**

Overall, similar funnel-like processes characterize state criminal justice systems. Thomas Cohen and Tracey Kyckelhahn, statisticians with the Bureau of Justice Statistics, examined the course of felony defendants in the 75 largest urban counties in the United States in a one-month period. Total arrests exceeded 58,100 of which 23% were violent felonies. Among the felony defendants, 60% are released on bond prior to their case reaching its ultimate disposition. Among the violent felonies, the conviction rate was a meager 50%. The conviction rate for misdemeanors and non-violent felonies was 68%. Almost all of these convictions are secured via guilty pleas. Among the
serious violent felonies that result in conviction, 55% are sentenced to prison, 326% are sentenced to jail, and 18% are sentenced to probation.

The funnel-like nature of criminal justice becomes even clearer when you reduce these cases in scale. For instance, of 1,000 serious crimes, 500 go unreported and 500 are reported to the police. Of the remaining 500 cases, 400 are unsolved and 100 result in arrest. From the 100 remaining cases, 65 are adult cases in which 25 are dropped. Of the 35 cases that go to juvenile court, 30 of these result in summary probation or are dismissed. Only five juvenile cases will ultimately result in incarceration. Among the criminal cases (with an adult defendant), 30 go to trial and 10 defendants abscond on bail. Of the 30, 27 plead guilty, two are found guilty, and one is acquitted. Of the 29 guilty, 20 are ultimately incarcerated and nine are placed on probation.

The volume of crime that goes unpunished can also be observed by simply analyzing data from successive stages of the criminal justice system. For example, recall that the FBI collects data on the percent of crimes cleared by arrest. Overall, these data tend to show that most crimes are not solved. The percent cleared by arrest for the Index crimes are relatively low: murder (61%), forcible rape (41%), robbery (25%), aggravated assault (54%), burglary (13%), motor vehicle theft (13%), larceny (17%), and arson (17%). Moreover, the probability of being convicted and sentenced to incarceration, provided that a criminal is actually arrested, is similarly low. Just over 70% of murders, about 30% of rapes, 35% of robberies, 15% of assaults, and about 27% of burglaries result in imprisonment. However, even imprisonment is adulterated or watered down. For example, the average sentence for violent convictions is 89 months of which only 43 months or 48 percent of the sentence is actually served. On average, murderers serve a meager 71 months of a 149-month sentence. Rapists serve 65 months of a 117-month sentence. Kidnappers serve 52 months of a 104-month sentence, and robbers serve 44 months of a 95-month sentence.

CSI and the Iceberg of Unsolved Cases

The most popular show on television is CSI: Crime Scene Investigation. The show and its two spin-offs, CSI: Miami and CSI: New York, document the investigative role that forensic scientists and crime labs play in solving crimes. In addition to crime scene investigation, criminalists and crime laboratories perform a variety of important analytical responsibilities including ballistics, toolmark and footwear analysis, trace analysis, latent print analysis, fire debris, conventional serology, toxicology, and blood alcohol analysis. There are 389 publicly funded forensic crime labs in the United States that employ about 12,000 full-time employees. The typical lab has two managers, two secretaries, 12 analysts, two technicians, and a median budget of $1.3 million. On average, a crime lab begins the year with a backlog of 390 requests. Overall, labs outsource nearly 240,000 requests for forensic
services to private laboratories. Criminologists Joseph Peterson and Matthew Hickman estimated that 1,900 additional full-time employees costing more than $70 million would be needed to achieve a 30-day turnaround for all forensic requests. Moreover, about 75% of the labs indicated that additional technological and equipment resources with estimated costs of $500 million would be needed to achieve the 30-day turnaround.\textsuperscript{31}

However, unlike the television programs which operate with exceptional speed and finality (quintessential crime-control characteristics), real criminal justice forensics move much slower. For example, at the beginning of 2001, 81% of DNA crime laboratories had backlogs totaling 16,081 subject cases and 265,329 convicted offender samples. To complete DNA case and convicted offender sample analyses, 45% of crime labs contracted with private laboratories which in turn had a backlog of 918 subject cases and 100,706 convicted offender samples.\textsuperscript{32}

The backlog of unsolved cases presents a host of problems that compromise criminal justice. For example, the National Institute of Justice appropriated funds to the Miami-Dade Police Department, Palm Beach County Sheriff’s Office, and New York City Police Department to analyze DNA evidence from property crimes. They have found that using DNA evidence to solve seemingly minor crimes often nets arrests for more serious violent crimes. In New York, DNA from murder crime scenes often matches DNA from non-related burglary scenes. The state’s first 1,000 checks of DNA records showed that the vast majority of defendants were linked to other crimes. Indeed, 82 percent of persons involved in murder or rape were already in the Combined DNA Index System (CODIS) for property crimes like burglary. In Miami-Dade, 526 no-suspect DNA profiles produced 271 hits and in Palm Beach 229 profiles produced 91 hits. Of the 362 Florida CODIS hits, 56 percent came from evidence collected at burglary scenes.\textsuperscript{33}

Fortunately, the national backlog of unsolved cases and the potential of forensic technology to solve crimes are increasingly being noticed by the criminological research community. Criminologists at Washington State University recently conducted a nationally representative survey of law enforcement agencies to examine the number of unsolved cases and barriers associated with case processing. They produced four major findings. First, the backlog of unsolved homicides, rapes, and burglaries with possible biological evidence is massive, about 700,000 cases. Second, nearly 25% of law enforcement agencies do not send DNA evidence to labs because they do not have a suspect. These are exactly the kinds of scenarios where the existing offender DNA database (CODIS) is most useful. Third, crime laboratories are overworked, understaffed, and insufficiently funded. This contributes to their inefficiency and law enforcement’s reluctance to explore forensic angles to solving crimes. Pratt and his colleagues’ corroborate the conclusions of the Bureau of Justice Statistics reports, which also found that crime labs are
overburdened and saddled with case backlogs. Finally, the major policy implication from their study is that the federal government could play a larger role in reducing the national backlog of cases.34

CHAPTER SUMMARY: BALANCING CRIME CONTROL AND DUE PROCESS

• The volume of crime far exceeds the capacity of the criminal justice system.
• Most crimes go undetected, unsolved, and without notice of the criminal justice system.
• The UCR Program is the most venerable and validated source of crime data and provides the most coverage.
• The NIBRS program provides more contextual information about crimes and encompasses more offenses than the UCR.
• The NCVS is a nationally representative sample of 76,000 households of crime victims 12 and older and includes much information about crimes, criminal offenders, and crime victims.
• All sources of crime data, official, victimization, and self-report, have various strengths and weaknesses relating to coverage, validity, and reliability.
• According to all sources of data, youths, males, and non-whites disproportionately commit crime.
• Throughout the criminal justice process, cases exit the system for a variety of reasons. For this reason, criminal justice has been likened to a funnel.
• Most crimes are not cleared by arrest, for example nearly 40 percent of murders are not cleared or solved.
• Federal and state criminal justice systems ultimately punish a fraction of those initially investigated and arrested.
• Hundreds of thousands of serious unsolved crimes are backlogged annually.

KEY TERMS

Aggravated assault  Motor vehicle theft
Arson          Murder and non-negligent manslaughter
Burglary       National Crime Victimization Survey
Dark figure of crime National Incident-Based Reporting System
Discretion
Forcible rape  Robbery
Hierarchy Rule
Index Crimes
Larceny-theft  Uniform Crime Reports
TALKING POINTS

1. What is the substantive significance of official, victimization, and self-report data producing the same correlates of crime?
2. How might strict crime control and due process advocates debate the various measures of crime?
3. Does the criminal justice system do an effective job at processing the appropriate criminals and crimes? Should certain criminal offenses be punished more harshly? Should others be treated more leniently?
4. How can shows, such as CSI: Crime Scene Investigation, actually help applied criminal justice?

WEB LINKS

Association of State Uniform Crime Reporting Programs
(www.asucrp.org)
Bureau of Justice Statistics
(www.ojp.usdoj.gov/bjs)
Combined DNA Index System
(www.fbi.gov/hq/lab/codis/index1.htm)
FBI Uniform Crime Reports
(www.fbi.gov/ucr.htm)
Justice Information Center
(www.ncjrs.org)
National Crime Victimization Survey
(www.ojp.usdoj.gov/bjs/cvict.htm)
National Incident-Based Reporting System
(www.ojp.usdoj.gov/bjs/nibrs.htm)
National Institute of Corrections
(www.nicic.org)
NIBRS Frequently Asked Questions
(www.fbi.gov/ucr/nibrs/faqs.htm)
Office for the Victims of Crime
(www.ovc.gov)
Office of Community Oriented Policing Services
(www.cops.usdoj.gov)
FURTHER READING

Note: Official statistics are traditionally criticized for ignoring “other” types of crimes such as hate crime, organized crime, terrorism, etc. To the contrary, various entities within the U. S. Department of Justice have collected data on these “other” crimes, producing reports and disseminating information for years. These can be accessed at: http://www.fbi.gov/stats-services/publications.