

# ***Criminology A:***

# ***CHAPTER 10***

TEXT "Criminology the Core" by Larry J. Siegel  
Course of Study Designed and Constructed by Dr. M. Scott

**SECTION 1:** Pages 301 – 306 (3 Pages of Hand Written Notes)  
"Chapter Outline" to "Rape"


**SECTION 2:** Pages 306 – 314 (4 Pages of Hand Written Notes)  
"Rape" to "Murder & Homicide"

**SECTION 3:** Pages 314 – 325 (4 Pages of Hand Written Notes)  
"Murder & Homicide" to "Robbery"

**SECTION 4:** Pages 325 - 331 (4 Pages of Hand Written Notes)  
"Robbery" to "Thinking Like a Criminologist"

**\*HEADINGS for ALL written work should follow the example below:**

<b>Criminology A</b> (Course Title)	<b>Student Name:</b> _____ (First & Last)
<b>Chapter / Section</b>	<b>Class Period:</b> _____

<b>TAKING NOTES: Approaches &amp; Strategies: Teach Yourself How to Learn!</b>		
<b>The Classic Approach</b>	Gather the Important Data <i>Target Reading!</i> 	<b>WHO:</b> Name the Players <b>WHERE:</b> Geography <b>WHAT:</b> Vocabulary <b>HOW:</b> Actions & Process <b>WHEN:</b> Dates in Order <b>WHY:</b> Reasons
<b>"In Your Own Words!!!"</b>		
<b>The Personalized Approach</b> <b>"Summarize"</b>	<b>TRANSLATE</b> <b>"Text Book" English to YOUR English</b>	<i>Copying "Word For Word" does NOT insure Understanding</i>  <b>TRANSLATION and SUMMARISING INSURES UNDERSTANDING</b>

**"Knowing ≠ Understanding just as Understanding ≠ Knowing" - Doc**

## Q & A: WRITTEN SUBMISSIONS

### CREATE FIVE (5) Questions and Correct Answers for EACH SECTION

Questions should be related to the material being studied.

*The questions should be written as if YOU were explaining the material to another person and wanted to see if they understood the Content of the Course.*

### Questions 1 – 3 should be “BASIC and FACTUAL”

(Vocabulary and/or Basic Information – “*Who, What, When & Where*”)

### Questions 4 & 5 should require demonstration of “DEEPER UNDERSTANDING”

(Explain, Compare & Contrast – “*Why & How*”)

The Questions YOU CREATE should be labeled and numbered clearly.

**ANSWERS** to each question should be written on a new line – just below the question.

**For Example:** If the topic we were talking about was “*Chickens*” (it won’t be – but I don’t want to give away answers from a topic we WILL be discussing),

*GOOD “Q & A” Assignments would look like this:*

#### **Criminology A**

#### **Chapter 1: Section C**

**Dr. Scott**

**Period 9**

Q1. “**What is a chicken?**” (Basic Vocabulary – *What?*)

A1. A bird of the clucking variety that many people find delicious.

Q2. “**Who usually raises chickens?**” (Basic Fact – *Who?*)

A2. Usually farmers but sometimes people who like to keep them as pets.

Q3. “**Where are chickens usually raised?**” (Geography - *Location*)

A3. In coops found on farms that often times have business relationships with fast food chains and grocery stores.

Q4. “**Why did the chicken cross the road?**” (Deeper Understanding – *Why?*)

A4. To get to the other side, away from many people who might be hungry.

Q5. “**Explain how a chicken can escape:**” (Deeper Understanding – *How?*)

A5. Using power tools, quick thinking and inspiring an uprising against the oppression of the farmers.

# Chapter Outline

## Causes of Violence

Personal Traits  
Child Abuse and Neglect  
Human Instinct  
Exposure to Violence  
Substance Abuse  
Firearm Availability  
Cultural Values

## Policies and Issues in Criminology

HONOR KILLING

National Values

## Rape

Incidence of Rape  
Types of Rapists  
Types of Rape

## Profiles in Crime

THE ST. PAUL'S SCHOOL RAPE CASE

Causes of Rape  
Rape and the Law

## Murder and Homicide

Degrees of Murder

## Profiles in Crime

OSCAR PISTORIUS

Nature and Extent of Murder  
Murderous Relations  
Serial Killers, Mass Murderers, and Spree Killers

## Assault and Battery

Nature and Extent of Assault  
Acquaintance and Family Assaults  
Dating Violence

## Robbery

Robbers in Action  
Choosing Targets  
Acquaintance Robbery

## Contemporary Forms of Interpersonal Violence

Hate Crimes  
Workplace Violence  
Stalking

## FACT OR FICTION?

- Rape is essentially a sex crime.
- You can't be convicted of murder unless you personally and intentionally kill someone.

**O**n the evening of June 17, 2015, 21-year-old Dylann Roof entered the Emanuel African Methodist Episcopal Church in downtown Charleston, South Carolina, spent an hour in Bible study with the parishioners, and then opened fire. Nine people were shot and killed, including the senior pastor, state senator Clementa C. Pinckney; a tenth person was shot and survived. Police arrested Roof in Shelby, North Carolina, the morning after the attack.

Roof's website gave hints as to why he chose the Emanuel Church for his rage-filled slaughter. In a long, hate-filled screed, the 21-year-old claimed that the shooting of Trayvon Martin had prompted him to research what he called "black on White crime. He wrote, "At this moment I realized that something was very wrong. How could the news be blowing up the Trayvon Martin case while hundreds of these black on White murders got ignored?" His online manifesto concluded:

I have no choice. I am not in the position to, alone, go into the ghetto and fight. I chose Charleston because it is most historic city in my state, and at one time had the highest ratio of blacks to Whites in the country. We have no skinheads, no real KKK, no one doing anything but talking on the internet. Well someone has to have the bravery to take it to the real world, and I guess that has to be me.

His website, called "The Last Rhodesian," contains photos of him wearing a jacket with the flags of apartheid-era South Africa and Rhodesia. Other photos show a .45-caliber Glock pistol; Roof taking aim with the gun, and posing in front of a sign that says, "Sacred burial site. Our African ancestors" as well as outside South Carolina's ►

1

**expressive violence**

Violence that is designed not for profit or gain but to vent rage, anger, or frustration.

**instrumental violence**

Violence used in a rational, controlled, and purposeful fashion; for example, an attempt to improve the financial or social position of the criminal.

**L01** Differentiate among the various causes of violent crime.

Museum and Library of Confederate History; and Roof standing on a burning an American flag.<sup>1</sup> In the aftermath of his crime, South Carolina passed legislation ordering the removal of the Confederate battle flag from the state capitol building. Protesters argued that the flag was a symbol of racism and white supremacy that shouldn't remain on the capitol grounds after the Charleston massacre. ■

This terrible case reminds us that violence and violent acts are part of the human condition. Some violent acts, such as Roof's deadly outburst, are deemed **expressive violence**, acts that vent rage, anger, frustration, or in his case hate and racial animus. Some acts are called **instrumental violence**, designed to improve the financial or social position of the criminal—for example, through an armed robbery or murder for hire.

This chapter explores the concept of violence in some depth. It first reviews some of the possible causes of violent crime and the various types of interpersonal violence, such as rape, homicide, assault, and robbery. It then addresses some types of interpersonal violence, such as stalking and workplace violence, that have more recently developed in contemporary society.

## Causes of Violence

What sets off a violent person such as Dylann Roof? Criminologists have a variety of views on this subject. Some believe that violence is a function of human traits and makeup. Others point to improper socialization and upbringing. Violent behavior may be culturally determined and relate to destructive social values. This section explores a number of the suspected causes of individual and group violence.

### Personal Traits

Research has shown that a significant number of people involved in violent episodes may be suffering from mental abnormalities.<sup>2</sup> Young people convicted of murder have been shown to suffer signs of neurological impairment such as abnormal electroencephalograms (EEGs), multiple psychomotor impairments, and severe seizures; low intelligence as measured on standard IQ tests; psychotic close relatives; psychotic symptoms such as paranoia, illogical thinking, hallucinations; mental impairment and intellectual dysfunction; and animal cruelty.<sup>3</sup> Other elements of personality associated with violence include depression, impulsivity, aggression, dishonesty, pathological lying, lack of remorse, borderline personality syndrome, and psychopathology.<sup>4</sup> Aggressive men have been found to have a long history of torturing and killing animals.<sup>5</sup> Animal cruelty has been associated with a number of psychiatric disorders, including antisocial personality disorder.<sup>6</sup>

Is there is a connection between psychological instability and/or brain structure and violence? One recent effort to test the linkage between violence and mental process used a magnetic resonance imaging device (MRI) to assess brain function in male domestic batterers and compared the results with a matched sample of non-batterers. The brain scans indicated that men who engaged in domestic violence had distinctive brain structures that made them hypersensitive to threat stimuli in a variety of regions of the brain. Hypersensitive men are hard-wired to respond with violence to even mild provocations; they have a neurobiological predisposition that makes them prone to spouse abuse.<sup>7</sup>

### Child Abuse and Neglect

A number of research studies have found that children who were diagnosed as abused later engage in violent behaviors at a rate significantly greater than that of children

who were not abused.<sup>8</sup> This view is most closely identified with criminologist Cathy Spatz Widom and her concept of the **cycle of violence**. In a series of research studies, Widom found that physical abuse by parents or caregivers is a direct cause of subsequent violent behavior among youth. Kids who were abused are then likely to grow up to be abusers themselves, creating a never-ending cycle of abuse and violence.<sup>9</sup>

The abuse–violence link can take different forms. Some violent offenders have long histories of abuse and neglect and this condition is a direct conduit to their personal involvement in violence. Others develop posttraumatic stress disorder (PTSD) in the aftermath of their abuse; their subsequent violence can be linked to the emotional upheaval brought on by their history of personal traumas. While these linkages are powerful predictors of violence, there are other groups of violent offenders who did not experience abuse or PTSD and still others who develop PTSD as a consequence of their violent acts. Yet, for the most part, the abuse–violence link is quite powerful.<sup>10</sup>

Widom's view is that people who suffer abuse in childhood and adolescence are more likely to get involved in violent behavior as teens and adults. They are significantly more likely to be arrested for violent crime sometime during their life course. Of course, not all abused children become violent criminals. Many do not, and many violent youths come from what appear to be model homes.<sup>11</sup> Widom herself finds that the majority of both abused and nonabused kids do not engage in antisocial behavior, so more research is needed to clarify this very important association.

## Human Instinct

Some anthropologists trace the roots of violence back to our prehistory, when our ancestors lived in social groups and fought for dominance. The earliest humans would not hesitate to retaliate violently against aggressors, and it was common for family, tribe, or clan members to protect one another if they were attacked.<sup>12</sup> According to Harvard psychologist Steven Pinker, violence declined during the period of human evolution when our hunter-gatherer ancestors began to settle into agricultural civilizations, which he calls the *pacification process*.<sup>13</sup>

The fact that our ancient ancestors were so violent seems to suggest that violence is instinctual and part of the human condition. Sigmund Freud believed that human aggression and violence are produced by instinctual drives.<sup>14</sup> Freud maintained that humans possess two opposing instinctual drives that interact to control behavior: **eros**, the life instinct, which drives people toward self-fulfillment and enjoyment; and **thanatos**, the death instinct, which impels toward self-destruction. Thanatos can be expressed externally (as violence and sadism) or internally (as suicide, alcoholism, or other self-destructive habits). Because aggression is instinctual, Freud saw little hope for its treatment.

A number of biologists and anthropologists have also speculated that instinctual violence-promoting traits may be common in the human species. One view is that aggression and violence are the result of instincts inborn in all animals, humans among them.<sup>15</sup> Unlike other animals, however, humans lack the inhibition against killing members of their own species, which protects animals from self-extinction, and are capable of killing their own kind in war or as a result of interpersonal conflicts.

## Exposure to Violence

Kids who are constantly exposed to violence at home, at school, or in the environment may adopt violent methods themselves.<sup>16</sup> Exposure to violence can also occur at the neighborhood level when people are forced to live in violent, dangerous neighborhoods.<sup>17</sup> Even a single exposure to firearm violence doubles the chance that a young person will later engage in violent behavior.<sup>18</sup> Children living in areas marked by extreme violence may in time become desensitized to the persistent neighborhood brutality and conflict they witness, eventually succumbing to violent behaviors themselves.<sup>19</sup> And not surprisingly, those children who are exposed to violence in

### cycle of violence

The phenomenon in which abused children grow up to be abusers themselves.

### eros

The life instinct, which drives people toward self-fulfillment and enjoyment.

### thanatos

The death instinct, which impels people toward self-destruction.

the home and also live in neighborhoods with high violence rates are the ones most likely to engage in violent crime themselves.<sup>20</sup>

## Substance Abuse

On a micro level, substance abusers have higher rates of violence than nonabusers; on a macro level, neighborhoods with high levels of drug and alcohol usage have higher than average violence rates.<sup>21</sup>

Substance abuse influences violence in three ways:<sup>22</sup>

- A **psychopharmacological relationship** may be the direct consequence of ingesting mood-altering substances. Binge drinking, for example, has been closely associated with violent crime rates.<sup>23</sup> Heavy drinking reduces cognitive ability, information-processing skills, and the ability to process and react to verbal and nonverbal behavior. As a result, miscommunication becomes more likely, and the capacity for rational dialogue is compromised.<sup>24</sup> It is not surprising that males involved in sexual assaults often claim that they were drinking and misunderstood their victim's intentions.<sup>25</sup>
- Drug ingestion may also cause **economic compulsive behavior**, in which drug users resort to violence to support their habit. Studies conducted in the United States and Europe show that addicts commit hundreds of crimes each year.<sup>26</sup>
- A **systemic link** occurs as violence escalates when drug-dealing gangs flex their muscle to dominate territory and drive out rivals. Studies of gangs that sell drugs show that their violent activities may result in a significant proportion of all urban homicides.<sup>27</sup> Drug dealers/traders also are more likely to carry and use firearms in their daily activities. When Richard Felson and Luke Bonkiewicz studied the drug-violence nexus, they found relatively high levels of gun possession among traffickers who handle stashes of moderately large market value, who have central roles in the trade, and who are members of drug organizations.<sup>28</sup>

### psychopharmacological relationship

In such a relationship, violence is the direct consequence of ingesting mood-altering substances.

### economic compulsive behavior

Violence committed by drug users to support their habit.

### systemic link

A link between drugs and violence that occurs when drug dealers turn violent in their competition with rival gangs.

### subculture of violence

A segment of society in which violence has become legitimized by the custom and norms of that group.

## Firearm Availability

Although firearm availability alone does not cause violence, it may be a facilitating factor. A petty argument can escalate into a fatal encounter if one party has a handgun. The nation has also been rocked by the recent slew of well-publicized school shootings. Research indicates that a significant number of kids routinely carry guns to school; those who have been the victims of crime themselves and those who hang with peers who carry weapons are most likely to bring guns to school.<sup>29</sup>

The Uniform Crime Report (UCR) indicates that about 70 percent of all murders, 40 percent of all robberies, and 20 percent of aggravated assaults involve firearms.<sup>30</sup> Handguns kill two-thirds of all police who die in the line of duty.<sup>31</sup> The presence of firearms in the home also significantly increases the risk of suicide among adolescents, regardless of how carefully the guns are secured or stored.<sup>32</sup>

## Cultural Values

In urban areas, neighborhoods that experience violence seem to cluster together.<sup>33</sup> To explain this phenomenon, criminologists Marvin Wolfgang and Franco Ferracuti formulated the famous concept that some areas are characterized by an independent **subculture of violence**.<sup>34</sup>

The subculture's norms are separate from society's central, dominant value system. In this subculture, a potent theme of violence influences lifestyles, the socialization process, and interpersonal relationships. Even though the members of the subculture share some of the dominant culture's values, they expect that violence will be used to solve social conflicts and dilemmas.

In some cultural subgroups, then, violence has become legitimized by custom and norms. It is considered appropriate behavior within culturally defined conflict situations in which an individual who has been offended by a negative outcome in

## Policies and Issues in Criminology

### HONOR KILLING

In 2014, a young newlywed couple, Sajjad Ahmed, 26, and Muawia Bibi, 18, were killed by the bride's family in northeastern Pakistan because they did not approve of the marriage. The bride's father and uncles lured the couple back to the village of Satrah in the Punjab province, where the pair were tied up and decapitated. The family members turned themselves in to police, maintaining that their brutal attack was a matter of honor.

Honor killing and honor crime involve violence against women and girls, including such acts as beating, battering, or killing, by a family member or relative. They are most common in traditional societies in the Middle East, Southwest Asia, India, China, and Latin America but are now being exported to Europe and North America. The attacks are provoked by the belief or perception that an individual's or family's honor has been threatened because of the actual or perceived sexual misconduct of the female. The United Nations now estimates that 5,000 of these honor killings occur each year, more than 800 in Pakistan alone, and they are increasing rapidly in other areas such as Palestinian territories. Most of the women were killed by husbands or brothers. "Illicit relations" was cited as a reason most often, and demanding to marry a partner of their choice was noted in more than 200 cases.

The killings often seem illogical to an outsider. Even when a woman is raped she may be accused of being the sexual aggressor who must be punished. Honor killing/crime is based on the shame that a loss of control of the woman or girl brings to the family and to the male heads of the family.

According to criminologist Linda Williams, men consider honor killings culturally necessary because

any suspicion of sexual activity or suspicion that a girl or a woman is unchaste is enough to raise questions about the family's honor. Strict control of women and girls within the home and outside the home is justified. Women are restricted in their activities in the community, religion, and politics. These institutions, in turn, support the control of females. Williams believes that honor killing is designed for maintaining male dominance. Submissiveness may be seen as a sign of sexual purity, and a woman's or girl's attempts to assert her rights is a violation of the family's honor that needs to be redressed. Rules of honor and threats against females who violate such rules reinforce the control of women and have a powerful impact on their lives. Honor killings/crimes serve to keep women and girls from "stepping out of line." The manner in which such behaviors silence women and kill their spirit has led some to label honor killings/crimes more broadly as "femicide."

### Critical Thinking

While we may scoff at the idea of honor killings, are there elements of American culture and life that you consider harmful to women yet are still tolerated? What can be done to change them?

**Sources:** Shelby Lin Erdman, "Pakistani Newlyweds Decapitated by Bride's Family in Honor Killing," CNN, June 29, 2014, [www.cnn.com/2014/06/28/world/asia/pakistan-honor-murders/](http://www.cnn.com/2014/06/28/world/asia/pakistan-honor-murders/); Anne-Marie O'Connor, "Honor Killings Rise in Palestinian Territories, Sparking Backlash," *Washington Post*, March 3, 2014, [www.washingtonpost.com/world/middle\\_east/honor-killings-rise-in-palestinian-territories-sparking-backlash/2014/03/02/1392d144-940c-11e3-9e13-770265cf4962\\_story.html](http://www.washingtonpost.com/world/middle_east/honor-killings-rise-in-palestinian-territories-sparking-backlash/2014/03/02/1392d144-940c-11e3-9e13-770265cf4962_story.html); Julia Dahl, "'Honor Killing' Under Growing Scrutiny in the U.S.," CBS News, April 5, 2012, [www.cbsnews.com/news/honor-killing-under-growing-scrutiny-in-the-us/](http://www.cbsnews.com/news/honor-killing-under-growing-scrutiny-in-the-us/); Linda M. Williams, "Honor Killings," in *Encyclopedia of Interpersonal Violence*, ed. Claire M. Renzetti and Jeffrey I. Edelson (Thousand Oaks, CA: Sage Publications, 2007). (All URLs accessed 2015.)

a dispute seeks reparations through violent means ("disputatiousness").<sup>35</sup> That is, in some neighborhoods residents resolve interpersonal conflicts informally—without calling the police—even if it means injuring or killing their opponent; neighbors understand and support violent methods of retaliation.<sup>36</sup> Because police and other agencies of formal social control are viewed as weak and devalued, understaffed, and/or corrupt, people are willing to take matters into their own hands and commit what is referred to as "cultural retaliatory homicide."<sup>37</sup>

**GANG VIOLENCE** Involvement with gangs is another precursor of increased violent activity, though it can be debated whether extremely violent youth join gangs or kids who join gangs become desensitized to violence. One indication can be found in



Some cultures may promote violence, especially if they brand certain behaviors as forbidden and immoral. Here, teenage gang-rape victim Amina is shown receiving medical treatment at a hospital in Multan, Pakistan, after setting herself on fire to protest the release of one of her alleged rapists from police custody. She died the next day. Violence against women is a very big issue in Pakistan, where 90 percent of women experience domestic abuse and thousands of women are killed in the name of honor each year—behaviors that reflect Pakistan's patriarchal culture.

research conducted by Chris Melde and Finn-Aage Esbensen, who found that active gang members experienced a significant increase in violent behavior, which declines significantly after leaving the gang, a finding that suggests that gang involvement is in fact a cause of violence.<sup>38</sup>

The association between gang membership and violence has a number of roots. It can result from drug trafficking activities and turf protection, but it may also stem from personal vendettas and a perceived need for self-protection.<sup>39</sup> Once a gang shooting occurs, there is a significant likelihood that violent retaliation of some sort will occur.<sup>40</sup>

## National Values

Some nations—including Colombia, Brazil, Sri Lanka, Angola, Uganda, and the Philippines—have relatively high violence rates, while others such as Japan are relatively nonviolent. There are two possible explanations for this discrepancy. One is that high-violence nations embrace value structures that support violence, while others that have a strong communitarian spirit and an emphasis on forgiveness and restorative justice have low violence rates.<sup>41</sup>

The other explanation is that nations with high violence rates also have negative structural factors such as a high level of poverty, income inequality, illiteracy, and alcohol consumption level, and it is the presence of these components, rather than a regional culture of violence, that produces high crime rates.<sup>42</sup>

The accompanying Policies and Issues in Criminology feature discusses one type of culturally based violent crime: the honor killing of women.

**L02** Define rape and be familiar with why men commit rape.

2

### rape

Under common law, the carnal knowledge of a female forcibly and against her will. Contemporary statutes are gender neutral ("a person") and can include various acts of sexual penetration.

## Rape

The common-law definition of **rape** (from the Latin *rapere*, "to take by force") is "the carnal knowledge of a female forcibly and against her will."<sup>43</sup> It is one of the most loathed, misunderstood, and frightening crimes. Under traditional common-law definitions, rape involves nonconsensual sexual intercourse inflicted on a female by a male. There are, of course, other forms of sexual assault, including male-on-male and female-on-male sexual assaults (some studies estimate that up to 25 percent of males have been the target of unwanted sexual advances by women), but these are not considered here within the traditional concept of rape.<sup>44</sup> However, recognizing these other forms of sexual assault, states have now revised their rape statutes to make them gender neutral. As you may recall (Chapter 2), the FBI has revised its definition of rape to include crimes involving other forms of sexual assault, including oral and anal penetration. Regardless of what form it takes, rape can have devastating long-term effects on the victim's emotional and physical well-being.<sup>45</sup>

Rape was often viewed as a sexual offense in the traditional criminological literature. It was presented as a crime that involved overwhelming lust, driving a man to force his attentions on a woman. Criminologists now consider rape a violent, coercive act of aggression, not a forceful expression of sexuality. Take for instance the use of rape in war crimes, a practice that became routine during the civil war in the former Yugoslavia; human rights groups have estimated that more than 30,000 Bosnian women and young girls were sexually abused during the fighting.<sup>46</sup> Though shocking, the war crimes discovered in Bosnia have not deterred conquering armies from using rape as a weapon. Pro-government militias in the Darfur region of Sudan were accused of using rape and other forms of sexual violence "as a weapon of war" to humiliate African women and girls as well as the rebels fighting the Sudanese government in Khartoum.<sup>47</sup> More recently, the Boko Haram terror group in Nigeria has



made kidnapping and sexual assaults of young women a centerpiece of its campaign to unseat the government and replace it with one based on their religious beliefs.<sup>48</sup> In May 2014, group members kidnapped 276 high school girls with the intent of selling them into sexual slavery, an act that prompted worldwide outrage.<sup>49</sup>

## Incidence of Rape

According to the most recent UCR data, about 80,000 rapes or attempted rapes are now being reported each year—a rate of about 25 per 100,000 females.<sup>50</sup> As is true of other violent crimes, the rape rate has been in a decade-long decline, and current totals are significantly below 1992 levels, when more than 100,000 rapes were reported to police; reported rape has declined about 16 percent in the past decade.

Rape is a warm-weather crime—most incidents occur during July and August, with the lowest rates occurring during December, January, and February. Population density also influences the rape rate. Metropolitan areas today have rape rates significantly higher than rural areas; nonetheless, urban areas have experienced a much greater drop in rape reports than rural areas. The police make arrests in about 40 percent of all reported rape offenses. The racial and age pattern of rape arrests has been fairly consistent for some time. Of the offenders arrested, about 45 percent were under 25 years of age, and about two-thirds were Caucasian.

These data must be interpreted with caution. According to the National Crime Victimization Survey (NCVS), approximately 300,000 rapes and sexual assaults take place annually.<sup>51</sup> There is little question, then, that rape may be significantly underreported to police and that there are significantly more rape victims than the official data suggest.<sup>52</sup> Some research efforts have found that less than 20 percent of all rapes are reported to police.<sup>53</sup>

Why the significant discrepancy between incidents and reporting? Many victims of rape and sexual assault fail to report the crime to the police because they are embarrassed, think it a personal matter, believe nothing can be done, or blame themselves. Some may even question whether they have really been raped; research indicates that victims may not label their experience as a “real” rape when the assault involved an acquaintance or boyfriend, if they were severely impaired by alcohol or drugs, or if the act involved oral or digital sex.<sup>54</sup> Some victims refuse to report rape because they have histories of excessive drinking and sexual promiscuity, convincing themselves that their intemperate and/or immoderate behavior contributed to their victimization. A Bureau of Justice Statistics national survey found that about a quarter of rape victims who did not report to police believed the incident was a personal matter, and one in five stated a fear of reprisal. Others felt the incident was just not important enough.<sup>55</sup> But whether or not victims acknowledge that their attack is a “real” rape, the experience can have shattering psychological effects that last long after the attack itself is over.<sup>56</sup>

## Types of Rapists

Some rapes are planned, whereas others are spontaneous; some focus on a particular victim, whereas others occur almost as an afterthought during the commission of another crime, such as a burglary. Some rapists commit a single crime, whereas others are multiple offenders; some attack alone, and others engage in group or gang rapes. Because there is no single type of rape or rapist, criminologists have attempted to define and categorize the vast variety of rape situations.

Criminologists now recognize that there are numerous motivations for rape—and, consequently, various types of rapists. One of the best-known attempts to classify the personalities of rapists was that of A. Nicholas Groth, an expert on classifying and treating sex offenders. According to Groth, every rape encounter contains at least one of three elements: anger, power, or sadism.<sup>57</sup> Consequently, rapists can be classified according to one of the three dimensions described in Exhibit 10.1. In treating rape offenders, Groth found that about 55 percent represented the power type, about 40 percent the anger type, and about 5 percent the sadistic type. Groth’s major contribution has been his recognition that rape is generally a crime of violence, not

## FACT OR FICTION?

Rape is essentially a sex crime.

**FICTION** Most criminologists consider rape an aggressive act in which sex is merely a means of inflicting violence and intimidation.

## Exhibit 10.1 Varieties of Forcible Rape

- *Anger rape* occurs when sexuality becomes a means of expressing and discharging pent-up anger and rage. The rapist uses far more brutality than would have been necessary if his real objective had been simply to have sex with his victim. His aim is to hurt his victim as much as possible; the sexual aspect of rape may be an afterthought. Often the anger rapist acts on the spur of the moment after an upsetting incident has caused him conflict, irritation, or aggravation. Surprisingly, anger rapes are less psychologically traumatic for the victim than might be expected. Because a woman is usually physically beaten during an anger rape, she is more likely to receive sympathy from her peers, relatives, and the justice system and consequently be immune from any suggestion that she complied with the attack.
- *Power rape* involves an attacker who does not want to harm his victim as much as he wants to possess her sexually. His goal is sexual conquest, and he uses only the amount of force necessary to achieve his objective. The power rapist wants to be in control, to be able to dominate women and have them at his mercy. Yet it is not sexual gratification that drives the power rapist; in fact, he often has a consenting relationship with his wife or girlfriend. Rape is instead a way of putting personal insecurities to rest, asserting heterosexuality, and preserving a sense of manhood. The power rapist's victim is usually a woman equal in age to or younger than the rapist. The lack of physical violence may reduce the support given the victim by family and friends. Therefore, the victim's personal guilt over her rape experience is increased—perhaps, she thinks, she could have done something to get away.
- *Sadistic rape* involves both sexuality and aggression. The sadistic rapist is bound up in ritual—he may torment his victim, bind her, or torture her. In the rapist's view, victims are usually related to a personal characteristic that he wants to harm or destroy. The rape experience is intensely exciting to the sadist; he gets satisfaction from abusing, degrading, or humiliating his captive. This type of rape is particularly traumatic for the victim. Victims of such crimes need psychiatric care long after their physical wounds have healed.

**Source:** A. Nicholas Groth and Jean Birnbaum, *Men Who Rape* (New York: Plenum Press, 1979).

a sexual act. In all of these circumstances, rape involves a violent criminal offense in which a predatory criminal chooses to attack a victim.<sup>58</sup>

### Types of Rape

In addition to the variety of types of rapists, there are also different categories of rapes.

#### date rape

A rape that involves people who are in some form of courting relationship.

**DATE RAPE** One disturbing trend involves people who are in some form of courting relationship—this type of attack is known as **date rape**. Some date rapes occur on first dates, others after a relationship has begun developing, and still others after the couple has been involved for some time. In long-term or close relationships, the male partner may feel he has invested so much time and money in his partner that he is owed sexual relations or that sexual intimacy is an expression or acknowledgment that the involvement is progressing.<sup>59</sup>

Date rape was first identified as a significant social problem in the 1980s when Mary Koss conducted surveys and found that a significant number of college-age women had been sexually assaulted by a dating partner; about 27 percent of the respondents had been the victim of rape or attempted rape. However, only about a quarter of the women called what had happened to them “rape”; the majority either blamed themselves or denied they had really been raped.<sup>60</sup>

Koss's research helped identify a social problem that all too long had remained below the radar. Even though the problem has been identified, many victims still fail to report date rape. Some do not view their experience as a “real” rape, which, they believe, involves a strange man “jumping out of the bushes.” Other victims are embarrassed and frightened. Many tell their friends about their rape while refusing

to let authorities know what happened. Reporting is most common in the most serious cases, such as when a weapon is used; it is less common when drugs or alcohol is involved.<sup>61</sup> This leads to significant underreporting of rape, especially on college campuses, since many incidents involve the victim's voluntary involvement in drinking or substance abuse before the assault occurred.<sup>62</sup> Underreporting of these incidents is important because so many victims who abused substances before the rape suffer PTSD and other disorders and require help and counseling.<sup>63</sup>

The Profiles in Crime feature discusses a recent case of date rape on a high school campus.

**RAPE ON CAMPUS** A great deal of date and acquaintance rape is committed on college campuses. It is quite troubling that research studies indicate that by the start of the second year of school, more than 20 percent of college women had been raped while incapacitated and a similar number had experienced forcible rape sometime in their lives.<sup>64</sup>

The most extensive national survey of sexual assault on college campuses was conducted by the Westat research corporation for the Association of American Universities.<sup>65</sup> The survey involved 150,000 students at 27 universities and found that

## CONNECTIONS

Chapter 3 introduced the concept of victim precipitation. The jury in the Labrie case may have concluded the victim precipitated the rape by agreeing to accompany the boy to a darkened room and removing her outer clothing. Is this an instance of blaming the victim?

# PROFILES IN CRIME

## THE ST. PAUL'S SCHOOL RAPE CASE

In 2015, in a case that made national news, 19-year-old Owen Labrie was tried for the rape of a fellow student at the exclusive St. Paul's School in Concord, New Hampshire. Labrie, who was 18 at the time the attack took place, used email to convince the 15-year-old freshman to meet him as part of the "senior salute" ritual in which graduating seniors seduce younger students. She claimed that she had intended merely to kiss or make out with Labrie but then as things got out of hand. She said no to his sexual advances and resisted him as best she could. In the end her resistance was futile and he forced himself on her and engaged in three unwanted sex acts.

Labrie, a popular scholarship student and athlete who was accepted at Harvard, testified that the young woman consented to his advances and that sexual intercourse had not actually taken place. They had exchanged pleasant emails after the assault, evidence of her consent.

The jury found Labrie not guilty of the most serious charge of forcible rape but convicted him of several lesser charges, including endangering the welfare of a child, and using a computer to "seduce, solicit, lure, or entice a child" in order to commit a sexual assault. He was also found guilty of three counts of misdemeanor sexual assault. Why was he found not guilty of the most serious charge even though the jury believed he did have sex with the young woman, who was still a minor? The reason is that under New

Hampshire law, an individual can be found guilty of aggravated felonious sexual assault only if the victim clearly indicates that she doesn't "freely consent," or before she has "an adequate chance to flee and/or resist." The jury obviously concluded that Labrie did have sex with the girl, but there was no real proof that she resisted. Also, under New Hampshire law, if a person has penetrative consensual sex with a minor between the ages 13 and 16 but is within four years of that age, they are guilty of *misdemeanor* sexual assault. If the age difference is more than four years, they are guilty of *felony* sexual assault. Since Labrie was 18 and the young woman 15, he could only be convicted of a misdemeanor. On October 29, 2015, Labrie was sentenced to a year in jail and five years probation.

The St. Paul's case illustrates some of the problems associated with bringing rape cases to trial. The young woman testified under oath that she did not consent to sex, but the jury did not believe her story. Despite all we know about sexual assault, the victim is still on trial in rape cases. The unanswered question is: What would she gain by lying? What could possibly motivate someone to bring false charges in this case?

**Sources:** Jess Bidgood, "Owen Labrie of St. Paul's School Not Guilty of Main Rape Charge," *New York Times*, August 28, 2015, [www.nytimes.com/2015/08/29/us/st-pauls-school-rape-trial-owen-labrie.html](http://www.nytimes.com/2015/08/29/us/st-pauls-school-rape-trial-owen-labrie.html); Andy Rosen and Peter Schworm, "Labrie Acquitted of Felony Rape in St. Paul's School Trial," *Boston Globe*, August 28, 2015 (accessed 2015).

by 2015 campus rape has reached epidemic proportions: nearly a quarter of women reported nonconsensual sexual contact by physical force, threats of physical force, or incapacitation while enrolled at a university. About 12 percent of all students experienced misconduct: the majority were female students (23 percent); however, about 5 percent of male students reported being sexually assaulted. Students identifying themselves as transgender or gay faced an extremely high risk of being sexually assaulted. A significant portion of the incidents involved drugs and alcohol. While the risk of the most serious types of nonconsensual sexual contact, due to physical force or incapacitation, declines from freshman to senior year, the fact remains that about 1 in 10 female students say they have experienced sexual assault involving penetration, by force or incapacitation, sometime during their college experience.

Especially troubling is the underreporting of rape on college campuses, where relatively few victims (less than 20 percent) report the incident to police.<sup>66</sup> One reason may be that many incidents occur in fraternity houses and dorms, and involve the victims' drinking or abusing substances before the assaults occurred. Victims may hold themselves responsible for the attack; they may not believe the incident was a "real rape" because they were at fault.<sup>67</sup> The recent Westat/Association of American Universities survey found that a relatively small percentage (28 percent or less) of even the most serious incidents (e.g., forced penetration) are reported to an organization or agency. More than 50 percent of these victims say they did not report the event because they did not consider it "serious enough." A significant percentage of students say they did not report because they felt "embarrassed, ashamed, or that it would be too emotionally difficult" or "... did not think anything would be done about it."

Misplaced guilt may also explain why so many college women suffer PTSD and other disorders soon after they were attacked.<sup>68</sup> And when they do report rape and file a lawsuit against the frat house or university, the defense is to blame the victim: if she had not been drinking and taking risks, the attack would never have occurred.<sup>69</sup>

Another reason for the lack of reporting may be that colleges and universities are notorious for trying to sweep sexual assault incidents under the rug to protect the image of a safe environment for young women. Even such prestigious schools as The Johns Hopkins University have been accused of not disclosing an alleged rape at a fraternity house, leading a group of students to file a complaint with the U.S. Department of Education. Amid the pressure, university president Ronald J. Daniels said that the university would immediately begin an independent review of how the case was handled.<sup>70</sup>

In order to reduce campus rape, California became the first state to enact legislation requiring affirmative consent before a sexual encounter can take place. The law states, "Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time." This bill removes the requirement that a rape victim prove she or he said "no" and instead requires that the accused prove that the alleged victim said "yes".<sup>71</sup> Lack of protest does not mean agreement; consent can't be given if someone is asleep or incapacitated by drugs or alcohol.

#### **marital exemption**

The formerly accepted tradition that a legally married husband could not be charged with raping his wife.

#### **statutory rape**

Sexual relations between an underage minor female and an adult male.

**MARITAL RAPE** Traditionally, a legally married husband could not be charged with raping his wife; this immunity was referred to as the **marital exemption**. However, research indicates that many women are raped each year by their husbands as part of an overall pattern of spousal abuse, and these women deserve the protection of the law. Many spousal rapes are accompanied by brutal, sadistic beatings and have little to do with normal sexual interests.<sup>72</sup> Not surprisingly, the marital exemption has undergone significant revision. In 1980, only three states had laws against marital rape; today every state recognizes marital rape as a crime.<sup>73</sup>

**STATUTORY RAPE** The term **statutory rape** refers to sexual relations between an underage minor female and an adult male. Although the sex is not forced or coerced, the law says that young girls are incapable of giving informed consent, so the act is

legally considered nonconsensual. In most instances, state law cites an age of consent above which there can be no criminal prosecution for consensual sexual relations. The crime typically applies only when the parties' ages are more than three years apart. Those accused of statutory rape can defend themselves by claiming the victim lied about their age or provided false documentation such as a fake driver's license. However, mistake is not an absolute defense and a defendant can still be convicted in some courts even if they were mistaken about the victim's age.

**RAPE BY DECEPTION** Rape by deception occurs when the rapist uses fraud or trickery to convince the victim to engage in sex or impersonates someone with whom the victim has been intimate.<sup>74</sup> In one Massachusetts case, a man was convicted of rape after he allegedly impersonated his brother in order to have sex with his brother's girlfriend in the middle of the night. The conviction was later overturned because Massachusetts law does not recognize that sex by deception can be considered rape.

A few jurisdictions recognize rape by deception. In Tennessee, the legal definition of rape includes "sexual penetration . . . accomplished by fraud"; in Idaho, sex with a woman is defined as rape when because of his "artifice, pretense or concealment," the victim believes him to be "someone other than" who he is.<sup>75</sup> Despite these exceptions, rape by deception is not universally recognized in American criminal law. However, a number of legal scholars believe that sex by deception ought to be defined as rape because "a consent procured through deception is no consent at all."<sup>76</sup> Consequently, some states are now considering adoption of rape-by-deception laws.

## Causes of Rape

What factors predispose some men to commit rape? Criminologists' responses to this question are almost as varied as the crime itself. However, most explanations can be grouped into a few consistent categories.

**EVOLUTIONARY FACTORS** According to the evolutionary psychology view, sexual violence may be instinctual, developed over the ages as a means of perpetuating the species.<sup>77</sup> The evolutionary view is that the sexual urge corresponds to the unconscious need to preserve the species by spreading one's genes as widely as possible. Males who were sexually aggressive had a reproductive edge over their more passive peers. These prehistoric drives remain active in some males who still have a natural sexual drive that encourages them to have intimate relations with as many women as possible. From the evolutionary perspective, it makes sense that women at the peak of their fertility would be preferential targets, and rape studies have documented that younger women are most often victimized by rapists.<sup>78</sup> However, in a civilized society such as ours sexual violence is subject to both social and legal disapproval and punishment so that rape as a reproductive strategy brings with it significant disadvantages.<sup>79</sup>

**MALE SOCIALIZATION** In contrast to the evolutionary biological view, some researchers argue that rape is a function of socialization. Some men have been socialized to be aggressive with women and believe that the use of violence or force is legitimate if their sexual advances are rebuffed ("Women like to play hard to get and expect to be forced to have sex"). Those who have been socialized to believe that "no means yes" are more likely to be sexually aggressive.<sup>80</sup> The use of sexual violence is aggravated if pro-force socialization is reinforced by peers who share similar values.<sup>81</sup>

Diana Russell describes the **virility mystique**—the belief that males must separate their sexual feelings from their need for love, respect, and affection. She believes men are socialized to be the aggressors and expect to be sexually active with many women; consequently, male virginity and sexual inexperience are shameful. Similarly, sexually aggressive women frighten some men and cause them to doubt their own masculinity. Sexual insecurity may lead some men to commit rape to bolster their self-image and masculine identity.<sup>82</sup>

### virility mystique

The belief that males must separate their sexual feelings from their need for love, respect, and affection.

## CONNECTIONS

The social learning view of rape will be explored further in Chapter 13 when the issue of pornography and violence is analyzed in greater detail.

### narcissistic personality disorder

A pattern of traits and behaviors indicating infatuation and fixation with one's self to the exclusion of all others, along with the egotistic and ruthless pursuit of one's own gratification, dominance, and ambition.

**PSYCHOLOGICAL ABNORMALITY** Rapists may suffer from some type of personality disorder or mental illness. Research shows that a significant percentage of incarcerated rapists exhibit psychotic tendencies, and many others have hostile, sadistic feelings toward women.<sup>83</sup> A high proportion of serial rapists and repeat sexual offenders exhibit psychopathic personality structures.<sup>84</sup> There is evidence linking rape proclivity with **narcissistic personality disorder**, a pattern of traits and behaviors that indicate infatuation and fixation with one's self to the exclusion of all others and the egotistic and ruthless pursuit of one's own gratification, dominance, and ambition.<sup>85</sup>

**SOCIAL LEARNING** According to this perspective, men learn to commit rapes in much the same way they learn any other behavior. For example, sexual aggression may be learned through interaction with peers who articulate attitudes supportive of sexual violence.<sup>86</sup> Observing or experiencing sexual violence has also been linked to sexual aggression. Nicholas Groth found that 40 percent of the rapists he studied were sexually victimized as adolescents.<sup>87</sup> Experiencing sexual trauma has been linked with the desire to inflict sexual trauma on others.<sup>88</sup> Watching violent or pornographic films featuring women who are beaten, raped, or tortured has been linked to sexually aggressive behavior in men.<sup>89</sup>

**GENDER CONFLICT VIEW** According to the gender conflict view, as women make progress toward social, political, and economic equality, men fear them as a threat to their long-held dominance.<sup>90</sup> Men react through efforts of formal and informal controls over women. One informal method of social control is to dominate women sexually through the commission of rape. The male-dominated criminal justice system may exert less effort in handling rape cases in an effort to maintain male superiority. Research by Richard Johnson does in fact show that regions with higher levels of progress toward gender equality actually experience higher rates of rape and lower rates of rape case clearances.<sup>91</sup>

**SEXUAL MOTIVATION** Even though criminologists now consider rape a violent act without sexual motivation, there is evidence that at least some rapists have sexual feelings for their victim.<sup>92</sup> NCVS data reveal that rape victims tend to be young and that rapists prefer younger, presumably more attractive victims. Data show an association between the ages of rapists and those of their victims, indicating that men choose rape targets of approximately the same age as their consensual sex partners. And despite the fact that younger criminals are usually the most violent, older rapists tend to harm their victims more than younger rapists. This pattern indicates that older criminals may rape for motives of power and control, whereas younger offenders may be seeking sexual gratification. Victims may, therefore, suffer less harm from severe beatings and humiliation from younger attackers.

**L03** Discuss the issues involving rape and the law.

## Rape and the Law

On May 14, 2011, Dominique Strauss-Kahn, the distinguished head of the International Monetary Fund and a leading French politician, was arrested in New York City for allegedly raping Nafissatou Diallo, a 32-year-old maid. He claimed the sex was consensual. After a thorough investigation, the case soon began to fall apart. It seems that Diallo had lied on her application for citizenship, and mysterious bank deposits were uncovered that may have been linked to criminal activity. She also admitted that she returned to Strauss-Kahn's room and cleaned it before calling the police!<sup>93</sup>

Unlike other crime victims, women may find that their claim of sexual assault is greeted with some skepticism by police and court personnel.<sup>94</sup> They will soon discover that they have to prove they did not engage in consensual sex and then develop remorse afterwards. Research shows that people are more likely to "blame the victim" in a case of sexual assault than they are in other common-law crimes such as armed robbery. Victim blaming is exacerbated if a prior relationship existed or if the victim did not fight back because she was intoxicated—factors that have less impact in other crimes.<sup>95</sup>

However, police and courts are becoming more sensitive to the plight of rape victims and are now just as likely to investigate acquaintance rape as they are **aggravated rape** involving multiple offenders, weapons, and victim injuries. In some jurisdictions, the justice system takes all rape cases seriously and does not ignore those in which victim and attacker have had a prior relationship or those that did not involve serious injury.<sup>96</sup>

**PROVING RAPE** On March 13, 2006, after a performance by two strippers at a private residence, three members of Duke University's men's lacrosse team were accused of raping one of the women who had been hired to entertain the team. Media outlets had a field day with a case involving a young African American victim and her alleged attackers, who were wealthy and white. However, evidence soon emerged that the charges were false, the players falsely accused and wrongfully vilified.<sup>97</sup> In 2014, a *Rolling Stone* article claimed that a University of Virginia student identified only as "Jackie" was gang raped at a frat house. The article made headlines when it described a culture of binge-drinking and casual sex tolerated by a university administration that ignored protocol when students filed sexual assault complaints. A thorough investigation turned up no evidence of a sexual assault or any wrongdoing by the school, suggesting the entire incident was a made-up story.<sup>98</sup>

Stories such as these help make proving guilt in a rape case extremely challenging for prosecutors. Some judges fear that women may charge men with rape because of jealousy, withdrawn marriage proposals, revenge, or pregnancy. There is evidence that juries may consider the race of the victim and offender in their decision making; for example, they may believe victims and convict defendants more often in interracial rapes than when both parties are the same race.<sup>99</sup> Although the law does not recognize it, jurors are sometimes swayed by the insinuation that the rape was victim precipitated; thus, the blame is shifted from rapist to victim. To get a conviction, prosecutors must establish that the act was forced and violent and that no question of voluntary compliance exists. They may be reluctant to prosecute cases where they have questions about the victim's moral character or if they believe the victim's demeanor and attitude will turn off the jury and undermine the chance of conviction.<sup>100</sup>

**CONSENT** It is essential to prove that the attack was forced and that the victim did not give voluntary **consent** to her attacker. In a sense, the burden of proof is on the victim to show that her character is beyond question and that she in no way encouraged, enticed, or misled the accused rapist. A common defense tactic is to introduce suspicion into the minds of the jury that the woman may have consented to the sexual act and later regretted her decision or suspicion that her dubious moral character casts doubt on the veracity of her claims. Even the appearance of impropriety can undermine a case. Proving the victim had good character is not a requirement in any other crime.

**LEGAL REFORM** Because of the difficulty that rape victims have in obtaining justice, rape laws have been changing around the country. Reform efforts include changing the language of statutes, dropping the condition of victim resistance, and changing the requirement of *use* of force to include the *threat* of force or injury.<sup>101</sup> **Shield laws**, which protect women from being questioned about their

### aggravated rape

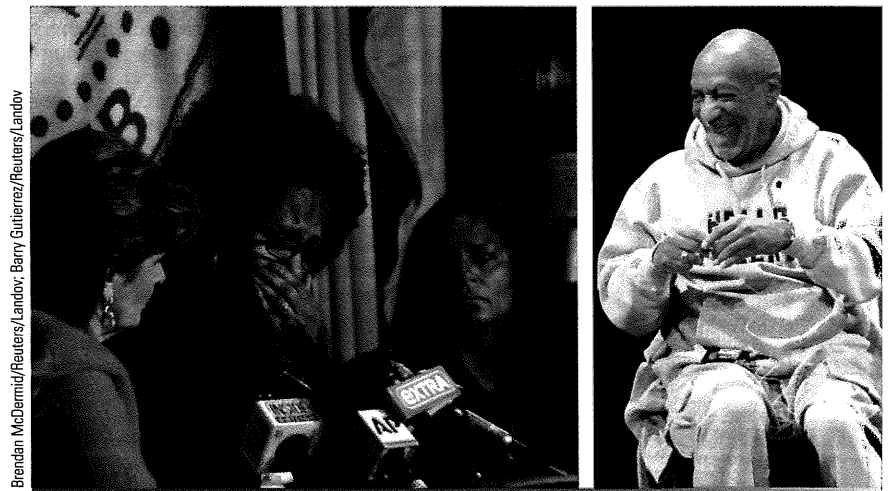
Rape involving multiple offenders, weapons, and victim injuries.

### consent

The victim of rape must prove that she in no way encouraged, enticed, or misled the accused rapist.

### shield laws

Laws that protect women from being questioned about their sexual history unless such questioning directly bears on the case.



Brendan McDermid/Reuters/Landov; Barry Gutierrez/Reuters/Landov

Proving rape can be challenging because the prosecution must prove the victim did not consent. Actress Lili Bernard (center) and writer Sammie Mays (right), two alleged victims of Bill Cosby (on far right), speak at a press conference with lawyer Gloria Allred on May 1, 2015, in New York City. More than 40 women have accused Cosby of sexual assault. While the famed comedian denies the charges, he has admitted to acquiring Quaaludes and giving them to women with whom he wanted to have sex.

sexual history unless it directly bears on the case, have become universal. Although some are quite restrictive, others grant the trial judge considerable discretion to admit prior sexual conduct in evidence if it is deemed relevant for the defense. In an important case, *Michigan v. Lucas*, the Supreme Court upheld the validity of shield laws and ruled that excluding evidence of a prior sexual relationship between the parties did not violate the defendant's right to a fair trial.<sup>102</sup>

In addition to requiring evidence that consent was not given, the common law of rape required corroboration that the crime of rape actually took place. This involved the need for independent evidence from police officers, physicians, and witnesses that the accused was actually the person who committed the crime, that sexual penetration took place, and that force was present and consent absent. This requirement shielded rapists from prosecution in cases where the victim delayed reporting the crime or physical evidence had been compromised or lost. Corroboration is no longer required except under extraordinary circumstances, such as when the victim is too young to understand the crime, has had a previous sexual relationship with the defendant, or gives a version of events that is improbable and self-contradictory.<sup>103</sup>

The federal government may have given rape victims another source of redress when it passed the Violence Against Women Act in 1994. This statute allows rape victims to sue in federal court on the grounds that sexual violence violates their civil rights; so far, the provisions of this act have been upheld by appellate courts.<sup>104</sup> Despite these reform efforts, prosecutors may be influenced in their decision to bring charges by the circumstances of a crime.<sup>105</sup> Another important piece of legislation, the Campus Sexual Violence Elimination (SaVE) Act, increases transparency on campus about incidents of sexual violence, guarantees victims enhanced rights, sets standards for disciplinary proceedings, and requires campus-wide prevention education programs. The act broadens this requirement to mandate fuller reporting of sexual violence to include incidents of domestic violence, dating violence, and stalking. Signed into law on March 7, 2013, it also requires schools to protect victim confidentiality when reporting criminal threats to the campus community.<sup>106</sup>

#### L04 Analyze the different types of murder.



##### **murder**

The unlawful killing of a human being with malice aforethought.

##### **first-degree murder**

Killing a person after premeditation and deliberation.

##### **premeditation**

Considering the criminal act beforehand, which suggests that it was motivated by more than a simple desire to engage in an act of violence.

##### **deliberation**

Planning a criminal act after careful thought, rather than carrying it out on impulse.

## Murder and Homicide

The common-law definition of **murder** is "the unlawful killing of a human being with malice aforethought."<sup>107</sup> It is the most serious of all common-law crimes and the only one in the United States that can still be punished by death. Western society's abhorrence of murderers is illustrated by the fact that there is no statute of limitations in murder cases. Whereas state laws limit prosecution of other crimes to a fixed period (usually 7 to 10 years), accused killers can be brought to justice at any time after their crimes were committed. In 1991, the abused and decomposed body of 4-year-old Anjelica Castillo—known as "Baby Hope"—was found in an ice chest by the side of a New York roadway; in 2013, her killer, Conrado Juarez, was arrested in New York City, 22 years after that infamous crime took place.<sup>108</sup>

To legally prove that a murder has taken place, most state jurisdictions require prosecutors to show that the accused *maliciously* intended to kill the victim. "Express or actual malice" is the state of mind assumed to exist when someone kills another person in the absence of any apparent provocation. "Implied or constructive malice" is considered to exist when a death results from negligent or unthinking behavior. In these cases, even though the perpetrator did not wish to kill the victim, the killing resulted from an inherently dangerous act and therefore is considered murder.

## Degrees of Murder

There are different levels, or degrees, of homicide. **First-degree murder** occurs when a person kills another after premeditation and deliberation. **Premeditation** means that the killing was considered beforehand and suggests that it was motivated by more than a simple desire to engage in an act of violence. **Deliberation** means the killing was planned after careful thought rather than carried out on impulse: "To constitute a



deliberate and premeditated killing, the slayer must weigh and consider the question of killing and the reasons for and against such a choice; having in mind the consequences, he decides to and does kill."<sup>109</sup> The planning implied by this definition need not be a long process; it may be an almost instantaneous decision to take another's life. Also, a killing that accompanies a felony, such as robbery or rape, usually constitutes first-degree murder (**felony murder**).

**Second-degree murder** requires the killer to have malice aforethought but not premeditation or deliberation. A second-degree murder occurs when a person's wanton disregard for the victim's life and his or her desire to inflict serious bodily harm on the victim result in the victim's death. Homicide without malice is called **manslaughter** and is usually punished by anywhere from 1 to 15 years in prison. **Voluntary or nonnegligent manslaughter** refers to a killing committed in the heat of passion or during a sudden quarrel that provoked violence. Although intent may be present, malice is not. **Involuntary or negligent manslaughter** refers to a killing that occurs when a person's acts are negligent and without regard for the harm they may cause others. Most involuntary manslaughter cases involve motor vehicle deaths—for example, when a drunk driver kills a pedestrian. The Profiles in Crimes feature describes a famous case deemed to be negligent homicide.

**DELIBERATE INDIFFERENCE MURDER** Murder is often considered an intentional act, but a person can also be held criminally liable for the death of another even if she or he did not intend to injure another person but exhibited *deliberate indifference* to the danger her or his actions might cause. The deliberate indifference standard is met

#### **felony murder**

A killing that accompanies a felony, such as robbery or rape.

#### **second-degree murder**

A person's wanton disregard for the victim's life and his or her desire to inflict serious bodily harm on the victim, which results in the victim's death.

#### **manslaughter**

Homicide without malice.

#### **voluntary or nonnegligent manslaughter**

A killing committed in the heat of passion or during a sudden quarrel that provoked violence.

#### **involuntary or negligent manslaughter**

A killing that occurs when a person's acts are negligent and without regard for the harm they may cause others.

## PROFILES IN CRIME

### OSCAR PISTORIUS

In 2014, the trial of South African athlete Oscar Pistorius made headlines around the world. Pistorius, a double amputee known as the "Blade Runner" for his scythe-like prosthetic legs, was a Paralympics champion who began competing in able-bodied events. At the 2011 World Championships in Athletics, Pistorius became the first amputee to win a track medal at an international competition. At the 2012 Summer Olympics, Pistorius became the first double leg amputee to participate in the Olympics, making him world famous. Then on February 14, 2013, he was charged with the murder of his beautiful model girlfriend, Reeva Steenkamp. Reeva was killed in the bathroom of his Pretoria home, when Pistorius shot four times through the closed door. But why the shooting occurred was the key and only issue in the case. According to Pistorius, he was awakened by a noise, heard the bathroom window open, believed an intruder had broken into the house, and shot to defend himself and Reeva before realizing he had made a terrible mistake. His story was disputed by prosecutors who argued that Pistorius fought with Steenkamp for some unknown reasons and then shot her in anger when she took refuge in the bathroom. Their case was supported by neighbors who testified they heard screams and then shots being fired. The

defense rebutted that the neighbors who thought they heard a woman's screams were mistaken: the screams were actually Pistorius, who became frenzied when he realized his mistake. The prosecution also brought witnesses who said that Pistorius had a hot temper, routinely carried guns, and on more than one occasion shot them off in anger.

Pistorius was found guilty of culpable homicide and received a five-year prison sentence, the judge refusing to find Pistorius guilty of the more serious crime of premeditated murder. Culpable homicide, in the South African legal system, is the "unlawful or negligent killing" of a person. Steenkamp was found to have been killed by Pistorius without intent or premeditation but negligence, the U.S. equivalent of involuntary manslaughter. The judge obviously believed his claim that it was all a grievous mistake and he did not intend to kill.

Pistorius is scheduled to be released in August 2015. Prosecutors, appalled that the sentence was too lenient, appealed the verdict, and the case is now winding its way through the South African appeals process.

**Source:** Anita Powell, "Pistorius Trial Week 2 Features Blood, Tears," *Voice of America*, March 14, 2014, [www.voanews.com/content/week-2-of-pistorius-trial-blood-tears-and-vomit/1871130.html](http://www.voanews.com/content/week-2-of-pistorius-trial-blood-tears-and-vomit/1871130.html) (accessed 2015).

## FACT OR FICTION?

You can't be convicted of murder unless you personally and intentionally kill someone.

**FICTION** A person can be convicted of murder if he is aware that his behavior can cause lethal danger but does nothing to stop it from occurring, even though he did not intend the victim to be killed; this is known as deliberate indifference. Someone can also be convicted of murder if he merely participates in a felony, such as a robbery, and someone is killed by a partner or co-conspirator.

when a person knows of and yet disregards or ignores an excessive risk to another's health or safety. One of the most famous cases illustrating deliberate indifference murder occurred on January 26, 2001, when Diane Whipple, a San Francisco woman, died after two large dogs attacked her in the hallway of her apartment building. One of the dogs' owners/keepers, Robert Noel, was found guilty of manslaughter, and his wife, Marjorie Knoller, was convicted on charges of second-degree murder, because they knew that the dogs were highly dangerous but did little or nothing to control the animals' behavior. Their deliberate indifference put their neighbor at risk, with tragic consequences. After a long series of appeals, on June 1, 2007, the California Supreme Court ruled that a dog owner who knows the animal is a potential killer and exposes other people to that danger may be guilty of murder even though he or she did not intend that particular victim to be injured or killed. In a unanimous decision, the appellate court ruled that Knoller could be convicted of murder because she acted with "conscious disregard of the danger to human life." On September 22, 2008, the court sentenced Marjorie Knoller to serve 15 years to life for the death of Diane Whipple.<sup>110</sup>

## Nature and Extent of Murder

It is possible to track the trends in U.S. murder rates from 1900 to the present with the aid of coroners' reports and UCR data. The murder rate peaked in 1933, a time of prolonged economic depression and lawlessness, and then fell until 1958. The homicide rate doubled from the mid-1960s to a peak in 1991 when almost 25,000 people were killed in a single year, a rate of about 10 per 100,000 people. The murder rate has since been in a decline. In 2014, there were about 14,000 murders, a rate of about 4.5 per 100,000 population. So today there are about 10,000 fewer people being killed every year than 25 years ago even though the population has become much larger!

What else do official crime statistics tell us about murder today? Murder tends to be an urban crime. More than half of all homicides occur in cities with a population of 100,000 or more; nearly one-quarter of homicides occur in cities with a population of more than 1 million. Why is homicide an urban phenomenon? Large cities experience the greatest rates of structural disadvantage—poverty, joblessness, racial heterogeneity, residential mobility, family disruption, and income inequality—that are linked to high murder rates.<sup>111</sup> Not surprisingly, large cities are much more commonly the site of drug-related killings and gang-related murders and are relatively less likely to be the location of family-related homicides, including murders of intimates.

Murder victims and offenders tend to be males; about 80 percent of homicide victims and nearly 90 percent of offenders are male. Murder, like rape, tends to be an intraracial crime; about 90 percent of victims are slain by members of their own race. About half of all murder victims are African Americans.

Approximately one-third of murder victims and almost half the offenders are under the age of 25. For both victims and offenders, the rate per 100,000 peaks in the 18- to 24-year-old age group. Some murders involve very young children, a crime referred to as **infanticide** (killing older children is called **filicide**), and others involve senior citizens, a crime referred to as **eldercide**.<sup>112</sup> The UCR indicates that about 400 children under 4 years of age are murdered each year. The younger the child, the greater the risk for infanticide. At the opposite end of the age spectrum, about 5 percent of all homicides involve people age 65 or older. Males age 65 or older are more likely than females of the same age to be homicide victims. Although most of the offenders who committed eldercide were age 50 or younger, elderly females were more likely than elderly males to be killed by an elderly offender.

Murderers typically have a long involvement in crime; few people begin a criminal career by killing someone. Research shows that people arrested for homicide are significantly more likely to have been in trouble with the law prior to their arrest than people arrested for other crimes.<sup>113</sup> A recent longitudinal study by David Farrington and his associates found that among the risk predictors for homicide, prior

### infanticide

Murder of a very young child.

### filicide

Murder of an older child.

### eldercide

Murder of a senior citizen.

criminal offenses up to age 14 was the most important; 95 percent of offenders had records of violence.<sup>114</sup>

**“BORN AND ALIVE”** Can a murder victim be a fetus that has not yet been delivered; is **feticide** a crime? The answer is yes. Today about 38 states have some form of fetal homicide laws and more than two-thirds of the states have passed some form of legislation that criminalizes the killing of a fetus as murder even if it is not “born and alive.”<sup>115</sup> In some states, there exists legislation creating a separate class of crime that increases criminal penalties when a person causes injury to a woman they know is pregnant, and the injury results in miscarriage or stillbirth.

At the federal level, the Unborn Victims of Violence Act of 2004 makes it a separate crime to harm a fetus during an assault on the mother. If the attack causes death or bodily injury to a child who is in utero at the time the conduct takes place, the penalty is the same as that for conduct had the injury or death occurred to the unborn child’s mother.<sup>116</sup> There is still a great deal of state-to-state variation in feticide laws. Some make it a separate crime to kill a fetus or commit an act of violence against a pregnant woman. Others have a viability requirement: feticide can only occur if the unborn child could at the time have potentially lived outside the mother’s body.<sup>117</sup>

Today, few would deny that some relationship exists between social and ecological factors and murder. The following section explores some of the more important issues related to these factors.

## Murderous Relations

Most murders are expressive—that is, motivated by rage or anger—and they typically involve friends, relatives, and acquaintances. Stranger homicides typically involve commission of another crime (such as a robbery, rape, or drug deal) where the perpetrator applied too much force in completing the crime.<sup>118</sup>

Murderous relations are also shaped by gender: males are more likely to kill others of similar social standing in more public contexts, whereas women kill family members and intimate partners in private locations.<sup>119</sup> What other forms do murderous relations take?

**INTIMATE PARTNER MURDER** Many murders involve husbands and wives, boyfriends and girlfriends, and others involved in romantic relationships. Intimate partner murder is a gendered phenomenon. When women commit homicide, the most likely victim is an intimate partner; about 40 percent of all female homicide incidents involve killing a male partner. However, while less than 10 percent of all murders committed by men involve a female partner, intimate partner homicides make up 40 to 50 percent of all murders of women in the United States.<sup>120</sup>

Men who kill romantic partners typically have a long history of violence, while for women killing their partner may be their first violent offense.<sup>121</sup> This may be the reason that there is a “chivalry effect” in domestic violence murders. In death penalty states such as California, the death-sentence rate for single-victim domestic violence murders is significantly lower than the overall death-sentence rate for other kinds of killings. Not surprisingly, when women in these states are found guilty of capital murder, they are far less likely than men to be sentenced to death.<sup>122</sup>

Research also shows most females who kill their mates do so after suffering repeated violent attacks.<sup>123</sup> Women who kill or seriously assault intimate partners are often battered women unable to flee a troubled relationship.<sup>124</sup> Perhaps the number of males killed by their partners has declined because alternatives to abusive relationships, such as shelters for battered women, are becoming more prevalent around the United



AP Images/Dave Kettering

Older people tend to be victimized by a family member. Isaiah Sweet, 18, pleaded guilty to two charges of first-degree murder for the May 2012 killings of his grandparents, 55-year-old Richard Sweet and 62-year-old Janet Sweet. The teenage Sweet told friends he hated his grandparents before shooting both in the head. He received a life sentence for the murders.

### feticide

Intentional or negligent killing of a human fetus.

States. Regions that provide greater social support for battered women and that have passed legislation to protect abuse victims also have lower rates of female-perpetrated homicide.<sup>125</sup> This escape valve may help them avoid retaliation through lethal violence.

Some people kill their mates because they find themselves involved in a love triangle.<sup>126</sup> Interestingly, women who kill out of jealousy aim their aggression at their partners; in contrast, men are more likely to kill their rivals (their mates' suitors). Love triangles tend to become lethal when the offenders believe they have been lied to or betrayed. Lethal violence is more common when (1) the rival initiated the affair, (2) the killer knew the spouse was already in a steady relationship outside the marriage, and (3) the killer was repeatedly lied to or betrayed.<sup>127</sup>

**ACQUAINTANCE MURDERS** Most murders occur among people who are acquainted. Although on the surface the killing might seem senseless, it is often the result of a long-simmering dispute motivated by revenge, dispute resolution, jealousy, drug deals, racial bias, or threats to identity or status.<sup>128</sup> For example, a prior act of violence, motivated by profit or greed, such as when a buyer robs his dealer during a drug transaction, may generate revenge killing.

How do these murderous relations develop between two people who may have had little prior conflict? In a now classic study, David Luckenbill examined murder transactions to determine whether particular patterns of behavior are common between the killer and the victim.<sup>129</sup> He found that many homicides follow a sequential pattern. First, the victim makes what the offender considers an offensive move. The offender typically retaliates verbally or physically. An agreement to end things violently is forged with the victim's provocative response. The battle ensues, leaving the victim dead or dying. The offender's escape is shaped by his or her relationship to the victim or by the reaction of the audience, if any.

**STRANGER MURDERS** About 20 percent of all murders involve strangers. Stranger homicides occur most often as felony murders during rapes, robberies, and burglaries. Others are random acts of urban violence that fuel public fear: a homeowner tells a motorist to move his car because it is blocking the driveway, an argument ensues, and the owner gets a pistol and kills the motorist. Stranger homicides can result from random gang violence: someone is killed inadvertently in a drive-by shooting. They may also stem from hate crimes (covered later in this chapter) directed at victims merely because of their race, class, gender, and so on. The killing of homeless people by adolescent groups and gangs has become all too common.<sup>130</sup>

**SEXUALLY BASED MURDERS** Some murders are sexually related. Research indicates that sexually related homicide can take a variety of forms:<sup>131</sup>

- Domestic disputes involving husbands and wives, men and women, boyfriends and girlfriends, same-sex couples, and even on occasion siblings. Sometimes these events are triggered by a partner's unwanted or unexpected pregnancy: homicidal injury is a leading cause of death among pregnant and postpartum women in the United States.<sup>132</sup>
- Love triangles involving former husbands and/or wives and jilted lovers.
- Rape and/or sodomy oriented assault in which a person intends to commit a rape or sexual assault but uses excessive force to overcome resistance, resulting in the victim's death.
- "Lust murders" that are motivated by obsessive sexual fantasies.
- Vengeance for sexual violence. In these cases someone exacts vengeance on a sexual violence perpetrator, either on his or her own behalf or on the behalf of a sexual violence victim.
- Self-defense during sexual violence. In these incidents, sexual violence was taking place and the victim defended herself or himself resulting in the death of the sexual violence perpetrator; or another person intervened to defend the sexual violence victim and this resulted in the death of the sexual violence perpetrator.

Although not much is known about sexually motivated killers, Paul Greenall and Michelle Wright recently found that they tend to be generalists and that sexual homicide was part of a long history of antisocial acts that included a variety of violent crimes in addition to murder.<sup>133</sup>

**SCHOOL MURDERS** Sadly, violence in schools has become commonplace. There have been a number of mass killings, such as the 1999 shootings at Columbine High School in Colorado that resulted in the deaths of 15 people, and the Newtown, Connecticut, massacre in 2012 in which Adam Lanza killed 20 children and 6 staff members. On average, about 25 students are killed each year at school, on the way to or returning from regular sessions at school, or while attending or traveling to or from an official school-sponsored event.<sup>134</sup> School massacres tend to be committed by white males but the presence of female perpetrators is not unknown, especially when the attack is not carried out with a firearm but with a knife or some other instrument.<sup>135</sup>

In many instances, these events are linked to bullying with the target turning the tables on their tormentors, such as what occurred in the Columbine High School massacre.<sup>136</sup> Bullying is a serious social problem: the latest data from the National Center for Education Statistics indicate that about 28 percent of students ages 12 to 18 reported being bullied at school during the school year, including being pushed, shoved, tripped, or spit on at school.<sup>137</sup>

## Serial Killers, Mass Murderers, and Spree Killers

For 31 years, citizens of Wichita, Kansas, lived in fear of the serial killer self-described as BTK (for Bind, Torture, Kill). During his murder spree, BTK sent taunting letters and packages to the police and the media. Suddenly, after committing gruesome killings in the 1970s, he went underground and disappeared from view. Then, after 25 years of silence, he renewed contact with a local news station. His last communication contained a computer disk, which was analyzed by the FBI and traced to 59-year-old Dennis Rader, who later confessed to 10 murders in an effort to escape the death penalty.

**SERIAL KILLERS** Criminologists consider a **serial killer**, such as Rader, to be a person who kills three or more persons in three or more separate events. In between the murders, a serial killer reverts to his or her normal lifestyle. Serial killers come from all walks of life, though the majority are white males.<sup>138</sup> Approximately 17 percent of all serial homicides in the United States are committed by women and 20 percent by African Americans.<sup>139</sup>

There are different types of serial killers.<sup>140</sup> Some are sadists who gain satisfaction from torturing and killing their victims. In contrast, others believe they are helping people by ending their suffering. Dr. Harold Frederick Shipman, Britain's most notorious serial killer, was convicted of 15 murders, though he may have killed more than 200 patients, most of them elderly, claiming his actions were motivated by compassion rather than psychosis.<sup>141</sup>



T. J. Lane is escorted by sheriff's deputies after his court appearance for shooting and killing three students at Chardon High School in Chardon, Ohio, February 28, 2012. Two other students were seriously injured in the shooting, one of whom was permanently paralyzed. Lane was sentenced to three life sentences without the possibility of parole. After entering the courtroom, he took off his dress shirt to reveal a white T-shirt with the word "Killer" handwritten across the front.

### serial killer

A person who kills three or more persons in three or more separate events.

Some experts have attempted to classify serial killers on the basis of their motivations and offense patterns.<sup>142</sup> According to James A. Fox and Jack Levin, there are at least three different types of serial killers:<sup>143</sup>

- “Thrill killers” strive for either sexual sadism or dominance. They enjoy the thrill, the sexual gratification, and the dominance they achieve over the lives of their victims. Serial killers rarely use a gun because this method is too quick and would deprive them of their greatest pleasure—exulting in the victim’s suffering. Extending the time it takes the victim to die increases the pleasure they experience from killing and prolongs their ability to ignore or enjoy their victims’ suffering. They typically have a propensity for basking in the media limelight when apprehended for their crimes. Killing provides a way for them to feed their emotional hunger and reduce their anxiety levels.<sup>144</sup>
- “Mission killers” want to reform the world or have a vision that drives them to kill.
- “Expedience killers” are out for profit or want to protect themselves from a perceived threat.

**FEMALE SERIAL KILLERS** While rare, female serial killers have been around for quite some time. Locusta, a poisoner, was active in Rome during the first century CE. Lucretia Patricia Cannon, the first known female serial killer in the United States, was active between 1802 and 1829 in Delaware.<sup>145</sup>

An estimated 10 to 15 percent of serial killers are women, and there are striking differences between male and female killers.<sup>146</sup> Males are much more likely than females to use extreme violence and torture. Whereas males used a “hands-on” approach, including beating, bludgeoning, and strangling their victims, females are more likely to poison or smother their victims. Men track or stalk their victims, but women are much more likely to kill family members and acquaintances. Female serial killers kill those closest to them—husbands, lovers, children, and other relatives. They also target those who are weak or dependent on them, such as children and the elderly. Men choose victims whom they can render helpless, and women choose victims who are already helpless.<sup>147</sup>

There are also gender-based personality and behavior characteristics. Female killers, somewhat older than their male counterparts, abuse both alcohol and drugs; males are not likely to be substance abusers. Women were diagnosed as having histrionic, manic-depressive, borderline, dissociative, and antisocial personality disorders; men were more often diagnosed as having antisocial personalities. Aileen Wuornos, executed for killing seven men, was diagnosed with a severe psychopathic personality, which probably arose from her horrific childhood marked by beatings, alcoholism, rape, incest, and prostitution.<sup>148</sup>

Thus, the typical female serial killer is a person who smothers or poisons someone she knows. During childhood she suffered from an abusive relationship in a disrupted family. Female killers’ education levels are below average, and if they hold jobs, they are in low-status positions. And because they use stealth and cunning rather than overt brutality, women are more likely to remain at large longer before arousing suspicion. They also avoid detection due to the fact that they tend to be older and more mature than their male counterparts and, quite possibly, due to the gender biases that underpin the misconception that women cannot be serial murderers.<sup>149</sup>

#### mass murder

The killing of four or more victims by one or a few assailants within a single event.

**MASS MURDERERS** In contrast to serial killings, **mass murder**, such as the mass shooting by James Holmes, who killed 12 people at a movie theater in Aurora, Colorado, on July 20, 2012, involves the killing of four or more victims by one or a few assailants within a single event.<sup>150</sup> The murderous incident can last but a few minutes or as long as several hours. In order to qualify as a mass murder, the incident must be carried out by one or a few offenders. Highly organized or institutionalized killings (such as war crimes and large-scale acts of political terrorism, as well as certain acts of

highly organized crime rings), though atrocious, are not considered mass murder and are motivated by a totally different set of factors.

Fox and Levin define four types of mass murderers:

- “Revenge killers” want to get even with individuals or society at large. Their typical target is an estranged wife and “her” children or an employer and “his” employees.
- “Love killers” are motivated by a warped sense of devotion. They are often dependent people who commit suicide and take others, such as a wife and children, with them.
- “Profit killers” are usually trying to cover up a crime, eliminate witnesses, and carry out a criminal conspiracy.
- “Terrorist killers” are trying to send a message. Gang killings tell rivals to watch out; cult killers may actually leave a message behind to warn society about impending doom.

A recent study by Adam Lankford compared mass murderers who took their own life with those who survived their attack. Lankford found that while only 4 percent of murderers commit suicide, by contrast, 38 percent of mass shooters who attacked in the United States between 1966 and 2010 committed suicide by their own hand. Another 10 percent were shot after threatening police officers (“suicide by cop”), so overall, 48 percent of these offenders died as a result of their attacks. Those mass shooters who died armed themselves with more weapons, killed more victims, and often struck at different locations (commercial areas) than those who survived their attacks. The suicidal killers tended to engage in profound self-loathing, whereby they felt guilty and ashamed about their inadequacies and weaknesses, including their uncontrolled anger and violent tendencies. They had a vengeful desire to punish themselves and were propelled by more powerful perceptions of personal victimization, social injustice, and general hopelessness than other mass shooters.<sup>151</sup>

**SPREE KILLERS** Unlike mass murders, spree killing is not confined to a single outburst, and unlike serial killers, spree killers do not return to their normal identities in between killings. **Spree killers** engage in a rampage of violence over a period of days or weeks. The most notorious spree killing to date occurred in October 2002 in the Washington, D.C., area.<sup>152</sup> John Lee Malvo, 17, a Jamaican citizen, and his traveling companion John Allen Muhammad, 41, an Army veteran with an expert’s rating in marksmanship, went on a rampage that left more than 10 people dead.

Some spree killers target a specific group or class. Joseph Paul Franklin targeted mixed-race couples (African Americans and Jews), committing over 20 murders in 12 states in an effort to instigate a race war. (Franklin also shot and paralyzed *Hustler* publisher Larry Flynt because he published pictures of interracial sex.)<sup>153</sup> Others, such as the D.C. snipers Malvo and Muhammad, kill randomly and do not seek a specific class of victim; their targets included the young and old, African Americans and whites, men and women.<sup>154</sup>

## Assault and Battery

Although many people mistakenly believe that the phrase “assault and battery” refers to a single act, they are actually two separate crimes. **Battery** requires offensive touching, such as slapping, hitting, or punching a victim.

### spree killer

A killer of multiple victims whose murders occur over a relatively short span of time and often follow no discernible pattern.

### battery

Offensive touching, such as slapping, hitting, or punching a victim.



AP Images/Bruce Chambers

Spree killers retain their own identity while they go on a murderous rampage over time. Here, Iztcoatl Ocampo appears at his arraignment in Santa Ana, California. Ocampo, an ex-Marine who stabbed six people to death in California, told investigators he targeted homeless people in part because they were vulnerable, and that he believes he has a “killer gene.” Ocampo seemed to relish the media attention of the crime, and he stalked each victim until he got his prey.



**assault**

Either attempted battery or intentionally frightening the victim by word or deed (actual touching is not involved).

**road rage**

Violent assault by a motorist who loses control of his or her emotions while driving.

**child abuse**

Any physical or emotional trauma to a child for which no reasonable explanation, such as an accident or ordinary disciplinary practices, can be found.

**neglect**

Not providing a child with the care and shelter to which he or she is entitled.

victim. **Assault** requires no actual touching but involves either attempted battery or intentionally frightening the victim by word or deed. Although common law originally intended these twin crimes to be misdemeanors, most jurisdictions now upgrade them to felonies either when a weapon is used or when they occur during the commission of a felony (for example, when a person is assaulted during a robbery).<sup>155</sup>

Under common law, battery required bodily injury, such as broken limbs or wounds. However, under modern law, an assault and battery occurs if the victim suffers a temporarily painful blow, even if no injury results. Battery can also involve offensive touching, such as a man kissing a woman against her will or putting his hands on her body. In some legal jurisdictions, biting someone when one is infected with AIDS is considered an aggravated assault; some people with AIDS have been convicted of aggravated assault for spitting on their victims.<sup>156</sup>

## Nature and Extent of Assault

The pattern of criminal assault is quite similar to that of homicide and rape; one could say that the only difference is that the victim survives.<sup>157</sup> Assaults may be common in our society simply because of common life stresses. Motorists who assault each other have become such a familiar phenomenon that the term **road rage** has been coined. There have even been frequent incidents of violent assault among frustrated airline passengers who lose control while traveling.<sup>158</sup>

About 725,000 assaults are now being reported to police agencies annually—about 229 per 100,000 inhabitants. Just as for other violent crimes, the number of assaults has been in decline, down more than one-third from its peak in 1993, when 1.1 million assaults were reported to the police. People arrested for assault and

those identified by victims are usually young, male (about 75 percent), and white (65 percent). Assault victims tend to be male, but females also face a significant danger. Assault rates are highest in urban areas, during summer, and in southern and western regions. The weapons most commonly used in assaults are blunt instruments and hands and feet.

The NCVS indicates that more than 5 million assaults take place each year; about 1 million are considered aggravated, and 4 million simple or weaponless assaults. Like other violent crimes, the number of assaults has been in steep decline—down more than 30 percent during the past decade.

## Acquaintance and Family Assaults

Violent attacks in the home are one of the most frightening types of assault. Criminologists recognize that assault among friends and intimates and within the family has become an enduring social problem in the United States and abroad. What forms do these attacks take?

**CHILD ABUSE** One area of intrafamily violence that has received a great deal of media attention is **child abuse**. This term describes any physical or emotional trauma inflicted on a child for which no reasonable explanation, such as an accident or ordinary disciplinary practice, can be found.<sup>159</sup> Child abuse can result from physical beatings administered to a child by hands, feet, weapons, belts, sticks, burning, and so on. Another form of abuse results from **neglect**—not providing a child with the care and shelter to which he or she is entitled.

Estimating the actual number of child abuse cases is difficult, because many incidents are never reported to the police.



AP Images/Rick Cincir

Child abuse is one of the most serious forms of family assault. Here, Randall Lints is brought into court in East Brookfield, Massachusetts, for a hearing and bail review on August 19, 2015. Lints was accused of beating and starving his 7-year-old son, Jack, who weighed 38 pounds and was taken to a hospital in a coma.



Child Protective Services (CPS) agencies throughout the United States receive almost 4 million complaints of child abuse and of these one-fifth or more than 675,000 children are found to be victims of abuse, about half males and half females.<sup>160</sup>

Although child abuse is still a serious social problem, child maltreatment rates are lower today than they were a decade ago. It is difficult to pinpoint the reason for the reduction in reported abuse, but it may be the result of better treatment strategies, lower substance abuse rates, reduced reliance on physical punishment, and the availability of abortion (which reduces the number of unwanted children).

**Child sexual abuse** is the exploitation of children through rape, incest, and molestation by parents or other adults. The CPS data indicate that about 65,000 children are the victims of sexual abuse each year. Many of these are subjected to some form of sexual exploitation, which often begins with sexual assaults by relatives and acquaintances, such as a teacher, a coach, or a neighbor. Sexual abuse is of particular concern because children who have been abused experience a long list of symptoms, including fear, posttraumatic stress disorder, behavior problems, sexualized behavior, and poor self-esteem.<sup>161</sup> As they mature, abused girls are more likely than other girls to drop out of high school, become teen parents, be obese, and experience psychiatric problems, substance dependence, and domestic violence.<sup>162</sup> Women who were abused as children are also at greater risk of being abused as adults than those who escaped childhood victimization.<sup>163</sup>

#### **child sexual abuse**

The exploitation of children through rape, incest, and molestation by parents or other adults.

**CAUSES OF CHILD ABUSE** Why do parents physically assault their children? Such maltreatment is a highly complex problem with neither a single cause nor a readily available solution. It cuts across ethnic, religious, and socioeconomic lines. Abusive parents cannot be categorized by sex, age, or educational level, and they come from all walks of life.<sup>164</sup>

A number of factors have been commonly linked to child abuse and neglect:

- Abusive parents may themselves have been abused, creating an intergenerational cycle of violence.
- Blended families, which include children living with an unrelated adult such as a stepparent or with another unrelated co-resident, have higher incidence of abuse.<sup>165</sup>
- Parents may become abusive if they are isolated from friends, neighbors, or relatives who can help in times of crisis.<sup>166</sup>
- Abusive parents may be suffering from depression and other forms of psychological distress.<sup>167</sup>

Regardless of its cause, child abuse can have devastating long-term effects, ranging from depression to loss of self-esteem.<sup>168</sup> Not surprisingly, a history of childhood sexual and physical abuse is observed at a disproportionately high rate among persons with severe mental illness.<sup>169</sup>

**PARENTAL ABUSE** Parents are sometimes the target of abuse from their own children. The following facts emerge from studies of child-to-parent violence (CPV):

- The younger the child, the higher the rate of CPV.
- At all ages, more children were violent to mothers than to fathers.
- Both boys and girls hit mothers more than they hit fathers.
- At all ages, slightly more boys than girls hit parents.
- Child-to-parent violence is associated with some form of earlier violence by parents: husband-to-wife, wife-to-husband, or child abuse.<sup>170</sup>

**SPOUSAL ABUSE** Spousal abuse has occurred throughout recorded history. By the mid-nineteenth century, severe wife beating fell into disfavor, and accused wife beaters were subject to public ridicule. Nonetheless, limited chastisement of wives was still the rule. These ideas form the foundation of men's traditional physical control of women and have led to severe cases of spousal assault. Spouse abuse is still a

## Exhibit 10.2 Factors that Predict Spousal Abuse

- *Presence of alcohol.* Excessive alcohol use may turn otherwise docile spouses into abusers.
- *Access to weapons.* The perpetrator's access to a gun and previous threat with a weapon may lead to abuse.
- *Blended family.* Having a child living in a blended family may provoke abuse because one parent may have a more limited bond to the child.
- *Estrangement.* Alienation or separation from a controlling partner and subsequent involvement with another partner are contributing factors in abuse.
- *Hostility toward dependency.* Some spouses who appear docile and passive may resent their dependence on their partners and react with rage and violence; this reaction has been linked to sexual inadequacy.
- *Excessive brooding.* Obsession with a spouse's behavior, however trivial, can result in violent assaults.
- *Social learning.* Some males believe society approves of spouse or mate abuse and may use these beliefs to justify their violent behavior. Peer support helps shape their attitudes and behaviors.
- *Socioeconomic factors.* Men who fail as providers and are under economic stress may take their frustrations out on their wives.
- *Flashes of anger.* Research shows that a significant amount of family violence results from a sudden burst of anger after a verbal dispute.
- *Military service.* Spousal abuse among men who have served in the military is extremely high. Similarly, those serving in the military are more likely to assault their wives than are civilian husbands. The reasons for this phenomenon may be the violence promoted by military training and the close proximity in which military families live to one another.
- *Having been battered as children.* Spouses who assault their partners were generally battered as children.
- *Unpredictability.* Batterers are unpredictable, unable to be influenced by their spouses, and impossible to prevent from battering once an argument has begun.

**Sources:** Christine Sellers, John Cochran, and Kathryn Branch, "Social Learning Theory and Partner Violence: A Research Note," *Deviant Behavior* 26 (2005): 379–395; Jacquelyn Campbell, Daniel Webster, Jane Koziol-McLain, Carolyn Block, Doris Campbell, Mary Ann Curry, Faye Gary, et al., "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *American Journal of Public Health* 93 (2003): 1089–1097; Neil Jacobson and John Mordechai Gottman, *When Men Batter Women: New Insights into Ending Abusive Relationships* (New York: Simon and Schuster, 1998); Kenneth Leonard and Brian Quigley, "Drinking and Marital Aggression in Newweds: An Event-Based Analysis of Drinking and the Occurrence of Husband Marital Aggression," *Journal of Studies on Alcohol* 60 (1999): 537–541.

significant problem. In their classic study of family violence, Richard Gelles and Murray Straus found that 16 percent of surveyed families had experienced husband-to-wife assaults.<sup>171</sup> The consequences of abuse can be significant, ranging from physical injury to psychological trauma, to exposure to sexually transmitted disease.<sup>172</sup> Moreover, physical abuse is commonly accompanied by mental abuse and coercion that can have long-term damaging psychological effects.<sup>173</sup> Exhibit 10.2 examines some factors that predict the likelihood of spousal abuse.

### Dating Violence

Date rape is not the only form of violence aimed at a boyfriend or girlfriend.<sup>174</sup> A significant portion of all teens have been the target of dating violence, and it is estimated that one high school girl in five may suffer sexual or physical abuse from a boyfriend. Dating violence has been linked to substance abuse, unsafe sex, and eating disorders.<sup>175</sup>

Physical dating violence can involve a wide spectrum of activities ranging from moderate to severe: scratching, slapping, pushing, slamming or holding someone against a wall, biting, choking, burning, beating someone up, and assault with a weapon. There is also emotional and psychological abuse that includes insulting, criticizing, threatening, humiliating, or berating. An emerging form of emotional abuse is referred to as **relational aggression** in which a partner tries to damage a person's relationship with friends by spreading smears and false rumors or by revealing information or images intended to be private.

#### relational aggression

Psychological and emotional abuse that involves the spreading of smears, rumors, and private information in order to harm his or her partner.

4

## Robbery

The common-law definition of **robbery** (and the one used by the FBI) 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.”<sup>176</sup> A robbery is considered a violent crime because it involves the use of force to obtain money or goods. Robbery is punished severely because the victim’s life is put in jeopardy. In fact, the severity of punishment is based on the amount of force used during the crime, not on the value of the items taken.

The FBI records about 345,000 robberies a year, a rate of about 109 per 100,000 population. As with most other violent crimes, there has been a significant reduction in the robbery rate during the past decade; the robbery rate is down 40 percent since 1991, when about 687,000 robberies were committed. According to the NCVS, about 550,000 robberies are committed or attempted each year, a discrepancy that illustrates that many of the most serious crimes go unreported to police agencies.

### Robbers in Action

Even though most robbers may be opportunistic rather than professional, robberies still demonstrate rationality and planning. Marcus Felson describes robbers as foragers, predators who search for victims, preferably close to their homes, where numerous “nutritious” victims are abundant, where the robbers know the territory so that their prey cannot easily escape, and where their victims may be less vigilant because they are on their home turf.<sup>177</sup> Robbers, then, select targets that are *vulnerable*, *accessible*, and *profitable*. Their choice of victim dictates whether violence is used. If a victim looks tough—“street credible”—the robber may choose to use violence at the outset rather than wait for the victim to resist. During the robbery itself, victims who fight back are the ones most likely to be attacked and injured. Victim passivity may work best during a robbery.<sup>178</sup>

The ecological pattern for robbery is similar to that of other violent crimes, with one significant exception: northeastern states have the highest robbery rates by far. Whereas most crime rates are higher in the summer, robberies seem to peak during the winter months. One reason may be that the cold weather allows for greater disguise; another reason is that robbers may be attracted to the large amounts of cash people and merchants carry during the Christmas shopping season.<sup>179</sup> Robbers may also be more active in winter because days are shorter, affording them greater concealment in the dark.

### Choosing Targets

Some robbers target fellow criminals—for example, drug dealers.<sup>180</sup> Although these fellow criminals may be dangerous, robbers recognize that people with “dirty hands” are unlikely to call police and get entangled with the law. Ripping off a dealer kills three birds with one stone, providing both money and drugs at the same time, while targeting victims who are quite unlikely to call the police.<sup>181</sup>

When Bruce Jacobs interviewed armed robbers, he found that some specialize in targeting drug dealers because they believe that even though their work is hazardous, the rewards outweigh the risks: drug dealers are plentiful, visible, and accessible, and they carry plenty of cash. Their merchandise is valuable, is easily transported, and can be used by the robber or sold to another. Drug dealers are

**L05** Explain the nature and patterns of robbery.

#### robbery

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.



Randolph Bruce Adair, a retired Los Angeles Police Department detective, was arrested for a string of bank robberies attributed to the so-called “Snowbird Bandit” after several of his family members tipped off authorities. At the police station, the white-haired 70-year-old told officers, “I’m cooked, I think I should have a lawyer.”

not particularly popular, so they cannot rely on bystanders to come to their aid. Of course, drug dealers may be able to “take care of business” themselves, but surprisingly, Jacobs found that many choose not to carry a pistol.<sup>182</sup> Drug dealers may be tough and bad, the robbers claim, but *they* are tougher and badder.

In their important book *Armed Robbers in Action: Stickups and Street Culture*, Scott Decker and Richard Wright interviewed active robbers in St. Louis, Missouri, and found that robbers are rational decision makers who look for easy prey. One ideal target is the married man who is looking for illicit sexual adventures and hires a prostitute, only to be robbed by her and her pimp. The robbers know that this victim will not be inclined to call the police and bring himself to their attention.

Because they realize that the risk of detection and punishment is the same whether the victim is carrying a load of cash or is penniless, experienced robbers use discretion in selecting targets. People whose clothing, jewelry, and demeanor mark them as carrying substantial amounts of cash make suitable targets; people who look like they can fight back are avoided. Some robbers station themselves at cash machines to spot targets who are flashing rolls of money.<sup>183</sup>

Wright and Decker are not the only researchers who found that most robbers seek out vulnerable victims. According to research by criminologist Jody Miller, female armed robbers are likely to choose female targets, reasoning that they will be more vulnerable and offer less resistance.<sup>184</sup> When robbing males, women “set them up” to catch them off guard; some feign sexual interest or prostitution to gain the upper hand.<sup>185</sup>

Wright and Decker found that most armed robberies are motivated by a pressing need for cash. Many robbers careen from one financial crisis to the next, prompted by their endless quest for stimulation and thrills. Interviewees described how they partied, gambled, drank, and abused substances until they were broke. Their partying not only provided excitement but also helped generate a street reputation as someone who can “make things happen.” Robbers had a “here and now” mentality and required a constant supply of cash to fuel their appetites.

### Acquaintance Robbery

#### acquaintance robbery

Robbery in which the victim or victims are people the robber knows.

Some robbers target people they know, a phenomenon referred to as **acquaintance robbery**. This seems puzzling, because victims can easily identify their attackers and report them to the police. However, despite this threat, acquaintance robbery may be attractive for a number of reasons:<sup>186</sup>

- Victims may be reluctant to report these crimes because they do not want to get involved with the police. They may be involved in crime themselves (drug dealers, for example), or they may fear retaliation if they report the crime. Some victims may be reluctant to gain the label of “rat” or “fink” if they go to the police.
- Some robberies are motivated by street justice. The robber has a grievance against the victim and settles the dispute by stealing the victim’s property. In this instance, robbery may be considered a substitute for an assault—that is, the robber wants retribution and revenge rather than remuneration.<sup>187</sup>
- Because the robber knows the victim personally, the robber has inside information that there will be a “good take.” Offenders may target people whom they know to be carrying a large amount of cash or who just purchased expensive jewelry.
- When a person in desperate need for immediate cash runs out of money, the individual may target people in close proximity simply because they are convenient targets.

When Richard Felson and his associates studied acquaintance robbery, they found that victims were more likely to be injured in acquaintance robberies than in stranger robberies, indicating that revenge rather than reward was the primary motive.<sup>188</sup> Similarly, robberies of family members were more likely to have a bigger payoff than stranger robberies, an indication that the offender was aware that the target had a large amount of cash on hand.

**CARJACKING** We can see this element of rationality and planning in the strategies of one type of robber: carjackers, who attack occupied vehicles for the purpose of theft. Carjacking is not a random event committed by amateurs but is carefully planned and carried out by experienced criminals. To be successful, carjackers must develop both perceptual (choosing the vehicle) and procedural (commandeering the vehicle) skills.<sup>189</sup> Carjackers must learn when their efforts are having a desired effect—scaring the victim. Developing these perceptual skills lets carjackers know exactly how effective their efforts are and helps them instantly adjust the application of those skills. They must constantly process information and make split-second decisions to react properly to a rapidly changing environment, not a task for amateurs.

When Heith Copes, Andy Hochstetler, and Michael Cherbonneau interviewed a sample of carjackers, they were told that, to get the upper hand, robbers avoid the likelihood of victims fighting back by devoting attention to selecting “proper victims” who are the least likely to resist.<sup>190</sup> Ironically, some steer clear of women drivers, fearing that their victims will panic and start to yell for help or act erratically, making them difficult to control.

Once a victim has been chosen, carjackers carefully form a line of attack designed to shock the victim into compliance. Some use a blitz method, attacking so rapidly that the target does not have time to respond. Others manipulate their appearance, posing as a street vendor, in order to approach potential victims without causing alarm. Some wait for an opportune moment, lurking in parking lots and approaching inattentive victims as they enter their cars, demanding that they surrender their keys. The research uncovered the fact that carjackers used and reused scripts when committing their crimes. Sticking to their scripts enabled carjackers to reduce danger and to use their skills and experience to prevent detection. Sticking to the script also prolongs a criminal career. It builds confidence and helps the carjacker act quickly and decisively, analyzing the situation and figuring out what must be done. No matter what the strategy, carjackers seem rational and calculating.

## Contemporary Forms of Interpersonal Violence

Assault, rape, robbery, and murder are traditional forms of interpersonal violence. As more data have become available, criminologists have recognized relatively new subcategories of these types of crimes, such as serial murder and date rape. Additional new categories of interpersonal violence are also receiving attention in criminological literature; the next sections describe three of these forms of violent crime.

### Hate Crimes

**Hate crimes**, or **bias crimes**, are violent acts directed toward a particular person or members of a group merely because the targets share a discernible racial, ethnic, religious, or gender characteristic. Such crimes range from desecration of a house of worship or cemetery to racially motivated murder.

Though normally associated with racially motivated attacks, hate crimes can involve convenient, vulnerable targets who are incapable of fighting back. There have been numerous reported incidents of teenagers attacking vagrants and the homeless in an effort to rid their town or neighborhood of people they consider undesirable.<sup>191</sup>

Another group targeted for hate crimes is gay men and women. The murder of Matthew Shepard, a gay college student who was kidnapped and beaten to death in Wyoming in 1998, was a grim reminder that gay bashing is all too common in America.<sup>192</sup> A national survey of gay, lesbian, and bisexual adults, conducted by psychologist Gregory Herek, found that approximately 20 percent of the sample reported having experienced a crime based on their sexual orientation; gay men were

## CHECKPOINTS

- ▶ **Forcible rape** has been known throughout history and is often linked with war and violence.
- ▶ **Types of rape** include date rape, marital rape, and statutory rape; **types of rapists** include serial rapists and sadists.
- ▶ **Suspected causes of rape** include male socialization, hypermasculinity, and biological determinism.
- ▶ **Murder** can involve either strangers or acquaintances. Typically, **stranger murder** occurs during a felony; **acquaintance murder** involves an interaction or interpersonal transaction between people who may be related romantically, through business dealings, or in other ways.
- ▶ **Mass murder** is the killing of numerous victims in a single outburst; **serial killing** involves numerous victims over an extended period of time. **Spree killers** attack multiple victims over a short period of time.
- ▶ **Patterns of assault** are quite similar to those for homicide.
- ▶ **Numerous cases of child abuse and spousal abuse** occur each year. There are also numerous cases of parent abuse.
- ▶ **Robbers use force to steal.** Some are opportunists looking for ready cash; others are professionals who have a long-term commitment to crime. Both types pick their targets carefully, which suggests that their crimes are calculated rather than spontaneous.

**L06** Discuss newly emerging forms of violence, such as stalking, hate crimes, and workplace violence.

### **hate crimes (bias crimes)**

Violent acts directed toward a particular person or members of a group merely because the targets share a discernible racial, ethnic, religious, or gender characteristic.

Hate crimes are most often based on race, religion, or sexual orientation. Here, Jonathan Whyte and his wife, Sol, holding a friend's child, talk about finding a cross and the letters "KKK" burned into their lawn in Medford, Oregon. Chief U.S. District Judge Ann Aiken sentenced two Medford men, Gary Moss, 37, and Devan Klausegger, 30, to federal prison for the burning incidents. The two, both white, pleaded guilty to conspiracy to deprive individuals of civil rights related to fair housing.



significantly more likely than lesbians or bisexuals to experience violence and property crimes.<sup>193</sup> Exhibit 10.3 lists the factors that predict hate crimes.

**ROOTS OF HATE** Why do people commit bias crimes? What motivates someone like Dylann Roof to kill? In a series of research studies, Jack McDevitt, Jack Levin, and Susan Bennett identify four motivations for hate crimes:<sup>194</sup>

- *Thrill-seeking hate crimes.* In the same way some kids like to get together to shoot hoops, hatemongers join forces to have fun by bashing minorities or destroying property. Inflicting pain on others gives them a sadistic thrill.
- *Reactive (defensive) hate crimes.* Perpetrators of these crimes rationalize their behavior as a defensive stand taken against outsiders whom they believe threaten their community or way of life. A gang of teens that attacks a new family in the neighborhood because they are the "wrong" race is committing a reactive hate crime.
- *Mission hate crimes.* Some disturbed individuals see it as their duty to rid the world of evil. Those "on a mission," such as skinheads, the Ku Klux Klan (KKK), and white supremacist groups, may seek to eliminate people who threaten their religious beliefs because they are members of a different faith or threaten "racial purity" because they are of a different race.
- *Retaliatory hate crimes.* These offenses are committed in response to a hate crime either real or perceived; whether the original incident actually occurred is irrelevant. Sometimes a rumor of an incident may cause a group of offenders to exact vengeance, even if the original information was unfounded or inaccurate; the retaliatory crimes are perpetrated before anyone has had a chance to verify the accuracy of the original rumor. Attacks based on revenge tend to have the greatest potential for fueling and refueling additional hate offenses.

### Exhibit 10.3 Factors that Predict Hate Crimes

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Poor or uncertain economic conditions</li> <li>• Racial stereotypes in films and on television</li> <li>• Hate-filled discourse on talk shows or in political advertisements</li> <li>• The use of racial code language, such as "welfare mothers" and "inner-city thugs"</li> </ul> | <ul style="list-style-type: none"> <li>• An individual's personal experiences with members of particular minority groups</li> <li>• Scapegoating—blaming a minority group for the misfortunes of society as a whole</li> </ul> |
|---|--|
- Source:** "A Policymaker's Guide to Hate Crimes," Bureau of Justice Assistance Monograph (Washington, DC: Bureau of Justice Assistance, 1997).

The research by McDevitt and his colleagues indicates that most hate crimes can be classified as thrill-motivated (66 percent), followed by defensive (25 percent) and retaliatory hate crimes (8 percent); few if any cases had mission-oriented offenders.

**NATURE AND EXTENT OF HATE CRIMES** At last count, law enforcement agencies receive reports of about 6,000 hate crimes each year from about 7,000 victims.<sup>195</sup> Most such incidents are motivated by race; a lesser proportion by religion (most often anti-Semitism), sexual orientation, or ethnicity; and about 1 percent by victim disability. Vandalism and property crimes are the products of hate crimes motivated by religion. However, criminals are more likely to turn to violent acts when race, ethnicity, and sexual orientation are the motivation. Most targets of hate crimes, especially the violent variety, are young white men. Similarly, the majority of known hate crime offenders are young white men.

In crimes where victims could identify the culprits, most victims reported that they were acquainted with their attackers or that their attackers were actually friends, coworkers, neighbors, or relatives.<sup>196</sup> Younger victims were more likely to be victimized by persons known to them. Hate crimes can occur in many settings, but most are perpetrated in public settings.

**CONTROLLING HATE CRIMES** Hate crime laws actually originated after the Civil War and were designed to safeguard the rights of freed slaves.<sup>197</sup> Today, almost every state jurisdiction has enacted some form of legislation designed to combat hate crimes: 45 states have enacted laws against bias-motivated violence and intimidation; 27 states have statutes that specifically mandate the collection of hate crime data.<sup>198</sup>

Some critics argue that it is unfair to punish criminals motivated by hate any more severely than those who commit similar crimes and whose motivation is revenge, greed, or anger. There is also the danger that what appears to be a hate crime, because the target is a minority group member, may actually be motivated by some other factor such as vengeance or monetary gain. Aaron McKinney, who is serving a life sentence for killing Matthew Shepard, told ABC News correspondent Elizabeth Vargas that he was high on methamphetamine when he killed Shepard, and that his intent was robbery, not hate. His partner, Russell Henderson, also claims that the killing was simply a robbery gone bad: "It was not because me and Aaron had anything against gays."<sup>199</sup>

However, in his important book *Punishing Hate: Bias Crimes under American Law*, Frederick Lawrence argues that criminals motivated by bias deserve to be punished more severely than those who commit identical crimes for other motives.<sup>200</sup> He suggests that a society dedicated to the equality of all its people must treat bias crimes differently than other crimes for several reasons:<sup>201</sup>

- Bias crimes are more likely to be violent and to involve serious physical injury to the victim.
- Bias crimes will have significant emotional and psychological impact on the victim; they result in a "heightened sense of vulnerability," which causes depression, anxiety, and feelings of helplessness.
- Bias crimes harm not only the victim but also the "target community."
- Bias crimes violate the shared value of equality among citizens and racial and religious harmony in a heterogeneous society.

**FREE SPEECH?** Should symbolic acts of hate, such as drawing a swastika or burning a cross, be banned, or are they protected by the free speech clause of the First Amendment? The U.S. Supreme Court helped answer this question in the case of *Virginia v. Black* (2003) when it upheld a Virginia statute that makes it a felony "for any person . . . with the intent of intimidating any person or group . . . , to burn . . . a cross on the property of another, a highway or other public place," and specifies that "[a]ny such burning . . . shall be prima facie evidence of an intent to intimidate a person or group." In its decision, the Court upheld Virginia's law, which criminalized cross





AP Images/PA

One of the most disturbing cases of workplace violence occurred on August 26, 2015, when up-and-coming news reporter Alison Parker (left) and photojournalist Adam Ward, employees of CBS affiliate WDBJ in Roanoke, Virginia, were shot to death while conducting a live television interview with Vicki Gardner (right), executive director of the local chamber of commerce. Though wounded, Gardner survived the attack. The shooter was Vester Lee Flanagan, known professionally as Bryce Williams, a former reporter at WDBJ who was fired for disruptive conduct in 2013 and held a grudge against the station and Parker and Ward in particular. He committed suicide soon after the shooting.

#### workplace violence

Violence such as assault, rape, or murder committed at the workplace.

#### stalking

A course of conduct that is directed at a specific person and involves repeated physical or visual proximity, nonconsensual communication, or verbal, written, or implied threats sufficient to cause fear in a reasonable person.

### Stalking

In 2008, Frank Mendoza began a romantic relationship with a woman in Jacksonville, Florida. When he became emotionally and psychologically abusive toward the victim she broke it off and moved to Connecticut, telling him that she was moving to Rhode Island for a work-related training program. When Mendoza found out about the ruse, he began making harassing and threatening phone calls to her, her friends, and her work colleagues. He then traveled to Connecticut and placed bottles containing hydrochloric acid in her car, set to explode. When the victim noticed the bombs she ran from the car before the acid bottles blew up. In 2014, Mendoza was sentenced to 10 years in prison for what is now a recognized form of long-term and repeat victimization: **stalking**.<sup>207</sup>

burning. The Court ruled that cross burning was intertwined with the Ku Klux Klan and its reign of terror throughout the South. The Court has long held that statements in which the speaker communicates intent to commit an act of unlawful violence to a particular individual or group of individuals are not protected free speech and can be criminalized; the speaker need not actually intend to carry out the threat.<sup>202</sup>

### Workplace Violence

In a shocking case of workplace violence, two WDBJ (Roanoke, Virginia) television journalists, Alison Parker and Adam Ward, were killed on air while doing a live newscast. The two were gunned down by a former coworker named Vester Flanagan (professional name Bryce Williams), who had a grudge against the station and its employees.<sup>203</sup> The shooter later took his own life rather than surrendering to police.

**Workplace violence** is now considered the second leading cause of occupational injury or death.<sup>204</sup> Who engages in workplace violence? The typical offender is a middle-aged white male who faces termination in a worsening economy. The fear of economic ruin is especially strong in agencies such as the U.S. Postal Service, where long-term employees fear job loss because of automation and reorganization. In contrast, when younger workers kill, it is usually while committing a robbery or some other felony. A number of factors precipitate workplace violence. One suspected cause is a management style that appears cold and insensitive to workers. As corporations cut their staffs because of an economic downturn or workers are summarily replaced with cost-effective technology, long-term employees may become irate and irrational; their unexpected layoff can lead to violent reactions.

Not all workplace violence is triggered by management-induced injustice. In some incidents, coworkers have been killed because they refused romantic relationships with the assailants or reported them for sexual harassment. Others have been killed because they got a job the assailant coveted. Irate clients and customers have also killed because of poor service or perceived slights.<sup>205</sup> Hospital patients whose demands are not met may attack people who are there to be caregivers. In fact, health care and social services workers have the highest rate of nonfatal assault injuries. Nurses and nursing assistants are significantly more likely to experience workplace violence than any other professional group.<sup>206</sup>



A complex phenomenon, stalking can be defined as a course of conduct that is directed at a specific person and involves repeated physical or visual proximity, non-consensual communication, or verbal, written, or implied threats sufficient to cause fear in a reasonable person.<sup>208</sup> The most recent data indicate that stalkers victimize more than 3 million people each year.<sup>209</sup> If anything this figure undercounts the problem because stalkers may be juveniles who use text messages and emails, along with direct contact, to harass their victims.<sup>210</sup> Women are much more likely to be stalked than men. In nearly 75 percent of stalking cases, victims know their stalker in some way; in about 30 percent of cases, the stalker is a current or former intimate partner. Former partners have leverage over their victim; they can use the information they have about their former partner's friends and family members, where they work, shop, and go for entertainment.<sup>211</sup>

Although stalking usually stops within one or two years, victims experience its social and psychological consequences long afterward. About one-third seek psychological treatment, and about one-fifth lose time from work; indeed, some never return to work at all. Stalking can also be lethal. More than 75 percent of women who were murdered by their current or former intimate partners were stalked by their killers before the murder.<sup>212</sup>

Even though stalking is a serious problem, research indicates that many cases are dropped by the courts despite the fact that stalkers often have extensive criminal histories and are frequently the subject of protective orders. A lenient response may be misplaced, considering that stalkers very often repeat their criminal activity within a short time after a stalking charge is lodged with police authorities.<sup>213</sup>

## CHECKPOINTS

- ▶ Hate crimes are violent acts against targets selected because of their religion, race, ethnic background, gender, or sexual orientation.
- ▶ Some hate criminals are thrill seekers; others are motivated by hatred of outsiders; still others believe they are on a mission. More than 6,000 people are the targets of hate crimes each year in the United States.
- ▶ Workplace violence has become commonplace. It is believed to be related to a number of factors, including job stress and insensitive management style.
- ▶ About 3 million people are victims of stalking each year.

## Thinking Like a Criminologist

### Enforcing Statutory Rape Laws

The state legislature has asked you to prepare a report on statutory rape because of the growing number of underage girls who have been impregnated by adult men. Studies reveal that many teenage pregnancies result from affairs that underage girls have with older men, with age gaps ranging from 7 to 10 years. For example, the typical relationship prosecuted in California involves a 13-year-old girl and a 22-year-old male partner. Some outraged parents adamantly support a law that will provide state grants to counties to prosecute statutory rape. These grants would allow more vigorous enforcement of the law and could result in the conviction of more than 1,500 offenders each year.

However, some critics suggest that implementing statutory rape laws to punish males who have relationships with minor girls does not solve the problems of teenage pregnancies and out-of-wedlock births. Liberals dislike the idea of using criminal law to solve social problems, because doing so does not provide for the girls and their children and focuses only on punishing offenders. In contrast, conservatives fear that such laws give the state power to prosecute people for victimless crimes, thereby increasing the government's ability to control people's private lives. Not all cases involve much older men, and critics ask whether we should criminalize the behavior of 19-year-old boys and their 15-year-old girlfriends.

### Writing Assignment

Write an essay on statutory rape and how different states address sex with minors. Decide whether current laws should be changed to reflect current social behaviors.

## SUMMARY

### **L01 Differentiate among the various causes of violent crime.**

Research has shown that a significant number of people involved in violent episodes may be suffering from severe mental abnormalities. Absent or deviant parents, inconsistent discipline, physical abuse, and lack of supervision have all been linked to persistent violent offending. A number of criminologists have speculated that instinctual violence-promoting traits may be common in the human species. Kids who are constantly exposed to violence at home, at school, or in the environment may adopt violent methods themselves. Substance abuse has been associated with violence on both the individual and social levels. Although firearm availability alone does not cause violence, it may be a facilitating factor. Furthermore, some areas contain an independent subculture of violence in which a potent theme of violence influences lifestyles, the socialization process, and interpersonal relationships. Some nations have cultures that support relatively high violence rates.

### **L02 Define rape and be familiar with why men commit rape.**

The common-law definition of rape is "the carnal knowledge of a female forcibly and against her will." One explanation for rape focuses on the evolutionary, biological aspects of the male sexual drive. Some researchers argue that rape is a function of socialization. Rapists may suffer from some type of personality disorder or mental illness. Men may learn to commit rapes much as they learn any other behavior. Rape arises primarily from a desire to inflict pain and humiliation, but there is evidence that at least some rapists have sexual feelings for their victim.

### **L03 Discuss the issues involving rape and the law.**

Proving guilt in a rape case is extremely challenging for prosecutors. It is essential to prove that the attack was forced and that the victim did not give voluntary consent to her attacker. Shield laws that protect women from being questioned about their sexual history unless it directly bears on the case have become universal.

### **L04 Analyze the different types of murder.**

First-degree murder occurs when a person kills another after premeditation and deliberation. Second-degree murder is the charge when the killer had malice aforethought but not premeditation or deliberation. Voluntary or nonnegligent manslaughter is a killing committed in the heat of passion or during a sudden quarrel that provoked violence. Involuntary or negligent manslaughter is a killing that occurs when a person's acts are negligent and without regard for the harm they may cause others. Serial killers murder three or more persons in three or more separate events. Mass murder involves the killing of four or more victims by one or a few assailants within a single event. Spree killers engage in a rampage of violence over a period of days or weeks.

### **L05 Explain the nature and patterns of robbery.**

The common-law definition of 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." Some robbers are opportunists looking for ready cash; others are professionals who have a long-term commitment to crime. The typical