Crime: Crash Course Sociology #20

Crash Course: Sociology
https://youtube.com/watch?v=zBodqwAlW3A
https://nerdfighteria.info/v/zBodqwAlW3A

Over the last few weeks, you've heard me say many times that deviance isn't necessarily criminal. But of course, sometimes it is. Understanding crime sociologically means we need to answer some basic questions: Like, what is the nature of crime? Who commits crimes and why? And how does society respond to it? You'll see pretty quickly that these questions are actually all tangled together. And you can't untangle them.

[Theme Music]

It might not surprise you to learn that the literal definition of crime is the violation of criminal laws. And the FBI's Uniform Crime Report, a major source of data on crime in the U.S., tracks many different kinds of crime. There are crimes against the person, which include murder, aggravated assault, rape, and robbery, and crimes against property, which include burglary, larceny-theft, auto-theft, and arson.

But there's also a third kind of crime, not generally tracked in major crime indices, often called victim-less crimes. They include things like illegal drug use, prostitution, and gambling. But the name is misleading, because many of these cases have serious negative consequences for the people involved. Data from the FBI show that in the US in 2015, there were about 1.2 million violent crimes and about 8 million property crimes. Raw numbers aren't terribly helpful, though, so we can turn these into crime rates – in the case of 2015, that would be 372.6 violent crimes per 100,000 people and 2,487 property crimes per 100,000 people. Those numbers are about half what they were in 1991, when crime rates peaked after a steady upward trend from about 1960. These numbers allow for some useful comparisons, but it's important to realize that they can't capture the whole picture. Because, crime statistics are based on police reports, so they only include crimes that are reported to the police. And not all crimes are reported. So researchers sometimes conduct victimization surveys, which ask representative samples of the population if they have had any experiences with crime. And one such survey from 2015 suggests that fewer than half, about 47%, of violent crimes were reported to police, and just 35% of property crimes were.

So what can we say about who's committing these crimes? Well, based on government data, sociologists have put together a kind of demographic picture, but it only shows us who's being arrested for crime, not necessarily who's committing it. To begin with, the average arrestee is young and male: people between the ages of 15 and 24 make up about 14% of the population, but accounted for 31.8% of all arrests in 2015. And while men are about half the population, they made up about 62% of arrests for property crimes and 80% of arrests for violent crimes. And, while FBI data don't assess social class, we know from other sources that those of lower social class are more likely to be arrested. But again, that's not the whole picture, because, as we talked about last time, wealthy Americans aren't likely to be seen as criminally deviant in the same way that the poor are.

This brings us to race and ethnicity, where disparities in arrests are clear: despite making up only 13.3% of the population, African Americans make up 26.6% of arrests. There are a number of reasons for this. First, race and ethnicity are closely linked to wealth and social standing, and as we just saw, people of lower social class are more likely to be arrested. Second, the data don't include many crimes that are more commonly committed by whites, like drunk driving, embezzlement, and tax fraud. Finally, African Americans, and people of color generally, are over criminalized: They're more easily assumed to be criminal and treated as such by both the police and the public at large. For example: A study of pedestrian stops in New York City found that African Americans and Hispanics are disproportionately likely to be stopped, even when controlling for race-specific arrest rates – that is, the rate at which those racial and ethnic groups are arrested. And this rate itself isn't entirely fair: despite the fact that black people and white people use drugs at similar rates, black people are far more likely to be arrested for it. A 2009 Human Rights Watch report found that in 2007, black people were 3.7 times more likely to be arrested for drugs than white people. And studies have shown that the racial composition of a neighborhood has an influence on perceptions of crime in that neighborhood. Larger African American populations, for example, have been found to be associated with increased perception of crime, even when controlling for the actual crime rate.

And this brings us to our third question: how society responds to crime. Overcriminalization, after all, isn't a matter of who commits crimes, but of how society imagines who criminals are. Society's main institutional response to crime comes from the criminal justice system, which is composed of three parts in the US: the police, the courts, and the system of punishment and corrections. The police are the main point of contact between the criminal justice system and the rest of society. There are about 750,000 police officers in the United States, and it's their personal judgment that makes for the actual application of the law. And, in exercising this judgment, police officers size up a situation according to a number of factors. The severity of the situation, the suspect's level of uncooperativeness, and whether the suspect has previously been arrested all make an arrest more likely. Officers also take the wishes of the victim into account. Likewise, the presence of observers makes an arrest more likely, because making an arrest moves the encounter to the police station, where the officer is in control. Finally, the suspect's race plays a role, as officers are more likely to arrest non-white suspects because of a long-standing association of non-whiteness with criminality – which is the cultural basis for overcriminalization. And the effects of this can be clearly seen not only in the data on overcriminalization that I mentioned before, but in studies of race and perceptions of threat.

And race shouldn't be understood as an independent factor here; the other factors are also all seen through race. So when a police officer assesses how threatening or uncooperative a suspect is, non-white suspects are viewed as more threatening and more uncooperative, even given the same behavior. The point here is that policing has a lot of aspects to it that are surprisingly subjective. Given this problem, we might expect the courts to help correct them by accurately adjudicating guilt and innocence. And sometimes they do. But in practice, how well they do their job is often a matter of who the defendant is and the economic resources that they have access to.

Let's go to the Thought Bubble to see how people with less money are affected differently by the criminal justice system: The first problem is bail. Bail allows people to be released from jail after an arrest by guaranteeing, usually with a deposited sum of money, that they'll show up for their day in court. But in practice, it just keeps defendants without money behind bars until their court date. A date which may be a long time in coming. The Sixth Amendment guarantees the right to a speedy trial, but many jurisdictions in the US are heavily overburdened. There are just too many cases. So those who can't afford bail may wait months, even years, before their case is heard. And defendants who can't afford to hire lawyers are represented by public defenders, who are, to varying degrees, underpaid and overworked. They often simply can't give their clients adequate representation, frequently leading to harsher sentences for the poor. Together these make the last issue, plea bargaining, much worse. Plea bargaining is basically a negotiation in which the prosecution offers concessions on the legal punishment in exchange for the defendant's guilty plea. In theory, this is a useful tool for quickly resolving simple cases and easing the burden on the courts. But while plea bargaining may be a negotiation, the parties aren't on even footing. A poor defendant, stuck in jail because they can't make bail, represented by a public defender without the

resources to adequately defend them, and facing the threat of a long jail sentence, is strongly incentivised to take a plea bargain, regardless of their actual guilt or innocence. Thanks Thought Bubble.

Those convicted of criminal deviance are then moved through the last part of the criminal justice system, the system of punishment and corrections. And this brings us, unavoidably, to mass incarceration. Mass incarceration refers to the growth of the incarcerated population over the past several decades, and the social, political, and economic conditions that caused it. Here's what that looks like in terms of the numbers: Today there are over 2.3 million people imprisoned in the United States. For some context, while the US has about four and a half percent of the world's population, it has nearly a quarter of the world's incarcerated population. And the US has the highest incarceration rate in the world, with 693 people out of every 100,000 behind bars. This is more than 5 times higher than the rate in most other countries. But it hasn't always been like this: the incarcerated population has increased by 500% over the past 40 years. And this increase has only a limited relationship to actual crime rates. Like I mentioned, crime rates dropped dramatically in the 90s, but prison populations continued to rise. Mass incarceration is a consequence of political choices, namely "tough-on-crime" policies, like mandatory minimum sentences. And mass incarceration falls hardest on the poor, and on people of color: Despite making up only 37% of the US population, non-whites make up 67% of the prison population. In 2015, the incarceration rate for white men was 457 per 100,000. The rate for Hispanic men was more than twice as high – 1,043 per 100,000 – and the rate for black men was nearly six times higher (2,613 per 100,000).

So, are these "tough-on-crime" policies effective? Well, there are a couple ways to think about the purpose of punishment. One approach to punishment is retribution, which is about making the offender suffer as the victim suffered, as a kind of moral vengeance. In the U.S., a more favored approach is deterrence, which tries to reduce crime by making the prospect of getting caught sufficiently awful. Yet another approach is societal protection, designed to render an offender incapable of further criminal offense, usually through long prison sentences or capital punishment.

And finally, rehabilitation views punishment as an opportunity to reform offenders and return them to society as productive citizens. In practice, rehabilitation is hard to accomplish, because the prison system has limited resources and because severe limitations are placed on convicted felons that go beyond the criminal justice system. Felons are often barred from social welfare programs, for example, and face extensive legal discrimination in hiring and housing. The fact that reintegration into society is so difficult leads to high rates of recidivism, or re-offense that leads to incarceration. A study by the National Institute on Justice of prisoners from 30 states estimated that within three years of release, two-thirds (67.8%) of them were re-arrested. Five years after release, three-fourths (76.6%) had been re-arrested. So these approaches to punishment don't appear to work as deterrence.

Now, long sentences succeed in removing offenders from society, but that removal itself can have damaging effects, with communities of color being particularly impacted. Incarceration puts stress on families, destabilizes neighborhoods as residents cycle in and out of prison, and leads to increasing numbers of people with limited employment prospects, partly because employers can legally refuse to hire those with criminal records. So when we talk about crime, we can't look at any of these questions in isolation: Defining crime based on FBI data misses how these definitions are applied in the real world. And only paying attention to the demographics of offenders overlooks the conditions that create those statistics. Likewise, looking at society's response alone misses how that response answers the other two questions. It's all tangled.

Today we learned about crime in the US. We looked at the legal definitions of crime and used FBI data to get an idea of the amount and kinds of crime. We put together a demographic picture of who gets arrested, and we talked about why that's not necessarily who commits crime. And we talked about society's response to crime in the criminal justice system, and how that response ends with mass incarceration.

Crash Course Sociology is filmed in the Dr. Cheryl C. Kinney Studio in Missoula, MT, and it's made with the help of all of these nice people. Our animation team is Thought Cafe and Crash Course is made with Adobe Creative Cloud. If you'd like to keep Crash Course free for everyone, forever, you can support the series at Patreon, a crowdfunding platform that allows you to support the content you love. Thank you to all of our patrons for making Crash Course possible with their continued support.