



**NATIONAL OPEN UNIVERSITY OF NIGERIA**

**SCHOOL OF ARTS AND SOCIAL SCIENCES**

**COURSE CODE: CSS 136**

**COURSE TITLE: INTRODUCTION TO CRIMINOLOGY II**

## **COURSE GUIDE**

### **CSS 136: INTRODUCTION TO CRIMINOLOGY II**

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## **Introduction**

Welcome to CSS 136: Introduction to Criminology II

This course is a three credit unit course for undergraduate students in Criminology and Security Studies. The materials have been developed to extensively cover every importance issues in criminology. It is a broad area of study . This course guide gives you an overview of the course. It also provides you with information on the organization and requirements of the course.

## **Course Aims**

The aims of this course include:

- i. Introducing you to the meaning of crime, criminology and criminal law.
- ii. Acquainting you with patterns and trends of crime.
- iii. Expose you to issues in crime statistics and measurement of crimes.
- iv. Introduce you on the methods in the study of crime.
- v. Expose you to the various theories of criminology.
- vi. Expose you to the general nature, extent and causes of violent crime.
- vii. Introduce you to issues surrounding property crime.
- viii. Expose you to what crimes of business enterprise entails
- ix. Introduce you to issues surrounding public order crime.
- x. Acquainting you with the processes, components and working of the criminal justice system.

- xi. Introducing to you the history, functions and procedure of policing and law enforcement.
- xii. Expose you to the structure, actors and sentencing procedures in the judiciary system.
- xiii Educating you on the philosophies, types of punitive sanction, and the various correctional treatments available in our penitentiary.
- xiv Educate you on the problems of crime victims, nature of victimization and theories of victimization.
- xv. Educate you on the meaning and nature of human trafficking.

### **Course Objectives**

To achieve the aims set out above,. Each unit is devoted a specific objective. The unit objectives are set out in the text and it is advisable that you read them before you start working through the unit. You may want to refer to them during your study of the unit to check your progress.

On completion of the course, you should be able to:

- (a) Define what crime, criminology and criminal law is.
- (b) Discuss the trends and patterns in crime rates.
- (c) Know the various crimes prevention techniques
- (d) Know how criminologists study crime
- (e) Know how to evaluate crime data for the purpose of measuring crime.
- (f) Explain the various theories of crime causation.

- (g) Explain the various types of crime.
- (h) Identify the causes of violence
- (i) Understand what terrorism is and its contemporary forms.
- (j) Know types of property crime.
- (k) Define white-collar, cyber and organized crime
- (l) Identify what constitutes public order crime.
- (m) Explain the concepts of justice
- (n) List the various functions of the police
- (o) Explain the trial and sentencing processes in court
- (p) Understand issues in contemporary corrections
- (q) Know the problems and rights of crime victims.
- (r) Understand the root causes of trafficking in persons.

### **Working through This Course**

To complete the course, you are required to study each unit and other related materials. You will also need to undertake practical exercises for which you need a pen, a notebook, and other materials that will be listed in this guide. The exercises are to aid you in understanding the concepts being presented. At the end of each unit, you will be required to submit written assignments for assessment purposes. At the end of the course, you will write a final examination. Below are the components of the course and what you are expected to do.

**Course Materials**

1. Course Guide
2. Study Units
3. Assignment file
4. Relevant textbooks including the ones listed under each unit

**Study Units**

There are 21 unit (of four modules) in this course.

**MODULE 1**

- Unit 1: Crime, Criminology and Criminal Law
- Unit 2: Patterns and Trends of Crime
- Unit 3: Prevention of Crimes
- Unit 4: Crime Statistics/Measurement of Crimes
- Unit 5: The Study of Crime (Method)

**MODULE 2**

- Unit 1: Classical Theories
- Unit 2: Positivist Theories
- Unit 3: Sociological Perspectives
- Unit 4: Radical Criminology
- Unit 5: Critical and Feminist Criminology

**MODULE 3**

- Unit 1: Violent Crime I
- Unit 2: Violent Crime II
- Unit 3: Property Crime

Unit 4: Enterprise Crime: white collar, cyber and organized crime

Unit 5: Public Order Crime.

#### **MODULE 4**

Unit 1: Criminal Justice System

Unit 2: Police and Law Enforcement

Unit 3: The Judiciary Process

Unit 4: Corrections

Unit 5: Victims and Victimization

Unit 6: Trans-Border Crime (Human Trafficking)

#### **Assignment File**

In this file, you will find all the details of the work you must submit to your tutor for marking. The marks you obtain in these assignments will count towards the final marks you obtain for the course. The assignments must be submitted to your tutor for formal assessment in accordance with the deadline stated in the presentation schedule and the assignments file. You are required to do four tutor marked assignments, out of which the best three will be selected and recorded for you.

Assignments submitted to your tutor carry 30% of your total score. The second one is the written examination. This will be discussed in details under final examination and grading.

### **Tutor-Marked Assignments (TMAs)**

There are numerous tutor-marked assignment in this course. Every unit has one or two tutor-marked assignment. You will be assessed on four of them but the best three performances from the (TMA) will be used for your 30%, grading. The assignments for these units in the course are contained in the assignments file. When each assignment is completed, send it together with a TMA Form to your tutor. Ensure that each assignment reaches your tutor on or before the deadline given in the assignment file. If, for any reason you cannot complete your work on time, contact your tutor before the assignment is due to discuss the possibility of an extension. Extensions will not be granted after the due date unless there are exceptional circumstances warranting such.

### **Final Examination and Grading**

The final examination will be a test of three hours. All areas of the course will be examined. Find time to read the unit all over before your examination. The final examination will attract 70% of the total course grade. The examination will consist of questions, which reflect the kind of self assessment exercises and tutor marked assignments you have previously encountered. You should use the time between completing the last unit, and taking the examination to revise the entire course.

### **Course Marking Scheme**

The following table lays out how the actual course mark allocation is broken down:

<b>Assessment</b>	<b>Marks</b>
Assignment (Best three out of four tutor marked assignment)	30%
Final examination	70%
Total	100%

### **Presentation Schedule**

The dates for submission of all assignment will be communicated to you. You will also be told the date of completing the study units and dates for examinations.

### **Course Overview and Presentation Schedule**

<b>Unit</b>	<b>Title of Work</b>	<b>Weeks Activity</b>	
<b>Course Guide Module 1</b>			
Unit 1	Crime, Criminology and Criminal law	Week 1	Assignment 1
Unit 2	Patterns and Trends of Crime	Week 1	Assignment 2
Unit 3	Prevention of Crimes	Week 2	Assignment 3
Unit 4	Crime Statistics/Measurement of Crimes	Week 3	Assignment 4
Unit 5	The Study of Crime	Week 4	Assignment 5

<b>Module 2</b>			
Unit 1	Classical Theories	Week 5	Assignment 1
Unit 2	Positive Theories	Week 5	Assignment 2
Unit 3	Sociological Perspectives	Week 6	Assignment 3
Unit 4	Radical Criminology	Week 6	Assignment 4
Unit 5	Critical and Feminist Criminology	Week 7	Assignment 5
<b>Module 3</b>			
Unit 1	Violent Crime I	Week 7	Assignment 1
Unit 2	Violent Crime II	Week 8	Assignment 2
Unit 3	Property Crime	Week 8	Assignment 3
Unit 4	Enterprise Crime, White-Collar, Cyber and Organized Crime	Week 9	Assignment 4
Unit 5	Public Order Crime	Week 9	Assignment 5
<b>Module 4</b>			
Unit 1	Criminal Justice System	Week 10	Assignment 1
Unit 2	Police and Law Enforcement	Week 10	Assignment 2
Unit 3	The Judiciary Process	Week 11	Assignment 3
Unit 4	Correction	Week 11	Assignment 4
Unit 5	Victims and Victimization	Week 12	Assignment 5
Unit 6	Trans-border crime (human trafficking)	Week 12	Assignment 6
	<b>Revision</b>	1	
	<b>Examination</b>	1	
	<b>Total</b>	14	

### How to Get the Most from This Course

In distance learning, the study units replace the university lecture. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way a lecturer might give you some reading to do, the study units tell you where to read, and which are your text

materials or set books. You are provided with self assessment exercises to do at appropriate points, just as a lecturer might give you an in-class exercise.

Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is integrated with the other units and the course as a whole. Next to this is a set of learning objectives. These objectives let you know what you should be able to do by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If this is made a habit, then you will significantly improve your chance of passing the course. The main body of the unit guides you through the required reading from other sources. This will usually be either from your set books or from a reading section.

The following is a practical strategy for working through the course. If you run into any trouble contact your tutor. Remember that your tutor's job is to help you when you need assistance, do not hesitate to call and ask your tutor to provide it.

1. Read this Course Guide thoroughly, it is your first assignment.
2. Organize a Study Schedule Design a 'Course Overview' to guide you through the Course. Note the time you are expected to spend on each unit and how the Assignments relate to the units. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.

3. Once you have created your own study schedule, do everything to stay faithful to it. The major reason why students fail is that they get behind with their course work. If you get into difficulties with your schedule, please, let your tutor know before it is too late to help.
4. Turn to the Unit and read the introduction and the objectives for the unit.
5. Assemble the study materials, as you work through the unit, you will know what sources to consult for further information.
6. Keep in touch with your study centre. Up-to-date course information will be continuously available there.
7. Well before the relevant due dates (about 4 weeks before due dates), keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination. Submit all assignments not later than the due date.
8. Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor.
9. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
10. When you have submitted an assignment to your tutor for marking, do not wait for its return before starting on the next unit. Keep to your

schedule. When the assignment is returned, pay particular attention to your tutor's comments, both on the tutor-marked assignment form and also the written comments on the assignments.

11. After completing the last unit, review the course and prepare yourself for the final examination. Ensure that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the Course Guide).

### **Tutors and Tutorials**

Information relating to tutorials will be provided at the appropriate time. Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must take your tutor-marked assignments to the study centre well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible.

Do not hesitate to contact your tutor if you need help. Contact your tutor if:

- You do not understand any part of the study units or the assigned readings.
- You have difficulty with the exercise.
- You have a question or problem with an assignment or with your tutor's comments on an assignment or with the grading of an assignment.

You should try your best to attend the tutorials. This is the only chance to have face-to-face contact with your tutor and ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefit from course tutorials, prepare a question list before attending them. You will learn a lot from participating in discussion actively.

### **Summary**

This course guide gives you an overview of what you expect in the course of this study. The course is comprehensive in its analysis and it exposes you to all aspect of criminology and criminal justice.

We wish you success with the course and hope that you will find it both interesting and useful.

## **UNIT 1: CRIME, CRIMINOLOGY AND CRIMINAL LAW**

### **CONTENTS**

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- 3.0 MAIN CONTENT**
  - 3.1 What is crime?**
  - 3.2 Element of crime**
  - 3.3 Sociological definition of crime**
  - 3.4 What is criminology?**
  - 3.5 What is criminal law?**
- 4.0 Conclusion**
- 5.0 Summary**
- 6.0 Tutor-Marked Assignment**
- 7.0 References/Further Readings**

### **1.0 INTRODUCTION**

Until the late 1960s. Criminologists devoted themselves to learning why law breakers violated the rules of society. But today, criminologists have taken a variety of approaches in explaining the causes of crime.

In this unit, we shall be looking at definition of crime, elements of crime, Criminology as a discipline and the Criminal Law.

### **2.0 OBJECTIVES**

At the end of this unit, you should be able to:

- Define crime
- Explain the element of crime
- Discuss criminal law
- Define and explain the word criminology

### **MAIN CONTENT**

#### **3.1 What is crime?**

Crime is from the Latin word “crimen” meaning accusation or fault. Crime has become a terrible social problem in the world. It has become almost a household word in many parts in Africa. Despite this, groups and individuals within society differ in their definition of crime. Some would equate crime with all ant-social behaviour. Others would argue that crimes are such acts as racism, sexism and imperialism that violate basic human rights. Similarly, some use moral rather than legal criteria to define what is or is not a crime. There are religious people, who regard certain behavior as a crime, If it meets their criteria for sin.

Sociologically, crime is a form of deviance and therefore a social problem in any society. Fuller and Myers (1973) categorized social problem as: “a condition which is defined by a considerable number of persons as a deviation from social norm (rules of conduct) which they cherish”. Sheila Balkan further observes that “The designation of behavior as a crime, (a special case of the more comprehensive category of deviance) indicates that the behavior is formally defined as illegal through the codification of laws which are assumed to embody the societal consensus”

Giddens (1994) defines crime as non conformist conduct that breaks a law. The emphasis is on the inter connections between conformity and deviance in different social context. The content of crime is culturally determined.

Durkheim (1993) defined crime within a social context. He saw crime as a social product, determined by social conditions, capable of being controlled only in social terms. Crime is therefore normal in all societies and a society exempt from crime would necessitate a standardization of moral concepts of all individuals, which is neither possible nor desirable. Durkheim was of the opinion that crime is a normal phenomenon in the society, a natural and inevitable product of collective life and social evolution. He held that the collective conscience of a people defines what is crime. He believed that crime plays a definite role in social life. He therefore defined crime as “an act which offends strong and defined state of collective conscience” (Okeshola 2008).

Sellin (1938) argues that crime “is a violation of culture norms, which is something beyond mere violation of law per se. He maintains that mere violation of the criminal law is an artificial criterion of criminality. According to Mc Connell (2004), sociological approach to crime will enable us to understand the economics, gender, education, race, religion, family life and all other social phenomena that are directly involved in crime.

No matter which definition of crime we embrace, criminal law is tied to criminal law. Hence crime is a violation of societal rules of behaviour as

interpreted and expressed by a criminal legal code created by people holding social and political power. Individuals who violate these rules are subject to sanctions by state authority, social stigma and loss of status.

According to Stephen and Peter (2001), crime depends on law and on particular instances of action being identified and interpreted as crime. Crime also depends on crime-processing agencies; conventionally the police and the courts.

Therefore, the concept of crime implies:

1. Existing norms or rules of conducts established through societal consensus.
2. Codification of such rules in the form of Criminal Law
3. A deviation from the rules or violation of the laws.
4. Prescription of sanctions or punishment.
5. Establishment of agencies of formal controls like the police force to perform regulatory functions.

Despite the fact that the concept of crime defies a precise definition as already pointed out, yet some consensus now exist among criminologists that a crime must have the following features. (Clifford, 1974).

1. It must be legally forbidden
2. Such a crime must have some harm done to some people or external consequence.
3. It must be an intentional act or a reckless action or inaction.
4. There must be a criminal intent,
5. The criminal intent must coincide with the criminal action.
6. There must be a causal relationship between the legally forbidden act and the voluntary reaction.

### **ELEMENTS OF CRIME**

It is a general principle of criminal law that a person may not be convicted of a crime unless the prosecution proves its element beyond reasonable doubt. Conventional legal wisdom holds that the essence of crime consists of some elements (1) the criminal act – actus reus. (2) a culpable

mental state – the mens rea (3) a concurrence of the two (4) Harm (5) legality (6) causations (7) punishment.

### **1. The criminal Act – Actus Reus**

The term Actus reus means “guilty act”. Generally, a person must commit some voluntary act before he or she is subject to criminal sanction. It requires proof of an act or an omission (conduct). Usually, it must be proved that the conduct had a particular result. In murder, for example, it must be shown that the accused conduct caused the death. Where there is no actus reus, there is no crime. It includes all the elements in the definition of crime, with the exception of the mental element.

An omission to act, however, may be criminal, where the person in question is required by law to do something, Child-neglect laws, for example, focus on parents and child guardians who do not live up to their responsibilities for caring for their children (Schmalleger, 2004).

Threatening to act can itself be a criminal offense. Telling someone, “I am going to kill you” might result in an arrest for the offense.

For example, an act of threat among the politicians in Nigeria is not left unreported.

### **2. A Guilty Mind – Mens Rea**

Mens rea means guilty mind. It refers to the defendant’s specific mental state at the time the behaviour in question occurred.

**There are 4 levels or types of mens rea.**

**Purposeful or intentional (2) Knowing (3) Reckless (4) Negligent.**

Mens rea is a term which has no single meaning. Every crime has its own mens rea which can be ascertained only by reference to its statutory definition or the case law. The justification for requiring awareness of at least the possibility of every element is that it must be presumed that every element contributes to the criminality of it. For example, an intention to cause serious bodily harm may be the mens rea of a particular murder.

But some states of mind are regarded as being more culpable than others. Hence a defendant who deliberately commits a crime should normally

be punished more severely than one who recklessly or negligently commits the same act.

### **3. Harm**

A harm occurs in any crime, although not all harms are crimes. According to Okeshola (2008), the harm may be physical or non-physical. For example, if a person is murdered or raped, harm can clearly be identified as physical. But if you threaten to beat or kill another person, whether or not the threat is carried out immediate fear that harming to be inflicted on him or her is injurious. Also, if you write something false about a person which lower him or her in the estimation of this, it is a harm.

In some crimes, the perpetrators maintain that they are not harming anyone by doing an act or making an omission and therefore should not be processed for crimes. Examples are victimless crimes like prostitution, gambling, drug use etc. People involved in such crimes argue that if any one is being hurt, it is only themselves, They fail to realize that they are causing social harm, because the family of the participants and the moral fabric of the society are jeopardized by such behaviour. The public therefore suffers harm.

### **4. Legality**

The principle of legality is concerned with the fact that behaviour cannot be criminal if no law exists which defines it as such. For example, it is clearly stated in the handbook of Nipost Postal Service (NIPOST) that any person found stealing any postal materials will be jailed. In the same way, cheating in an examination, embezzling public funds, accepting bribes are examples of proscribed conduct under pain of punishment prescribed by written law should be dealt with accordingly. This means that the person has committed a crime from the view point of legality.

Criminal law must not be retroactive or *ex post facto*. Laws are binding only from the date of their creation or from some future date at which they are specified as taking effect. Ex- post facto laws takes three forms .

(a) Declaring criminal an act or omission that was not illegal when it was committed.

- (b) Increasing the punishment for a crime after it is committed or
- (c) Altering the rules or evidences in a particular case after the crime is committed. The constitution of the federal republic of Nigeria, forbids ex-post facto laws.

## **5. Causation**

Causation refers to that the concurrence of a guilty mind ( mens rea) and a criminal act ( actus reus) may produce or cause harm. While some statutes criminalize only conduct, others subsume the notion of concurrence under causality and specify that a causality relationship is a necessary element of a given crime. (Schmallegger 2004). For example, if David invites Paul to dinner and Paul is run over and killed on the way. Paul would not have died but for the invitation but no one would say that David killed Paul and David has not caused the death in law.

But the case in which two friends (Tunde and Kola) fought and later after the fight has been settled, one of the friends, Tunde shot his friend Kola and died. It can be said that Tunde caused the death of Kola.

## **CRIMINAL LAW**

According to Molan (2003), criminal law can be seen as a litany of prohibitions and duties; behaviours that the state considers to be unacceptable, or action that the state demands. To Schmallegger, criminal law is ‘as the body of rules and regulations that defines and specifies punishment for offences of a public nature or for wrongs committed against the state or society.’

It is believed that criminal law assumes that criminal acts injure not just individuals but society as a whole. In common law from which much of Nigerian legal tradition devolves, offenders were said to have violated the “King’s peace” when they committed a crime. For this reason, in criminal cases the state, as the injured party, begins the official process of bringing the offender to justice. Even if the victim is dead and has not one to speak on his or her behalf, the agencies of justice will investigate the crime and file charges against the offenders.

In essence, criminal law involves a violation of public rights and duties, which create a social harm. Criminal law is different from other types of law, it is used to regulate acts that are contrary to the community interest of the social or government unit. Criminal law is also called penal law.

The underlying purpose of the criminal law is to prevent and control crime. The criminal justice system seeks to carry out this goal by sanctioning behaviour by an individual who violates the criminal law.

**There are three principles which underpin the development of the criminal law.**

1. In drafting criminal offenses, the state should strive to strike the right balance between the principle of minimum criminalization and social defence.
2. The criminal law should be essentially fair in its content and operation.
3. Where criminal offences are created, the principle of fair labeling provides that they should distinguish properly between the types of harm prohibited and the elements to be established.

Violation of the criminal law results in the imposition of punishment. Punishment is philosophically justified by the fact that the criminal intended the harm and is responsible for it. Hence criminal responsibility is defined in terms of liability as to punishment; the purpose of which is express society's fundamental displeasure with the offensive behaviour and to hold the offender accountable for it.

## **CRIMINOLOGY**

Criminology is an academic discipline that makes use of scientific methods to study the nature, extent cause and control of criminal behaviour.

Edwin Sutherland and Donald Cressey define criminology as the body of knowledge regarding crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws and or reacting toward the breaking of laws. The objective of criminology is the development of a

body of general and verified principles and of other types of knowledge regarding this process of law, crime and treatment.

From the definition given by Edwin Sutherland and Donald Cressey, the most important areas of criminology include:

- (1) The development of criminal law and its use to define crime
- (2) The cause of law violation and
- (3) The methods used to control criminal behaviour.

Criminologists use objectives research methods to pose research questions (hypotheses), gather data, create theories and test their validity.

Criminology is essentially an interdisciplinary science. Criminologists have been trained in diverse fields most commonly sociology, but also criminal justice, political science, psychology, economics and the natural sciences.

Criminology is also sometimes confused with the study of deviant behaviour. While Deviant behaviour is behaviour that departs from social norms, criminal behaviour has to do with violation of law. To understand the nature and purpose law, criminologist study both the process by which deviant acts are criminalized and become crimes.

#### **4.0 CONCLUSION**

This unit has endeavoured to highlight a number of issues about crime although there is no general definition of crime:

1. It could be argued that there is some consensus around some features of what constitutes the crime despite disagreement on its definition.
2. Elements of crime must be process before a person is found guilty of criminal act in the law court.
3. The underlying purpose of the criminal law is to prevent and control crime, e.g by punishing the offender or by threat of punishment..
4. The word criminology is a discipline held together by a substantive concern; crime. It is multi-disciplinary in character rather than being dominated by one discipline.

## **5.0 SUMMARY**

In this unit, we have been able to define crime, as a social problem which requires solution. We looked at the elements of crime and the sociological definition of crime. We are also able to define and explain the term criminology and criminal law. The purpose of criminal law is to prevent and control crime was explained.

## **6.0 TUTOR- MARKED ASSIGNMENT**

Explain in detail what you do understand by the word criminology.

What are the elements of crime?

## **7.0 REFERENCES / FURTHER READINGS**

Schmallegger, F (2004) Criminal Justice. A brief introduction New Jersey Pearson Prentice Hall.

Molan T. M (2003) Criminal law, London The HLT Group ltd.

Seigel L.J (2006) Criminology, Belmont Thomson Wadsworth Inc.

## **UNIT 2 : TRENDS AND PATTERNS OF CRIME**

### **CONTENT**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main content
  - 3.1 Crime trends
  - 3.2 Explaining crime trends
  - 3.3 Crime pattern
  - 3.4 The ecology of crime
  - 3.5 Other factors where affect trends and patterns of crime
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-marked assignment
- 7.0 References/further readings

### **1.0 INTRODUCTION**

In this unit, we shall examine trends and patterns of crime, with focus on the rate of crime as its increase or decrease in a certain period, in certain areas and among certain groups. The various factors responsible for such increase or decrease will be highlighted. This knowledge will definitely help us to gain an insight into the nature of crime.

### **2.0 OBJECTIVE**

At the end of this unit, you should be able to;

- Discuss the recent trends in the crime rate.
- Identify the factors that influence crime rate.
- Discuss the patterns in crime rate.
- Discuss the association between social class and crime.
- Recognize that there are age, gender, and ethnic patterns in crime.
- Understand the issue behind crime control.

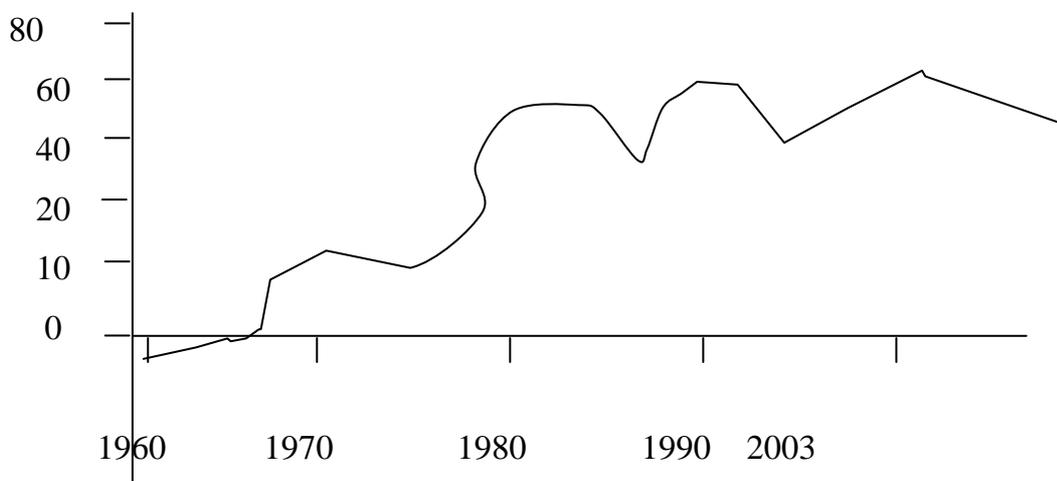
### 3.0 MAIN CONTENT

#### 3.1 CRIME TRENDS

Crime is not new to this century. Studies have indicated that a gradual increase in the crime rate especially in violent crime, occurred from 1830 to 1860. Following the civil war, this rate increased significantly for about fifteen years. Then, from 1880 up to the time of the first world war, with the possible exception of the years immediately preceding and following the war, the number of reported crimes decreased. After a period of readjustment, the crime rate steadily declined until the depression (about 1930), when another crime wave was recorded. As measured by the UCR, crime rates increased gradually following the 1930s until the 1960s, when the growth rate became much greater. The homicide rate, which had actually declined from 1930s to the 1960s, also began a sharp increase that continued through the 1970s.

In 1981 the number of index crimes rose to about 13.4 million and then began a consistent decline until 1984, when police recorded 11.1 million crimes. By the following year, however, the number of crimes once again began an upward trend so that by 1991 police recorded about 14.6 million crimes. Since then the number of crimes has been in decline; in 2003 about 11.8 million crimes were reported to the police. The figure below shows crime rate trends between 1960 and 2003.

#### Rate per 1,000 Populations



## **Crime Rate Trends**

**Source:** FBI, Crime in the United States, 2003.

As the figure shows, there has been a significant downward trend in the rate of crime for more than a decade. Even teenage criminality, a source of national concern, has been in decline during this period, decreasing by about one-third over the past twenty years. According to Thomas Bernard (1999) that “The teen murder rates, which had remained stubbornly high, has also declined during the past few years”. The factors that help explain the upward and downward movement in crimes rates are discussed below.

### **3.2 EXPLAINING CRIME TRENDS**

Crime experts have identified a variety of social, economic, personal, and demographic factors that influence crime rate trends.

#### **3.2.1 Age**

Because teenagers have extremely high crime rates, crime experts view change in the population age distribution as having the greatest crime pattern.

#### **3.2.2 Influence on Crime Trends**

As a general rule, the crime rate follows the proportion of young males in the population. With the “graying” of society in the 1980s and a decline in the birth rate, it is not surprising that the overall crime rate declined between 1991 and 2003. The number of juveniles should be increasing over the next decade, and some crime experts fear that this will signal a return to escalating crime rates.

However, the number of senior citizens is also expanding, and their presence in the population may have a moderating effect on crime rates (seniors do not commit much crimes), offsetting the effect of teens.

### 3.2.3 **Economy**

There is debate over the effect which the economy has on crime rates. It seems logical that when the economy turns down, people (especially those who are unemployed) will become more motivated to common economic crimes. However, some crime experts believe a poor economy actually helps lower crime rates because unemployed parents are at home to supervise children and guard their possessions. Because there is less to spend, a poor economy reduces the number of valuables worth stealing. Also, it seems unlikely that law-abiding, middle-aged workers will suddenly turn to a life of crime if they are laid off during an economic downturn. Not surprisingly, most research efforts fail to find a definitive relationship between unemployment and crime. For example, research on the relationship between unemployment and crime conducted by Gary Kleck and Jed Chiricos in (2002), reinforced the weak association between the two factors. Kleck and Chiricos discovered that there was no relationship between unemployment rates and the rates of most crimes including those that desperate unemployed people might choose such as the robbery of gas stations, banks, and drug stores. Nor did unemployment influence the rate of non violent property crimes including shoplifting residential burglary, theft of motor vehicle parts, and theft of automobiles, trucks, and motorcycles.

It is possible that over the long haul, a strong economy will help lower crime rates, while long periods of sustained economic weakness and unemployment may eventually lead to increased rates. Crime skyrocketed in the 1930s during the Great Depression, crime rates fell when the economy surged for almost a decade during the 1990s.

### 3.2.4 **Social Malaise**

As the level of social problems increases – such as single parent families dropout rates, ethnic conflict, and teen pregnancies – so too do crime rates correlated with the number of unwed mothers in the population. It is possible that children of unwed mothers need more social services than children in two – parent families. As the number of kids born to single mothers increases. Ethnic conflict may also increase crime rates.

### 3.2.5 Abortion

In a controversial work, John Donohue III and Steven Levitt (1999) found empirical evidence that recent drop in the crime rate can be attributed to the availability of legalized abortion. Donohue and Levitt suggest that the crime rate drop, which began approximately eighteen years later in 1991, can be tied to the fact that at that point the first groups of potential offenders affected by the abortion decision began reaching the peak age of criminal activity. They find that states that legalized abortion before the rest of the nation were the first to experience decreasing crime rates and that states with high abortion rates have seen a greater fall in crime since 1985.

The abortion related reduction in crime rates is predominantly attributable to a decrease in crime among the young. It is possible that the link between crime rates and abortion is the result of two mechanisms;

- (1) Selective abortion on the part of women most at risk to have children who would engaged in criminal activity, and
- (2) Improved childrearing or environmental circumstances caused by better maternal, familial, or fetal care because women are having fewer children. If abortion were illegal, they find, crime rates might be 10 to 20 percent higher than they currently are with abortion. If these estimates are correct, legalized abortion can explain about half of the recent fall in crime. All else equal, researchers predict that crime rates will continue to fall slowly for an additional fifteen to twenty years as the full effects of legalized abortion are gradually felt.

### 3.2.6 Guns

The availability of firearms may influence the crime rate, especially the proliferation. There is evidence that more guns than ever before are finding their way into the hands of young people. Surveys of high school students indicate that between 6 and 10 percent carry guns at least some of the time. Guns also cause escalation in the seriousness of crime. As the number of gun-toting students increases, so too does the seriousness of violent crime as, for example, a school yard fight turn into murder. The recent end of federal ban on assault weapons may be a precursor to higher murder rates.

### 3.2.7 Gangs

Another factor that affects crime rates is the explosive growth in teenage gangs. Surveys indicate that there are about 750,000 gang members in the United State. Boys who are members of gangs are far more likely to possess guns than non-gang members; criminal activity increases when kids join gangs. According to Alfred Blumstein (1991) gangs involved in the urban drug trade recruit juveniles because they work cheaply, are immune from heavy criminal penalties, and are daring and willing to take risks, Arming themselves for protection, these drug-dealing children present a menace to their community, which persuades non-gang-affiliated neighborhood adolescents to arm themselves for protection. The result is an arm race that produces an increasing spiral of violence.

The decade-long decline in the crime rate may be tied to changing gang values. Some streetwise kids have told researchers that they now avoid gangs because of the “younger brother syndrome” they have watched their older siblings or parents caught in gangs or drugs and want to avoid the same fate. However, there has been a recent upswing in gang violence, a phenomenon that may herald an overall increase in violent crime.

### 3.2.8 Drug Use

Some experts tie increase in the violent crime rate between 1980 and 1990 to the crack epidemic, which swept the nation's largest cities and to drug-trafficking gangs that fight over drug turf. This well-armed gang did not hesitate to use violence to control territory, intimidate rivals, and increase market share. As the crack epidemic has subsided, so too has the violence in New York city and other metropolitan areas where crack use was rampant. A sudden increase in drug use on the other hand may be a harbinger of future increases in the crime rate.

### 3.2.9 **Media**

Some experts argue that violent media can influence the direction of crime rates. As the availability of media with a violent theme sky rocketed with the introduction of home video players, DVDs, cable TV, computer and video games, and so on, so too did teen violence rate. According to a recent analysis of all available scientific data conducted by Brad Bushman and Craig Anderson, watching violence on TV is correlated to aggressive behaviours especially for people with a preexisting tendency toward crime and violence. This conclusion is bolstered by research showing that the more kids watch TV, the more often they get into violent encounters.

### 3.2.10 **Medical Technology**

Some crime experts believe that the presence and quality of health care can have significant impact on murder rates. According to research conducted by Anthony Harris and his associates, murder rates would be up to five time higher than they are today because of medical break through in treating victims of violence developed over the past forty years. They estimates that the United States would suffer between 50,000 to 115,000 homicides per year as opposed to the current number, which has fluctuated at around 15,000. Looking back more than forty years, the found that the aggravated assault rate has increased at a far higher pace than the murder a rate, a fact they attribute to the decrease in mortality of violence victims in hospital emergency rooms.

The big break through occurred in the 1970s when technology developed to treat injured soldiers in Vietnam was applied to trauma care in the nation's hospitals. Since then, fluctuations in the murder rate can be linked to the level and availability of emergency medical services.

### 3.2.11 Justice Policy

Some law enforcement experts have suggested that a reduction in crime rates may be attributed to adding large numbers of police officers and using them in aggressive police practices that target "quality of life crimes such as panhandling graffiti, petty drug dealing, and loitering. By showing that even the smallest infractions will be dealt with seriously, aggressive police departments may be able to discourage potential criminals from committing more serious crimes. For example, Michael White (2004) and his associates have recently shown that cities employing aggressive, focused police work may be able to lower homicide rates in the area.

It is also possible that tough laws imposing lengthy prison terms on drug dealers and repeat offenders can affect crime rates. The fear of punishment may inhibit some would be criminals and place a significant number of potentially high rate offenders behind bars, lowering crime rates.

### 3.2.12 Crime Opportunities

Crime rates may drop when market conditions change or when an alternative criminal opportunity develops. For example, the decline in the burglary rate over the past decade may be explained in part by the abundance and subsequent decline in price of commonly stolen merchandise such as DVDs and digital cameras. Improving home and commercial security devices may also discourage would be burglars, convincing them to turn to other forms of crime such as theft from motor vehicles. These are non-index crimes and do not contribute to the national crime rate.

## **SELF ASSESSMENT EXERCISE**

Discuss the trends in violent and property crime in your area.

### 3.3 CRIME PATTERNS

Criminologists look for stable crime rate patterns to gain insight into the nature of crime. If crime rates are consistently higher at certain times, in certain areas, and among certain groups, this knowledge might help explain the onset or cause of crime. For example, if criminal statistics have shown that crime rates are consistently higher in poor neighborhoods than large urban areas, then crime may be a function of poverty and neighborhood decline. If, in contrast, crime rates are spread evenly across society, this would provide little evidence that crime has an economic basis. Instead crime might be linked to socialization, personality, intelligence, or some other trait unrelated to class position or income. We will further examine traits and patterns that may influence the crime rate.

### 3.4 THE ECOLOGY OF CRIME

Patterns in the crime rate seem to be linked to temporal and ecological factors. Some of the most important of these are discussed here.

#### 3.4.1 Day, Season and Climate:

Most reported crimes occur during the warm summer months of July and August. During the summer, teenagers, who usually have the highest crime levels are out of school and have greater opportunity to commit crime. People spend more time outdoors during warm weather, making themselves easier targets. Similarly homes are left vacant more often during the summer, making them more valuable to property crimes. Two exceptions to this trend are murders and robberies, which occur frequently in December and January (although rates are also high during the summer).

Crime rates also may be higher on the first day of the month than at any other time. Government welfare and social security cheques arrive at this time, and with them come increases in such activities as breaking into mail boxes and accosting recipients on the streets. Also, people may have more

disposable income at this time and the availability of extra money may relate to behaviours associated with crime such as drinking, partying, gambling, and so on.

### 3.4.2 **Temperature**

Although weather effects (such as temperature swings) may have an impact on violent crime rates, laboratory studies suggest that the association between temperature and crime resembles an involved U-shaped curve. Crime rates increase with rising temperatures and then begin to decline at some point (85 degrees) when it may be too hot for any physical exertion (R. A. Baron, "Aggression as a function of ambient temperature and prior Anger Arousal 1972, 183-189).

However, field studies indicate that the rates of some crimes (such as domestic assault) but not all of them (for example rape), continue to increase as temperatures rise. Research has also shown that a long stretch of highly uncomfortable weather is related to murder rates, indicating that the stress of long term exposure to extreme temperature may prove sufficiently unpleasant and increase violence rates. In their study of the relationship of temperature to assault, criminologist Ellen Cohn and James Rotton (1996), found evidence of a highly significant effect, especially during morning and evening hours. They found that a person is four times more likely to be assaulted at midnight when the temperature exceeds 90 degrees than when the temperature is 10 degrees below zero.

### 3.4.3 **Regional Difference**

Large urban areas have by far the highest violence rates. Areas with low per capital crime rates tend to be rural. These findings are also supported by victim data. Exceptions to this trend are low population resort areas with large transient or seasonal populations. Typically, the Western and Southern States have had consistently higher crime rates than the mid West and

Northeast. These data convinced some criminologists that local culture influenced crime rates and that there was a “Southern subculture of violence”.

### **3.5 USE OF FIREARMS**

Firearms play a dominant role in criminal activity. According to the NCVS, firearms are typically involved in about 20 percent of 5 robberies, 10 percent of assaults, and more than 5 percent of rapes. According to the UCR about two thirds of all murders involved firearms, most of these weapons were handguns.

There is a raging debate about whether guns should be controlled in order to reduce or eliminate violent crime. International criminologists Franklin Zimring and Gordon Hawkins (1997) believe the proliferation of hand guns and the high rate of lethal violence they caused is the single most significant factor separating the crime problem in the United States from the rest of the developed world. They stressed that the differences between the United States and Europe in non lethal crimes are only modest at best. In contrast, Gary Kleck, and Marc Gertz maintain that handguns may be more of an effective deterrent to crime than gun control advocates are ready to admit. Their research indicates that as many as 400,000 people per year use guns in situations in which they later claim that the guns almost “certainly” saved lives. Even if these estimates are off by a factor of 10, it means that armed citizens may save 40,000 lives annually. Although Kleck and Gertz recognize that guns are involved in murders, suicides, and accidents, which claim more than 30,000 lives per year, they believe their benefit as a crime prevention device should not be over looked. Because this is so important, the policy and practice in criminology feature ‘should guns be controlled’ has been a topical issue.

### **SELF ASSESSMENT EXERCISE**

Guns control has become a topical issue in criminological study offer your own contribution on this issue.

### **3.6 SOCIAL CLASS AND CRIME**

A still unresolved issues in criminological literature is the relationship between social class and crime. Traditionally, crime has been thought of as a lower-class phenomenon. After all, people at the lowest rungs of the social structure have the greatest incentive to commit crimes. Those unable to obtain desired goods and services through conventional means may consequently resort to theft and other illegal activities are referred to as instrumental crimes. Those living in poverty are also believed to engage in disproportionate amounts of expressive crimes, such as rape and assault, as a means of expressing their rage, frustration and anger against society. Alcohol and drug abuse, common in impoverished areas, help fuel violent episodes.

When measured with UCR data, official statistics indicate that crime rates in inner city high poverty areas are generally higher than those in suburban or wealthier areas. Surveys of prison inmates consistently show that prisoners were members of the lower class and unemployed or underemployed in the years before their incarceration. An alternative explanation of these findings is that the relationship between official crime and social class is a function of law enforcement practices, not actual criminal behaviour patterns. Police may devote more resources to poor areas and consequently apprehension rates may be higher there. Similarly, police may be more likely to formally arrest and prosecute lower-class citizens than those in the middle and upper classes, which may account for the lower-class's over representation in official statistics and the prison population.

### **3.7 AGE AND CRIME**

There is general agreement that age is inversely related to criminality. Criminologists Travis Hirsch, and Michael Goltfiredson (1983) State "Age is everywhere correlated with crime. Its effects on crime do no depend on other demographic correlates of crime.

Regardless of economic status, marital status, race, sex, and so on, younger people commit crime more often than their older peers; Research

indicates this relationship has been stable across time periods ranging from 1935 to the present. Official statistics tell us that young people are arrested at a disproportionate rate to their numbers in the population; victim surveys generate similar findings for crimes in which assailant age can be determined. Whereas youths ages 13 to 17 collectively make up about 6 percent of the total U. S. population, they account for about 25 percent of index crime arrests and 17 percent of arrests for all crimes. As a general rule the peak age for property crime is believed to be 16, and for violence 18. In contrast, adults 45 and over who make up 32 percent of the population, account for only 7 percent of index crime arrests. The elderly are particularly resistant to the temptations of crime, they make up more than 12 percent of the population and less than 1 percent of arrests. Elderly males 65 and over are predominantly arrested for alcohol related matters (public drunkenness and drunk driving) and elderly females for larceny (shoplifting). The elderly crime rate has remained stable for the past twenty years.

### **3.8 GENDER AND CRIME**

The three data –gathering criminal statistics tools support the theory that male crime rates are much higher than those of females. Victims report that their assailant was male in more than 30 percent of all violent personal crimes. The uniform crime Report arrest statistics indicate that the overall male female arrest ratio is about 3.5 male offender to 1 female offender; for serious violent crimes, the ratio is almost 5 males to 1 female; murder arrests are 8 males to 1 female. MTF data also show that males commit more serious crimes such as robbery, assault and burglary than females. However, although the patterns in self-reports parallel official data, the ratios are smaller. In other words, males self-report more criminal behaviour than females.

### **3.9 RACE AND CRIME**

Official crime data indicate that minority group members are involved in a disproportionate share of criminal activity. African Americans make up about 12 percent of the general population, yet they account for about 38 percent of violent crime arrests and 30 percent of property crime arrests. It is possible that these data reflect racial differences in the crime rate, but it is also possible that they reflect police bias in the arrest process. We can evaluate this issue by comparing racial differences in self-report data with those found in official delinquency records. Charges of racial discrimination in the arrest process would be substantiated if whites and black self-reported equal numbers of crimes, but minorities were arrested for more often.

Racial differences in the crime rate remain an extremely sensitive issue. Although official arrest records indicate that African Americans are arrested at a higher rate than members of other racial groups, some question whether this is a function of crime rate differences, racism by police, or faulty data collection. Research shows that suspects who are poor, minority, and male are more likely to be formally arrested than suspects who are white, affluent, and female. Some critics charge that police officers routinely use “racial profiling” to stop African Americans and search their cars without probable cause or reasonable suspicion. Findings from a recent national survey of driving practices show that young black and latino males are more likely to be stopped by police and suffer citations, searches, and arrests, as well as be target of force even though they are more likely to be in the possession of illegal contraband than white drivers.

### **SELF ASSESSMENT EXERCISE**

Explain the gender differences in crime.

### **4.0 CONCLUSION**

From this unit, student of criminology should have a broader knowledge of what encompasses the trends and patterns of crime. That is the

factors that are responsible in the rate of crime at a particular period, season, certain area, certain groups etc. This knowledge will definitely help the criminology students to analyse crime trends and patterns in their various locality.

## 5.0 SUMMARY

We have been able to discuss factors that encompass trends and patterns of crime. A number of factors are believed to influence the crime rate, including the economy, drug use, gun availability, and crime control policies like increased deployment of the police and putting more criminals in prison. It is difficult to gauge future trends in crime rate. Some experts forecast an increase in crime, while others foresee a long-term decline.

## 6.0 TUTOR-MARKED ASSIGNMENT

1. Discuss the factors that help explain the upward and downward movement in crime rates.
2. Patterns in crime rate is said to be linked to temporal and ecological factors. Discuss?

## 7.0 REFERENCES/FURTHER READINGS

Adler, F., Mueller, G., Laufer, W., (1995) *Criminology*: 2nd edition. California: McGraw Hill. Inc.

Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.

Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.

Dambazau, A. B. (2007) *Criminology and criminal justice*: 2nd edition Ibadan, Nigeria. Spectrum Books Ltd.

Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition  
Owerri, Imo State Spring Field publishers Ltd.

Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad,  
India, Central Law Publishers.

Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and  
wadsworth

Williams, Hall J. E. (1984). *Criminology and criminal justice*. London:  
Butterworths.

Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John  
Wiley.

### **UNIT 3: CRIME PREVENTION & CONTROL**

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##### **4.0 SUMMARY**

**5.0 CONCLUSION****6.0 TUTOR-MARKED ASSIGNMENT****7.0 REFERENCES/FURTHER READING****1.0 INTRODUCTION**

Crime as a concept suggests a decline of public security and steady descent into the abyss of social chaos. Crime is a universal social problem, which goes beyond the general notion of theft, murder, assault, rape fraud, arson and other unwholesome behaviours. It has been suggested that in order to reverse the wave of the increase in crime, there is urgent need for modern method of crime prevention and control to be put in place.

**2.0 OBJECTIVES**

At the end of this unit, you should be able to explain crime prevention.

Discuss the types of crime prevention.

List advantages of crime prevention

Explain the Opportunities Theory of Crime Prevention

State the measure of crime prevention

**3.0 MAIN CONTEXTS****3.1 CRIME PREVENTION**

Crime prevention is any initiative policy, which reduces or eliminates the aggregate level of victimization or the risk of individual criminal participation. It is the attempt to reduce victimization and to deter crime and criminals. It includes government and community based programmes to reduce the incident of risk factors correlated with criminal participation and rate of victimization.

In its purest form crime prevention looks at people (usually babies, children and young teens) who are not involved in criminal activity and asks, what can we do to make sure they never come into conflict with the law.

Crime prevention also looks at places and situations which are not yet troubled by much criminal activity and asks” How can we make sure crime never becomes a significant problem here”

Criminologists' such as Gottfredson, Mckenzie, Eck, Sherma, Wallet and others have been at the forefront of analyzing what works to prevent crime. They agree that government must go beyond law enforcement and criminal justice to tackle the risk factors that cause crime because it is more cost effective and leads to greater social benefits than the standard ways of responding to crime.

Saville (1995) has warned about the growing crime in our cities, admitting that crime preventing has taken many different forms over the past few years causing security experts to ask such questions as: Do we put bigger locks on our valuables? Do we lock up more of our criminals? Should we trim all the edges and floor our street with bright lights? These suggestions about crime prevention are mere cosmetic measures which have limited impacts on the remote causes of criminal behaviour in the developing societies.

Primary prevention addresses individual and family level factors which correlates with later criminal participation. Individual level factors such as attachment to school and involvement in pro-social activities decree the probability of criminal involvement.

Family level factors such as consistent parenting skills similarly reduce individual level risk. Risk factors are addictive in nature. The greater the numbers of risk factors present the greater the risk of criminal involvement.

According to Metiboba, since the family is the first agent in the socialization process, which a child comes in contact with, then in traditional societies such as Nigeria, family can be a veritable strategy for crime prevention and control within the ambit of its socialization role. In addition, there are initiatives, which seek to alter rates of crime at community or aggregate level.

Secondary prevention uses techniques, focusing on a risk situation such as youths who are dropping out of school or getting involved in gangs. It targets social programmes and law enforcement at neighbourhoods ,where crime rates are high. Programmes that are focused on youths at risk have been shown to significantly reduce crime.

Tertiary prevention is used after a crime has occurred in order to prevent successive incidents. Such measures can be seen in the implementation of new security policies.

### **3.2 TYPES OF CRIME PREVENTION**

Crime prevention can be broken down into people, place and situation-oriented strategies. The people-oriented strategy is usually known as “crime Prevention Through Social Development” CPSD. Place-oriented strategies are known as Crime Prevention Through Environmental Design CPTED. When combined with situational approaches, these strategies form a holistic and effective crime prevention package.

#### **1. CRIME PREVENTION THROUGH SOCIAL DEVELOPMENT**

Crime prevention through social development (CPSD) involves long term, integrated actions that deal with the root causes of crime. Its aim is to reduce risk factors that start people, particularly children and youth, on the road to crime and to build protective factors that may mitigate those risks. The risk factors associated with criminal involvement are also related to many other social problems, such as child abuse and neglect, drug and alcohol misuse, school failure, teenage pregnancy and unemployment. So when people and Organizations work to prevent crime they are also working to make our communities healthy, safe and sustainable in many respects. It is believed that until something realistic is done about poverty, ignorance and disease, which stare the average man on the face in most families in the developing societies, there can be no crime control measure that will succeed in these places. This is why Tamimu (2003) has averred that crime such as theft, arson, kidnapping, robberies, burglary, etc is rapidly increasing and becoming major problems of developmental process in Nigeria.

#### **CPSD Programming**

1. At the primary level, crime prevention refers to universal, population-based programmes such as public education and healthcare.

2. At the secondary level, crime prevention refers to programmes that target those at higher risk for criminal activity. This level would include programs for youth at risk of learning school and parenting programs for high-risk parents.

3. At the tertiary level, crime prevention refers to rehabilitation and supervision programmes for offenders to reduce re-offending.

## **(2) CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN.**

Crime prevention through Environmental Design (CPTED) is about the places and things, the “built environment” which can be either targets of criminal activity or the location where crime takes place. The proper design, effective use and maintenance of the built environment can lead to a reduction in the incidence and fear of crime and an improvement in quality of life.

CPTED is based on the premise that much crime is opportunistic and contextual. Inadvertently, nuisance and criminal behaviour can be facilitated by poorly planned and designed space, leading to actual opportunities for crime.

### **There are four key CPTED design principles:**

1. Natural access control-design
2. Natural surveillance-design
3. Territoriality-design
4. Maintenance-Enhancement

## **(3) SITUATIONAL CRIME PREVENTION**

It looks at particular circumstances in which people interact with one another and with the built environment, identifies particularly risk combinations and looks for solutions specific to those situations.

According to criminologists, Ronald Clarke and Ross Homel, crime prevention tactics used today generally fall in one of five categories:

- a) Increasing the efforts required to commit a crime, making it less attractive.
- b) Increasing the risk of being caught

- c) Reducing the potential rewards of crime
- d) Reducing provocations and temptations
- e) Removing excuses for committing crime.

Crime prevention can be achieved by reducing the opportunities people have to commit particular crimes, a practice known as situational crime prevention. Situational crime prevention was first popularized in the USA in the early 1970's by Oscar Newman, who coined the term defensible space. C. Ray Jeffery wrote *Crime prevention through Environmental Design*, which extended Newman's concepts and applied them to non-residential areas such as schools and factories.

### **3.3 OPPORTUNITY THEORY OF CRIME PREVENTION**

For people to commit a crime, they must have the opportunity to do so. Thus, many approaches to crime reduction are based on prevention or the attempt to reduce opportunities.

Many recent prevention programmes are guided by approach to crime called opportunity theory. Lawrence Cohen and Marcus Felson (1979) recognized that for a crime to occur requires three things. They concluded that the volume and distribution of predatory crime (violent crimes against a person and crimes in which an offender attempts to steal an object directly) are closely related to the interaction of three variables that reflect the routine activities.

1. The availability of suitable targets, such as homes containing easily salable goods.
2. The absence of capable guardians, such as police, home owners, neighbors, friends and relatives.
3. The presence of motivated offenders such as a large number of unemployed teenagers.

The presence of each of these components increases the likelihood that a predatory crime will take place. Targets are more likely to be victimized if they engage in risky behaviours are poorly guarded and are exposed to a large

group of motivated offenders such as substance-abusing young men, unemployed adults.

Other proponents of opportunity theory have demonstrated the increased opportunities for crime caused by changes in the structure of Urban neighborhoods. Many new house designs seek to increase privacy and inadvertently greatly decrease the ability of respondents to note suspicious persons or circumstances and thus protect one another from becoming victims of crime (Taylor et al, 1980).

### **3.4 POLICE PREVENTIVE METHODS**

Preventive measures are often adopted by the police to forestall the opportunity or avenue for committing crime. This is in appreciation of the fact that it is cheaper to prevent crime than to detect. The cost in human and property that may be lost on an unprevented crime could in most cases be irreparable, and may well affect the reputation of the police force as an effective instrument of law enforcement. So the police have adopted proactive measures to curtail crime.

According to Rugbere (2004). The following are police preventive methods.

- a. Patrol-motorized, foot, aerial, sea and border patrols including use of force animals.
- b. Surveillance of buildings and suspected criminals.
- c. Cultivation of informants and intelligence gathering on criminal individuals, associates including receivers of loots, operational hideouts, targets, activities, mode of operations and disposal of loots.
- d. Decoy methods.
- e. Incognito operations
- f. Raiding of criminal hideouts
- g. Arrest and quizzing of suspected criminals

- h. Timely checks on pieces of information on suspects and likelihood of commission of a crime.
- i. Police-public cooperation (community policing)
- j. Inter-service cooperation/Agency cooperation
- k. Stimulation of crime situations.

### **3.5 MEASURES TO PREVENT CRIME**

1. It includes the installation of bars and locks and burglar alarm on doors and windows and uses of spotlights.
2. Licensing of use of fire arms, dogs, carrying of mace.
3. Neighborhood watches organization
4. Odua.People.Congress Watch
5. Vigilante group
6. Police surveillance
7. Startalize Camera watch

### **4..0 CONCLUSION**

If a crime is rational and people choose to commit it then it follows that there should be appropriate measure to control and prevent crime in society. Hence crime prevention has been important issues concerning both the citizen and government. Many different ways have been devised and this has been causing security expertise to ask more questions on the ways to improve means of crime prevention.

### **5.0 SUMMARY**

This Unit has examined the main elements in the prevention of crime and control. This Unit first explored the definition of crime prevention and types of crime prevention. The Unit then focused on opportunity theory of crime prevention. Finally, police prevention methods was addressed and measures of crime prevention was offered.

### **6.0 TUTOR-MARKED ASSIGNMENT**

What are the steps taken to prevent crime in Nigeria?

### **7.0 REFERENCES/ FURTHER READING**

Hughes, G (1998) Understanding crime prevention, social control risk and later modernity Berkshire, Open University Press.

## **UNIT 4: CRIME STATISTICS**

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## **1.0 INTRODUCTION**

In order to understand crime, it would be useful to have some ideas of the frequency with which it occurs, as well as information about other surrounding circumstance. It is clearly preferable to have reliable data on these questions than to rely on pure speculation.

In this unit, consideration will be given to statistic about crime, its major sources and both advantages and problems confronted in compiling crime statistics.

## **2.0 OBJECTIVES**

At the end of this Unit, you should be able to:

Explain crime statistics

Explain crime statistics concepts

Discuss the cost of crime in Nigeria

Mention the uses of crime statistics

List the sources of crime statistics and process of compilation.

## **3.0 MAIN CONTENT**

### **3.1 CRIME STATISTICS**

Statistics is the mathematics of the collection, organization and interpretation of numerical data especially, the analysis of population characteristics by inference from sampling (Morris 1971). Crime statistics is the collection, organization and interpretation of crime activities in a country as given by government agencies such as police, prison, courts, National Drug Law Enforcement. Agency (NDLEA), Customs, Immigration, Independent Corrupt Practices and other related offences commission (ICPC), Economic and Financial Crimes Commission (EFCC), Federal Road Safety Corps. (FRSC),

National Agency for the Prohibition of Traffic in Prisons (NAPTIP) etc. Crime statistics is expressed in numerical terms and often tabulated, classified and analyzed, in order to establish relationship between or among the classes of offences recorded.

According to Soyombo (1999), crime statistics has various sources such as the informal source (media reports, victim survey and self-report) and the formal (the police, the courts and the prisons). The police record, despite noted inadequacies, still stands out as the best source of information on crime statistics. There is gross under-estimations of the actual reality of crime in the country.

### **3.2 CRIME RATE**

A crime rate is expressed as the number of crimes per unit of population or some other base. Crime rates are used instead of total numbers because they are more comparable.

A variety of factors indirectly, related to crime can affect crime rates. For example, burglary rates might increase, not because there are more burglaries, but because more things are insured and insurance companies require police reports before they will reimburse their policy holders.

Crime statistics is of great significance, not only for those who study crime or work in the criminal justice system, but also for politicians, the mass media and the general public.

Crime rates are calculated by dividing the number of reported crimes by the number of people in the country and then expressing the result as a rate of crimes per 100,000 people.

$$\frac{\text{Reported crimes}}{\text{Population}} \times 100,000$$

Crime rates, rather than the absolute number of crimes, are the appropriate measure for comparing countries, states or cities. Criminologists often focus on crime rates rather than examining and explaining each and every criminal act. They look at rates of crime and seek explanation for

variations in crime rates among different social groups.

The crime rate is equal to the product of prevalence and incidence.

$$\text{Crime rate} = \frac{\text{offenses}}{\text{population}} \times \frac{\text{offenses}}{\text{offenders}}$$

**3.3 DARK FIGURE OF CRIME:** It refers to the number of crimes not officially recorded by the police.

**3.4 CRIME INDEX:** It is an estimate of crimes committed or record of crimes such as offences known to the police, arrests, convictions or commitments to prison.

It has been found that no index or estimate of crimes can actually measure amount of crime. The indexes or estimates vary independently of the true amount of crime. It varies with changes in police practice, court policie,and public opinion. The best index of crime although not accurate is offenses known to the police. The reason why it is not accurate measure of the true amount of crime is that many victims do not report all the crimes to the police hence the number of offences known to the police is always much smaller than he number of crime actually committed.

There are many reasons for the non-reporting of crimes by the victims. These, according to Bohn and Haley (2006), are

1. Victims may consider the crime insignificant and not worth reporting.
2. They may hope to avoid embarrassing the offender, who may be a relative, school friend or fellow employee
3. They may wish to avoid the publicity that might result if the crime were reported.
4. They might have agreed to the crime, as in gambling offenses and some sexual offenses.
5. They may wish to avoid the inconvenience of calling the police, (filling out a report, appearing in court and so on).
6. They may be intimidated by (or afraid of ) the offender.
7. They may (dislike) the police or (be) opposed to punitive policies of the legal system.

8. They may feel that the police are so inefficient that they will be unable to catch the offender even if the offence is reported.

Other reasons why the index is much smaller than the actual number of crimes.

1. Police discretionary attitude
2. The ways in which crimes are counted

### **3.5 A STATUS OFFENCE**

It is an act that is illegal if a juvenile commits it but would not be a crime if it is committed by an adult. For example, truancy.

### **3.6 CRIME INDEX OFFENSES CLEARED**

It is a rough index of police performance in solving crimes. It is the number of offences for which at least one person has been arrested, charged with the commission of the offense, and taken to the court for prosecution. Annually, police are able to clear certain percentage of all index offenses.

### **3.7 COST OF CRIME**

Cost of crime in Nigeria is very difficult to be estimated because of inadequate crime statistics from government security agencies. The costs of crime includes losses from property theft, cash losses, medical expenses, and income lost from work because of injuries, police and court related activities or time spent repairing or replacing property. It does not include the cost of criminal justice process, increased insurance premiums, security devices bought for protection, losses to businesses or corporate crime. (Bohm and Haley 2006).

### **3.8 PREVALENCE OF CRIME**

This refers to the proportion of a population that commits crime in a given time. It is measured by dividing the number of offenders by the size of the populations

$$= \frac{\text{No. of offenders}}{\text{Population}}$$

### **3.9 INCIDENCE**

It is the frequency with which offenders commit crime, or the average number of offenses per offender. It is measured by dividing the number of offenses by the number of offenders.

$$= \frac{\text{offenses}}{\text{Offenders}}$$

### **3.10 USES OF CRIME STATISTICS**

1. Crime statistics can form the basis of scientific theories of criminal behaviour.
2. Crime statistics is a specific instrument for measurement of crime and delinquency.
3. Crime statistics is used to measure or to know the volume, the character and the pattern of crime.
4. It can be used to know the enforceability of the various types of legal norms.
5. It can be used to know the measurement of effective and efficiency of law- enforcement agencies such as prison, court and police.
6. Crime statistics can help us to know the characteristics of the population and the involvement in crime.
7. Cost of crime can be determined with help of crime statistics.
8. Crime statistics help to know the extents in which the freedom to movement, to life and property are impaired or restricted by the criminal activities.

### **3.11 SOURCES OF CRIME STATISTICS**

Basically, there are two sources of crime statistics. These are official crime statistics and unofficial crime statistics.

#### **OFFICIAL CRIME STATISTICS**

Official crime statistics are records of crime derived from the government agencies. In some instances, these records are collected, compiled and analyzed by government agencies.

Official sources of crime statistics in Nigeria include Police record, Prosecutor's record, Court record, Prison record, National Drug Law

Enforcement Agency (NDLEA) record, Customs record, Immigration record, Federal Road safety corps (FRSC) record, Independent Corrupt Practices and other Related offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), Census data, National Agency for Prohibition of Traffic in Persons (NAPTIP) record.

## **SOURCES OF UNOFFICIAL CRIME STATISTICS**

1. Victim-surveys
2. Self-report studies
3. Direct observations

### **4.0 CONCLUSION**

Crime statistic is important because of its usefulness in measuring the amount and trends of criminal activity. How much crime occurs annually? Who commits it? When and where does it occur? Which crimes are the most serious?

The study of criminal statistics is also crucial aspect of the criminological enterprise, because without valid and reliable data sources, efforts to conduct research on crime and create criminological theories would be futile.

### **5.0 SUMMARY**

In this Unit, we have been able to explain in detail crime statistics, and its major sources. You also learned some crime statistic concepts such as crime rate, dark figure of crime, status offense, crime index offences cleared, and cost of crime. Uses of crime statistics were also itemized.

### **6.0 TUTOR-MARKED ASSIGNMENT**

What are usefulness of crime statistic to Criminal Justice System.

### **7.0 REFERENCES/FURTHER READINGS**

Morris, W (1971), The American Heritage Dictionary of the England language, New York, American Heritage Publishing Co, Inc.

## **UNIT 5: METHODS OF STUDYING CRIMINOLOGY**

### **CONTENTS**

- 1.0 introduction**
- 2.0 Objective**
- 3.0 Main content**
  - 3.1 Biographies**
  - 3.2 Cohort study**
  - 3.3 Surveys**
  - 3.4 Experiment**

**3.5 Observation****3.6 Analysis of official and unofficial records****4.0 Conclusion****5.0 Summary****6.0 Tutor – marked Assignment****7.0 References/ Further Reading****1.0 INTRODUCTION**

Criminology like other social sciences disciplines gathers and analyzes empirical data in order to understand, explain and predict human behavior especially as it relates to crime. In order to achieve these goals, the criminologists have to understand the basic methods of research.

A criminologist is required to (a) gather facts (2) write report (3) arrive at reasonable conclusion and (4) advise especially on policy issues.

The ability to carry out these functions clearly depends, to a large extent on an understanding of methods of research.

The unit introduces you to the way in which criminologists gather valid and reliable information regarding crime, criminals, victims, adjudication process and prevention of crime.

**2.0 OBJECTIVES**

At the end of this unit you should be able to

- ❖ Explain biographical methods of research,
- ❖ Discuss cohort studies
- ❖ Explain survey research method
- ❖ Differentiate different types of experimental studies
- ❖ Explain observation and its dimensions.
- ❖ Analysis both official and unofficial records

**3.0 MAIN CONTENT****3.1 BIOGRAPHIES**

A biography is the study of experience of a single offender. A biographical method reveals the needs and motivations of the offender, the way that commitment to the law is reduced, the way that criminal skills are

learnt, the obstacles encountered in pursuing legitimate careers and illegitimate lifestyles, the pattern of criminal activity over a lifetime and the consequences of contact with the criminal justice system. (Conklin 2007).

A biography is a detailed, first-hand report of the inner experience of individuals with reference to the way in which they describe, interpret and comprehend the world around them (Schurik 1988). Biographies have been used by many social scientists. For example, Park and Burgess used the biographical method as early as the 1920s in their research among the deviant juveniles. Edwin Sutherland's (1937) also make use of Biographical method to study "Chi Conwell" a professional thief who recounted his life of crime in great details.

The following documents are useful in biography: court records, minutes, contracts, correspondences, memoranda, notes, memoirs, diaries, autobiographies. It is referred to as basic document. Biography can be a record of entire life of our offender or it can be a record of only a part of or a theme from the life of an individual. Mostly, biographies are recorded on tapes and then transcribed in part or in full (Schurink 1990).

Functions of Biographies:

1. Biographies are directed by theory and often gives rise to a new theory. It can also be used to examine existing theories. For example, it has been useful in the case of various theories of socialization, society reaction theories and the control theories (Schurink 1988).
2. Biographies are suitable for exposing the confusion, contradictions and ambiguities embedded in human behaviour.
3. It enables the researcher to review the individual's life in its totality. It focuses on more than just the deviant or criminal behaviour of the particular individual.
4. It can yield hypotheses that can be tested on larger samples of offenders.

**Problems of Biographical Method:**

1. The study of an offender may not be representative of other offenders. For instance, separating an offender's experiences into those that are idiosyncratic and those that are common to other offenders is a difficult task that requires more information than can be provided by one criminal's biography. It is however, thus the very absence of the means for generalization that made other scientists suspicious of the method.
2. Offenders sometimes distort their experiences due to (i) Faculty memories (ii) Viewing the past in the light of their present circumstance (iii) To glorify and romanticize themselves.
3. Some people believe that biographies are without a theoretical basis and therefore unscientific.

### **STRATEGIES TO OVERCOME PROBLEMS**

In order to counteract the problems discussed above, the following strategies are used by researchers in general (Schurink 1988).

1. **Auto criticism.** The validity of the constructed biography can be checked by the subject.
2. **Comparism.** The particular biography can be compared with similar written sources.
3. **Official records.** It can be used to verify factual data such as dates of birth, marital records, high school and university qualification.
4. **Informants.** Other persons who find themselves in the same position as the subject of the study (or persons who know him or her well) can be questioned.

### **3.2 COHORT STUDY**

Cohort study, as a method of research, was developed by demographers and applied primarily to the study of fertility. The most common type of cohort analysis uses age-groups (birth cohorts) for example five or ten year's age-bands. It refers to any study in which there are measures of some characteristics of one or more cohorts at regular intervals after the defining event.

Cohort study, as a research method, is also useful in criminology. It involves observing a group of people who share a like characteristic over time. In other words, cohort research is done by using a category of people who had the same experiences in life over a specific period of time. The emphasis is on cohort or category and not on the specific individual. For example, researchers may study a group of juvenile born in 2000 and then follow their behaviour patterns for twenty years. The research data might include their school experiences, arrests, hospitalizations, and information about their family life (divorces, parental relations). Data could be collected directly from the subjects or without their knowledge – from schools, police and other sources.

The ideal way to carry out a cohort study is to begin to collect data at an early age for the member of a cohort and then follow them through adolescence and into adulthood.

In cohort studies, criminologists frequently investigate records of social organizations, such as Hospitals, Schools, Welfare department or Courts, Police departments. Apart from official records, criminologists make use of questionnaires to measure violations of the law. Interviews could be conducted periodically to measure changes in an individual's social situation.

Wolfgang, Thornberry and Figlio, (1987), studied of the experience of some of boys as adults They looked at the characteristics that distinguished the boys who had contact with the police from boys and who had not.

### **BENEFITS OR ADVANTAGES OF COHORT STUDY.**

Some criminologists believe that such a long-term cohort study would yield information on the causes of criminal behaviour and the development of criminal careers that one cannot get from other kinds of studies (Farrington, Ohlin and Wilson 1986).

#### **Disadvantages of Cohort Study**

1. They are expensive to conduct because they take so long to complete.
2. Cohort studies could affect their normal process of growing up of the group.

3. It is extremely difficult and time consuming to follow a cohort overtime.

### **3.3 SURVEY**

A survey is a method of acquiring knowledge about the characteristics or facts and figures, of something or somebody, some groups of things, person or places. It is designed for collection of information from a cross section of a population on a defined subject matter within a given period of time. The survey intends to determine qualitative and quantitative characteristics about a population or universe which may be used for the purpose of drawing conclusion about the population itself.

Survey researchers first review the published literature on the topic in which they are interested, then develop hypotheses about relationships among a set of variables, define those variables in precise and measurable terms, write and pretest questionnaires, select samples, administer the questionnaires, gather the data and analyze and present their findings.

Most of criminological surveys are based on written questionnaires. The term survey is therefore not necessarily synonymous questionnaire survey since other method of data collection such interview; observation etc may be employed in a survey.

Sampling is the foundation upon which survey is based. Sampling is referred to the process of selecting for studying a limited number of subjects who are representative of entire groups sharing similar characteristics called population.

The information collected from the sample or the selected respondents would form the basic for making generalizations about the total population on the subject under investigation. In order to make valid generalizations, the investigator must understand the procedure for drawing the sample from the total population. The criminologists have to ensure that the sample represents, to a high degree, the population from which it has been drawn. The guiding principle is that the researcher must try to minimize bias that may creep into the selection procedure (Akinkoye 1994). For example, a criminologist

may wish to interview a sample of 500 commercial drivers drawn from the population of more than 3 million drivers in Lagos State to determine the effect of drugs on drivers. If the samples are carefully selected, it will represent characteristics of the entire population of drivers in Lagos State.

There are many types of survey method used by criminologists such as self-report survey, victimization survey, cross-sectional survey.

#### **A. Victimization Survey**

The first effort to measure crime by surveying members of households was carried out in 1720 in Denmark. (Conklin, 2007). The victimization survey method is a form of data collection that requires the researcher asking the people to describe their experiences as crime victim, National Crime Victimization Survey (NCVS) sponsored by the Federal Government of United States is good example of victimization survey method. People are asked to report their victimization experiences such as rape, sexual assault, robber, assault, theft, household burglary and motor vehicle theft.

Victimization surveys have uncovered a substantial dark figure, the number of crimes that actually occur but are not recorded. The dark figure exists for many reasons, especially the failure of victims to report crimes and the failure of the police to record all the reported crime.

#### **Methodological Problems with Victimization Surveys.**

1. Over reporting due to victims' interpretation of events. For example, lost of property (a wallet) may be reported as stolen.
2. It does not provide a complete and balanced picture of crime. For instance, it has not been used to measure white-collar crime, organized crime, victimless crime or information on offenders.
3. Under reporting due to the embarrassment of reporting crime to interviewers, fear of getting in trouble or simply forgetting an incident.
4. Sample errors, which produce a group of respondents who do not represent the nation as a whole.

#### **B. SELF-REPORT SURVEY**

Self-report survey is another research technique for collection of information by criminologists. According to Conklin (2007), Austin Porterfield's (1946) was the first researcher to use survey methods to gather self-reported information about involvement in crime and delinquency.

Self report studies confirm the conclusion of victimization surveys that the dark figure or hidden amount of crime is large. Most self-report studies focuses on juvenile delinquency and youth crime. They are also used to examine the offence histories of prison inmates, drug users and other segments of the population. The strengths of self-report surveys are that they include non-reported crimes, substance abuse and offenders' personal information.

### **Methodological Problems with Self Report Studies.**

1. The questionnaires used in the studies sometimes lack validity, that is they do not accurately measure the amount of crime that respondents have committed.
2. Self report studies have been criticized for using school or neighborhood samples that fail to include officially labeled, chronic delinquents.
3. Another problem with self-report studies is the way they have been carried out. The use of many different self-report questionnaires by lay researchers means that their results are often not comparable.
4. Critics of self-report studies frequently suggest that it is unreasonable to expect people to candidly admit illegal acts. This is especially true of those with official records, who may be engaging in the most criminality.
5. There is evidence that reporting accuracy differs among racial, ethnic and gender groups.

### **ADVANTAGES OF SURVEY RESEARCH**

1. Surveys are excellent and cost effective technique for measuring the characteristics of large numbers of people.

2. Uniformity is unaffected by the perceptions or bias of the person gathering the data because questions and methods are standardized for all subjects.

## **EXPERIMENT**

Experiments are controlled studies in which people are treated in different ways to determine the effects on their attitudes and behaviour.

It is the ideal design for scientific research because it best provides researchers with data that enable them to accept or reject a hypothesis. To conduct experimental research criminologists manipulate or intervene in the lives of their subjects to see the outcome or the effect of the intervention.

In an experiment, researchers work with two groups that are identical in all relevant respects through a process of random assignment. True experiments usually have these elements:

- (a) Random selection of subjects
- (b) The experimental group
- (c) The control group
- (d) An experimental condition.

The experimental and control groups are then compared to see if they differ in relation to the dependent variable and the hypothesis, stating the relationship of the two variable is confirmed or rejected. It is also equally used to demonstrate that a cause or effect relationship exists between variables.

Kendell (2003) stated that three conditions must be fulfilled in order to show that a change in one variable causes a change in another.

- (1) You must show that a correlation exists between the two variables
- (2) You must ensure that the independent variable precedes the independent variable.
- (3) You must make sure that any change in the dependent variable is not due to an extraneous variable.

For example, a criminologist may follow a group of kids who were abused and compare them with another group who were never abused in order to discover if the abused kids were more likely to become violent teens.

Another good example, of experiment tested the impact on ex-convicts criminal behaviour when financial assistance was provided to them after their release from prison.

#### **Strengths of Experiments.**

1. Researchers have control over the environment and the ability to isolate the experimental variable.
2. It saves money and time since experiment can be conducted with limited numbers of subjects.
3. It is possible for researchers to replicate an experiments several times by using different groups of subject.

#### **Weaknesses of Experiments**

1. Researchers have no control over unexpected intrusions that may reduce or destroy the effectiveness of the changes they make in the independent variable.
2. They are difficult and expensive to conduct.
3. There is problem of reactivity – the tendency of subjects to change their behaviour in response to the researcher or to the fact that they know they are being studied.

### **3.5 OBSERVATION**

In the observational research design, the researcher systematically observes behaviours, events and the contexts surrounding the events and behaviours.

There are three basic kinds of observations: Naturalistic observation, Participant observation and Contrived observation.

(1) When a researcher observes and records behaviour in a setting without intervening in any way. It is called naturalistic observation or non-participant observation. A natural setting is one in which behaviour ordinarily occurs that has not been arranged in any way for the purpose of recording behaviour. In a naturalistic observation researchers try to be as inconspicuous and unobtrusive as possible, passively recording whatever occurs. (Gravelter and Forzano 2003). For example, studying the behaviour of protesters in a riot.

(2) In Participant Observation studies, researchers actually participate in the situation or setting which they are observing. Participant observation can be overt, in that the researcher is easily identified and the subjects know that they are being observed. It can also be covert, in which case the researcher disguises his or her identity and acts just like any of the other participants. For example, a researcher may feign in prostitution in order to gain insight to the behaviour of the prostitutes.

A great example of participant observation is Rosenhan's (1973) research investigating the experience of mental patients and patient-staff interactions in psychiatric hospital. One important advantage of participant observation allows researchers to observe behaviours that are not usually open to scientific observation. The disadvantage is that the research gets information that are neither testable nor accessible to outside observation.

(3) The third type of observation is called contrived observation or structured observation. It is observation of behaviour in settings arranged specifically for observing and recording behaviour. Often such studies are conducted in laboratory settings.

An advantage of contrived observation over both natural and participant observation is that there is no waiting for behaviour to occur, the researcher makes them occur by setting up the environment in such a way that they are more likely to occur.

### **3.6 ANALYSIS OF OFFICIAL AND UNOFFICIAL RECORDS**

Analyses of official and unofficial records are referred to as secondary analysis. It is a research method in which a researcher utilizes data collected by others. Not all research requires investigators to collect their own data personally.

In order to understand more about the nature and extent of crime, criminologists may use the records of government agencies such as police departments, prisons and courts. These bodies of information amassed by other people are often extremely important to criminologists. Many Federal Government Agencies such as National Population Commission (NPC),

National Drug Law Enforcement Agency (NDLEA), Federal office of statistics, ICPC, Economic and Financial Crime Commission (EFCC) etc gather and publish various kinds of valuable reports.

Many problems of criminal activities problems can be answered more easily by drawing on the resources of library than by undertaking a special field research.

Unofficial records of crimes have also proved useful to criminologists.

### **ADVANTAGES**

1. Using available data saves researchers time and money, especially criminologists with low budgets.
2. Sometimes, the quality of government data is generally better than what ever well-funded researchers could hope to obtain on their own.

### **DISADVANTAGES**

1. Available data may not exist in precisely the form the researcher might wish.
2. Comparison is difficult to do with official data because various agencies use differing procedures and categories in collecting data.
3. Using second hand data is a little like shopping for a used car with attendance of problems.

## **4.0 CONCLUSION**

If you agreed on the definition of criminology as a systematic study of crime and criminal behaviour in the society, there must be ways in which this is done. Criminologists use research methods just like other social scientists to study crime. There is no best method of research, it depends on what the researcher wants to study, his financial ability and the duration of the study.

## **5.0 SUMMARY**

This unit has focused on research methods. It mentions various research methods use by criminology to gather information that will shed light on criminal behaviour. These include surveys, cohort studies, experiments, observations, official record studies and biographies.

With above information, and after students have gone through this unit, to carry out research becomes an easy task.

## **6.0 TUTOR-MARKED ASSIGNMENT**

List the methods of studying crime and discuss any two of them.

## **7.0 References/Further readings.**

- Scott and Marshall (2005), Oxford dictionary of sociology, Oxford, Oxford University Press.
- Akinloye (1994) in Otitte (1994) Sociology Theory and Applied, Ikeja, Malthouse Press Ltd.
- Kendell, D (2003), Sociology in our times Belmont, Wadsworth/Thomson Learning.
- Conklin J. E. (2007) Criminology Boston Pearson Education, Inc.
- Siegel, L. J (2006) Criminology Belmont Thomson Wadsworth.
- Gravetter F. J. and Forzamo L. B. (2003).Research methods for the behaviour sciences Belmont, Wadsworth/Thomson Learning.

## **MODULE TWO**

### **UNIT 1: THEORETICAL BACKGROUND TO CRIME: CLASSICAL THEORY, NEO -CLASSICAL THEORY OF CRIME AND POSITIVIST CRIMINOLOGY**

#### **CONTENTS**

#### **1.0 INTRODUCTION**

#### **2.0 OBJECTIVES**

#### **3.0 MAIN CONTENT**

- 3.1 What is a theory?**
- 3.2 Classical theory**
- 3.3 Neo - classical theory of crime**
- 3.4 Positivist criminology**

#### **4.0 SUMMARY**

#### **5.0 CONCLUSION**

#### **6.0 TUTOR-MARKED ASSIGNMENT**

#### **7.0 REFERENCE/FURTHER READING**

#### **1.0 INTRODUCTION**

As with all scientific fields, criminology is a systematic process of discovery. Commencing with an hypothesis , which ideally, is derived from a theory. A theory is a mere general statement (or a set of statements) that explains many different facts by reference to underlying principles and relationships. (McGee 1980). The Criminologists bring their personal beliefs and back grounds to bear when they study criminal behavior. There are diverse theories of crime causation.

In this Unit, you shall learn what is theory, classical theory, Neo - classical and Positivist Criminology.

#### **2.0 OBJECTIVES**

At the end of this Unit, you should be able to (a) define theory, (b) Explain classical theory, (b) discuss the Neo-classical theory of crime , (d) explain positivist theory.

#### **3.0 MAIN CONTENTS**

##### **3.1 THEORY**

A theory is a system of related ideas that enable one to explain and predict certain phenomena. A theory assumes the principle of causation; an explanation seeks to establish the relation of cause and effect with a stated degree of certainty. A theory is judged by its explanatory power, by the richness of its predictions, their levels of interest and accuracy. (Wilmot 1985)

A scientific theory has universal relevance in its assertion of interconnection between two or more variables or social events. It is not a statement about a particular social phenomenon, or a statement about a particular social phenomenon. It is a universally applicable statement that can be tested by deductions from a particular social phenomenon or statement.

Equally, a theory is useful for scientific study because it defines the kind of data to be collected and provides the conceptual framework for classifying and analyzing phenomena. A theory provides generalizations and predictions based on observed facts (Ottite and Ogionwo 2001).

A theory of crime attempts to explain why or how a certain thing or a certain things are related to criminal behaviour. For example, some theories assume that a crime is part of human nature, that some human beings are born evil. In those theories, human nature is examined in relation to crime. Other theories assume that crime is caused by biological things, psychological things, sociological things, economic things or some combinations of all four kinds of things.

Theories on criminology are important because most of what is done in criminal justice is based on it. Bohn and Haley (2005) argues that failure to understand the theoretical basis of criminal justice policies leads to at least two undesirable consequences. First, if criminal justice policy makers do not know the theory or theories on which their proposed policies are based, then they will be unaware of the problems that are likely to undermine the success of the policies. Second, criminal justice policies invariably intrude on people's lives (for example, people are arrested and imprisoned). If people's lives are going to be disrupted by criminal justice policies, it seems only fair that there be very good reasons for the disruption.

Theories of crime have been influenced by the philosophical, political, economic, social and scientific trends of the time.

### **3.2 CLASSICAL THEORY**

Classical theory is a product of the Enlightenment period or the age of reason, a period of history that began in the late 1500s and lasted until the late

1700s. The enlightenment thinkers rejected the belief that either the nature of the world or the behaviour of the people in it was divinely ordained or predetermined. Instead, they believed that individual criminals engage in a process of rational calculative decision making in choosing how to commit crime. This view is underpinned by two further assumptions. First those individuals have free will or the ability to choose any course of action, for which they are completely responsible. Second, human behaviour was considered motivated by a hedonistic rationality in which a person weighs the potential pleasure of an action against the possible pain associated with it. In that view, human beings commit crime because they rationally calculate that the crime will give them more pleasure than pain.

These ideas, in their initial formulation, were important in that they shifted attention towards punishing the offensive behaviour rather than punishing the individual's social or physical characteristics in and of themselves. This shift consequently had an enormous influence on changing attitudes towards punishment and towards the purpose of the law and the legal system.

Classical criminology was concerned with protecting the rights of human kind from the corruption and excesses of the existing legal institutions. Horrible and severe punishments were common both before and during the enlightenment.

Classical ideas about crime and punishment can be found in the works of a number of different writers. The writings of Cesare Beccaria (1738 – 1794) and Jeremy Bentham (1748-1832), however, were especially influential.

Beccaria, one of the best known of the classical criminologists, wrote and published anonymously in 1764 his truly revolutionary work. An essay in crime and punishment (*Dei Delitti e delle Pene*). The book is generally acknowledged to have had an enormous practical influence on the establishment of a more humane system of criminal law and procedure (Bohn and Haley 2002).

Beccaria proposed what we now call classical theory of criminology. He argues that the only justified rationale for laws and punishment is based on the following principles.

1. **The principle of utility.** That is, the greatest happiness shared by the greatest number. It means that the policy or law should be useful to large number of people in the society.
2. **Social contract.** The exponents of the social contract theory are Hooker (1554- 1600), Thomas Hobbes (1588-1679) John Locke (1632-1704) and Jean Jacques Ronsseau (1712-1778) CassareBeccaria(1738-1794) argued that there was a contractual relationship between the individual and the state. This relationship existed to prevent chaos.

As a part of this contractual relationship, individual's give up some of their liberties in the interest of the common good, with the purpose of the law being to ensure that these common interests were met. For Beccaria, this meant that the law should be limited in scope and written down so that people could make decisions on how to behave (Walklate 2003).

3. **Special or specific deterrence.** Baccaria believed that the only legitimate purpose of punishment is deterrence. To this end, punishment should be specific to the offender.
4. General deterrence is the use of the punishment against specific individual with a view to prevent him or her or society at large from engaging in crime. Beccaria argued that punishment was to fit the crime not the individual and was to be certain and swift. The guiding principle of the criminal justice process, it was argued, was the presumption of innocence and in this general framework ,punishment was to be seen as a deterrence to criminal behaviour.

Beccaria recommended four other ways to prevent or to deter crime.

1. To enact laws that are clear, simple and that reflect the consensus of the population.
2. To educate the public. Beccaria assured that the more educated people are, the less likely they are to commit crimes.

3. To eliminate corruption from the administration of justice.
4. To reward virtue. It is also important to reward law-abiding behaviour. He stated that such rewards might include public recognition of people who have not been convicted of a crime.

### **CRITIQUES OF CLASSICAL THEORY**

Classical criminologists ideas were very influential in reforming criminal codes and informing legislative changes in a number of differential social contexts. Classical theorists were responsible for the first attempt to create systematic knowledge about law, crime and punishment. Infact, many ideas of the classical school of thought are still being followed in our courts all over the country.

Some critics have argued that the changes advocated by the classical criminology did not accommodate the issue of children's criminal behaviour. It did not also solve the rising crime rate. In fact crime was still becomingly problematic. Hence the idea of individuals being motivated by hedonism and freewill lost some of its popularity.

The classical theory believes in notion of consensus rather than conflict between groups in society.

### **3.3 NEOCLASSICAL THEORY**

Neoclassical theory of crime is the modification of classical theory. Neoclassical theory deviate from the classical theory based on the difference in assumption about freewill. In the neoclassical revision, that amount of freewill is not evenly distributed, there are certain conditions when the individual will not be acting out of his or her freewill. It was considered that certain factors such as insanity, children, senile and provocation might against it exercise of freewill. The application of classical theory to treatment of all offenders alike did not represent justice because individual differences and unique nature of offences militated against the same treatment.

Neo-classical theory modified classical theory had two practical effects on criminal justice policy.

1. They provided a reason for non legal experts such as medical doctors to testify in the court as to the degree of diminished responsibility of an offender.
2. Offenders began to be sentenced to punishments that were considered rehabilitative.

### **3.4 POSITIVIST CRIMINOLOGY**

Positivist criminology grew out of positive philosophy and logic and basic methodology of empirical or experimental science. Auguste Comte who was credited as the founder of sociology belong to this school. Comte and others argued that the period of enlightenment had contributed to progress by helping to break up the old system but the period had outlived their usefulness and had become obstructive.

Positivist saw human, not as free willed, self-determining creature, but being whose action was determined by biological and cultural factors.

The following are key assumptions of the positivist school of thought.

1. Human behaviour is determined and not a master of free will. Consequently, the positivists focus on cause and effect relationships.
2. Criminals are fundamentally different from non criminals positivists search for such difference by scientific methods.
3. Social scientists (including criminologist) can be objective or value-neutral, in their work.
4. Crime is frequently caused by multiple factors.
5. Society is based on consensus but not on a social contract.

As the social sciences developed and social scientists directed their attention to the problem of crime, they adopted, for the most part, positivist assumptions. For example, theories of crime were based on biological positivism, psychological positivism, sociological positivism and so on, at different ages .

### **4.0 CONCLUSION**

This Unit has endeavoured to highlight a number of issues about theory, classical theory, Neoclassical theory and the positivist criminology.

Many of the propositions of classical neoclassical and positivist theories are the basis of criminology and they are still relevant in the world.

## **5.0 SUMMARY**

This Unit has focused on early theories on the causation of crime. It analysis the concept of theory. It explains the emergence of the classical theorists, Neo-classical theorists and positivist theorists and the differences in their explanation of causes of crime.

## **6.0 TUTOR-MARKED ASSIGNMENT**

What are critiques of classical Theory?

## **7.0 REFERENCES/FURTHER READINGS**

McGee, R (1980) *Sociology; An Introduction* New York, Holt, Rinehart and Winston Wilmot (1985)

Ottite, O and Ogionwo. W (2001) *An Introduction to Sociological Studies*, Ibadan, Heinemann Educational Books (Nig.) Plc.

Bohn R. M. and Haley, K.N. (2002) *Introduction to Criminal Justice* New York, McGraw Hill Inc.

Walklate, S. (2003) *Understanding Criminology Current Theoretical Debates*. Buckingham Open University Press.

## **UNIT 2: BIOLOGICAL THEORIES & PSYCHOLOGICAL THEORIES**

### **CONTENTS.**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Contents
  - 3.1 Biological theories

- 3.2 Psychological theories
  - 3.2.1 Intelligence and crime
  - 3.2.2 Psychoanalytic Theory
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

## **1.0 INTRODUCTION**

A crime may be seen as a behaviour that violates the norms of society. In modern societies, important norms are usually written into law, and any violations of such a law are considered crimes. There are other norms that are non legal and their breach are non-crimes. Crimes have been one of serious social problems from the beginning of creation. This is why many people have devised solution in solving the problem.

In studying this social problem, many people have looked for causes of crime in the society.

Hence, we shall examine in this Unit, biological theories and psychological theories of crime.

## **2.0 OBJECTIVES**

At the end of this Unit, you should be able to:

Discuss biological theories

Explain psychological theories

## **3.0 MAIN CONTENTS**

### **3.1 BIOLOGICAL THEORIES**

The exponents of the Biological explanations of crime have argued that particular individuals are more prone to crime than others because of their genetic make up. Genetically inherited characteristics either directly cause or predispose them towards crime. An early version of biological theories is given by Cesare Lombrose, an Italian army doctor in his book L'Uomo

Delinquente, published in 1876. Lombroso's brand of philosophical positivism rejected freewill as explanation of behaviour and replaced it with biological determinism.

Lombroso's theory consisted of the following propositions.

1. Criminals are by birth, a distinct type.
2. That type can be recognized by physical characteristic or stigmata such as enormous jaws, high cheek bones and insensitivity to pain.
3. The criminal type is clearly distinguished in a person with more than five stigmata perhaps exists as a person with three to five stigmata and does not necessarily exist in a person with fewer than three stigmata.
4. Physical stigmata do not cause crime; they only indicate an individual who is predisposed to crime. Such a person is either an atavist – that is a reversion to a savage type – or a result of degeneration.
5. Because of their personal nature, such persons cannot desist from crime unless they experience very favourable lives. (Bohn and Haley 2002).

Lombroso observed: "At the sight of that skull, I seemed all of a sudden, lighted up as a vast plain under a flaming sky, the problem of the nature of the criminal an atavistic being who reproduces in his person the ferocious instincts of primitive humanity and the inferior animals. Thus were explained anatomically the enormous jaws, high cheek bones, prominent superciliary arches, solitary lines in the palms, extreme size of the orbits, handle – shaped or senile ears found in criminals, savages and apes, insensibility to pain, extremely acute sight, tattooing, excessive idleness, love of orgies, and the irresistible craving of evil for its own sake, the desire not only to extinguish life in the victim but to mutilate the corpse tear its flesh and drink its blood" (Lombroso 1911).

Lombroso's theory of the Atavism, that is, criminal are 'born out of time' who were similar to primitive people or lower animals in their biological makeup. This theory was influenced by Darwinism but the idea that criminal could be reverted to an earlier stage of evolutionary development was not widely accepted even then.

Lombroso also erred in his idea about what features could be inherited. Some of the features he thought were typical of offenders might have been the product of both inheritance and diet, with the latter being a function of income, education and other social factors. For example, the tattoos he mentioned were obviously not inherited.

Lombroso's most important contributions to modern criminology were the application of measurement and the testing of hypothesis. As a result of this positivist method, his ideas on crime causation were revised and he increasingly took social and environmental factors into account. But, the born offender remained at the center of his work. (Conklin 2007).

The body-type theory of Biological theories of crimes is an extension of Lombroso's criminal anthropology. In 1949, William Sheldon, an American psychologist and physician, incorporated the biological theory with psychological trait called somatotypes or body types. He maintained that these body types were related to behaviour. This theory focuses on differences among individuals in embryonic development and claims that people with different body types have different temperaments that affect their propensity to engage in crime and delinquency.

These three types of physique called somatotypes are (1) endomorphs – slow, soft, round, usually fat and comfort-loving, exhibited no particular tendency to be delinquent nor did (2) Ectomorphs – lean (Skinny) and fragile (3) Mesomorphs – muscular, active, athletic and aggressive, were twice as common among delinquent as they were among the general population (Glueck and Glueck 1950). Sheldon argued that everyone has elements of all three types, but that one type usually predominates.

#### Post-Lombrosian Researchers

(1) Charles Goring (1870 – 1919) tested Lombroso's theory that offenders had certain physical defects or anomalies. Goring found no significant difference between offenders and groups from the general population in skull shape, eye colour, hair colour or various other physical traits. He concluded that there is no such thing as a physical criminal type.

(2) In 1952, Sociologists Sheldon and Eleanor Glueck tested the somatotype theory on sample of delinquent and non-delinquent boys. They claimed that the majority of the delinquents were mesomorphic –muscular well-knit and athletic.

Another biological theory of crime is the chromosomal deficiency hypothesis. In the early 1960's a certain human male was found to have an extra Y chromosome. Instead of having an XY combination, he possessed an XYY combination. Soon other examples of this anomaly were observed and described. XYY individuals were said to be tall, aggressive, antisocial males, with low IQs and severe acne. They were believed to be found in greater proportions in mental institutions or prisons than in the general population and the public's temptation to embrace the born criminal hypothesis was once again encouraged.

### **3.2 PSYCHOLOGICAL THEORIES**

The psychological aspects of crime include the relationship among intelligence, personality and, learning on the one hand and criminal behavior on the other.

#### **3.2.1 Intelligence and Crime**

The idea that many early criminologist maintained crime is the product primarily of people of low intelligence. They opined that many delinquents and criminals have a below-average intelligence quotient and that low IQ is a cause of criminality. Criminals were believed to have inherently substandard intelligence and thus, they seemed naturally inclined to commit more crimes than the more intelligent persons. Further more, it was thought that if authorities could determine which individuals had low IQs, they might identify potential criminals before they committed socially harmful acts.

Research design was employed to test the relationship between intelligence and delinquency concluded that if boys of the same social class are compared, delinquents generally have lower IQs than non delinquents. Thus, a lower-class delinquent usually has a lower IQ than lower class non-delinquent, and a middle-class delinquent generally has a lower IQ than a

middle-class non-delinquent. (Resis and Rhodes 1961). This study also found that lower-class boys are more likely to be delinquent than middle-class boys of the same level of intelligence. Thus, social class and intelligence are both related to delinquency.

In 1931, Edwin Sutherland reviewed appropriately 350 studies on the relationship between intelligence and delinquency and criminality. Sutherland concluded from the review that although intelligence may play a role in individual cases, given the selection that takes place in arrest, conviction and imprisonment, the distribution of the intelligence scores of criminals and delinquents is very similar to the distribution of the intelligence scores of the general population.

### **3.2.2 PSYCHO ANALYTIC THEORY**

Psychoanalytic theory was originated by Viennese psychiatrist Sigmund Freud (1856-1939). He believed that a man or a woman carries with him or her a residue of the most significant emotional attachments of him or her childhood, which then guides future interpersonal relationships.

#### **There are three elements of psychoanalytic theory.**

- (1) This Id is the primitive part of an individual's mental make up present at birth. It presents unconscious biological drives for sex, food and other life-sustaining necessities. The Id follows the pleasure principle. It requires instant gratification without concern for the rights of others.
2. The Ego develops early in life, when a child begins to learn that his or her wishes cannot be instantly gratified. The ego is that part of the personality that compensates for the demands of the Id by helping the boundaries of social convention. The ego is guided by the reality principle. It takes into account what is practical and conventional by societal standards.
3. The Superego develops as a result of incorporating within the personality the moral standards and values of parents, community and significant others. It is the moral aspect of an individual's personality; it passes judgments on behaviour. The superego is divided into two parts; conscience and ego ideal. Conscience tells what is right and wrong. It forces

the ego to control the Id and directs the individual into morally acceptable and responsible behaviours. (Siegel 2006).

Some psychologists have also linked criminality to abnormal mental states produced by early childhood trauma. For example, Alfred Adler (1870-1937), the founder of individual psychology, coined the term inferiority complex to describe people who have feelings of inferiority and compensate for them with a drive for superiority. Controlling others may help to reduce personal inadequacies.

Erik Erikson (1902 – 1984) described the identity crisis – a period of serious personal questioning which people undertake in an effort to determine their own values and sense of direction. Adolescents undergoing an identity crisis might exhibit uncontrollable behaviour and experiment with drugs and other forms of deviance.

Humanistic psychological theory, as described here, refers primarily to the work of Abraham Maslow and Seymour Halleck. The theories of Maslow and Halleck are fundamentally psychoanalytic but they are called humanistic because they assume that human beings are basically good even though they are sometimes influenced by society to act badly.

**Abraham Maslow's hierarchies of basic needs are:**

1. Physiological (food, water and procreational sex).
2. Safety (security, stability, freedom from fear, anxiety chaos etc.)
3. Belongingness and love (friendship, love, affection, acceptance).
4. Esteem (self-esteem and the esteem of others)
5. Self-actualization (being true to one's nature, becoming everything that one is capable of becoming).

According to Maslow, during a given period, a person's life is dominated by a particular need, until the need is satisfied. From this view, crime may be understood as a means by which individuals satisfy their basic human needs. They choose crime because they cannot satisfy their needs legally or for whatever reason.

Halleck (1967) views crime as one of several adaptations to the helplessness caused by oppression. For Halleck, there are two general types of oppressions, objective and subjective. Each has two subtypes. The subtypes of objective oppression are (1) Social oppression. (2) The oppression that occurs in two person interactions while the subtypes of subjective oppression are (a) Oppression from within (guilt) and (b) projected or misunderstood oppression (a person's feeling of being oppressed when in fact he or she is not)

#### **4.0 CONCLUSION**

Most criminological research today is done by sociologists, but biologists and psychologists have contributed in important way to our understanding of criminal behaviour. Early biological theories of crime have little empirical support and do not receive much attention today but they were significant in the development of criminology.

Psychological perspectives on crime causation are used by the criminal justice system to determine if a defendant is criminally responsible.

#### **5.0 SUMMARY**

In this unit, you have learned in detail biological theories of crime with reference to the works of early theorists like Lombroso, William Sheldon, Charles Goring, Sheldon and Eleanor. This Unit also reviewed a number of psychological theories of crime, which include the relationship among intelligence personality, learning and criminal behaviour.

Some examples of Psychological theories were drawn from the works of Edwin Sutherland, Sigmund Freud, Alfred Adler, Erik Erikson.

#### **6.0 TUTOR-MARKED ASSIGNMENT**

What is Lombroso's theory of crime?

#### **7.0 REFERENCES/FURTHER READINGS**

Bohn R. M. and Haley (2002) Introduction to criminal justice, New York McGraw Hill Inc.

Conklin J. E. (2007) Criminology Boston, Pearson Education Inc.

Siegel, L. J. (2006) *Criminology*, Belmont, Thomson Wadsworth.

**UNIT 3: SOCIOLOGICAL THEORIES OF CRIME I:  
STRAIN THEORY AND LEARNING THEORIES**

**CONTENTS**

**1.0 INTRODUCTION**

**2.0 OBJECTIVES**

**3.0 MAIN CONTENTS**

**3.1 STRAIN THEORY**

### **3.2 LEARNING THEORIES**

#### **4.0 CONCLUSION**

#### **5.0 SUMMARY**

#### **6.0 TUTOR-MARKED ASSIGNMENT**

#### **7.0 REFERENCES/FURTHER READING**

#### **1.0 INTRODUCTION**

In recent years and in several parts of the world, many people are interested in studying crime because it is commonly perceived as a social problem demanding solution. Crime poses an immediate threat to many people as everyone is aware of the harm done by crime. Examples are cases of armed robbery, assault looting, raping, etc. When you measure the harm attributed to crime. You will appreciate the need to immediate solution.

For many years some scholars have defined crime within a social context. They saw crime as a social product, determined by social conditions. Among these theories are strain and learning theories, as you shall see shortly.

#### **2.0 OBJECTIVES**

At the end of this Unit, you should be able to:

- Discuss strain theory
- Explain the various learning theories such as
  - i. Differential Association Theory
  - ii. Differential Reinforcement Theory
  - iii. Neutralization Theory

#### **3.0 MAIN CONTENT**

##### **SOCIOLOGICAL THEORIES OF CRIME**

Sociological theories of crime centre on that the crime causation. They assume that a criminal's behaviour is determined by his or her social environment, which includes families, friends, neighbourhood and so on. They reject the idea of the born criminal, because according to them, it is the individuals in social groups or the society that influence both criminal and non-criminal acts.

### 3.1 STRAIN THEORY

Robert K. Merton, Richard Cloward, Lloyd Ohlin and Albert K. Cohen are the leading exponents of strain theory. The roots of strain theory can be traced to Emile Durkheim's notion of anomie. According to Durkheim, an anomie society is one in which rules of behaviour (Norms) have broken down or become inoperative during the period of rapid social change or social crisis such as war or famine. An anomic society is not able to control human aspirations and demands. Anomie is most likely to occur in societies that are moving from mechanical to organic solidarity.

In an article published in 1938, Robert K. Merton applied the ideas of Durkheim to criminology in his theory of anomie. Merton used a modified version of the concept of anomie to fit social, economic and cultural conditions found in modern United State of America society. He found that the two elements of culture interact to produce potentially anomic conditions, culturally defined goals and socially approved means for obtaining them. For example, U.S society stress the goals of acquiring wealth, success and power. Socially permissible means include hard work, education and thrift. The illegitimate means are force and fraud. As the social structure effectively limits the availability of legitimate institutionalized means, a strain is placed on people. Merton believed that such a strain could affect people in social classes but he acknowledged that it would most likely affect members of the lower class.

Merton proposed that individuals adapt to the problem of anomie or strain in one of the follow different ways.

1. **Conformity:** This occurs when individuals both embrace conventional social goal and also have the means at their disposal to attain them.
2. **Innovation:** When an individual accepts the goals of society but rejects or is incapable of attaining them through legitimate means. Many people desire material goods and luxuries but lack the financial ability to attain them. The resulting conflict forces them to adopt

innovative solutions to their dilemma. They steal, sell drugs or extort money.

3. **Ritualism:** Ritualists derive pleasure from practising traditional ceremonies, regardless of whether they have a real purpose or goal. Ritualists should have the lowest level of criminal behaviour because they have abandoned the success goal which is at the root of criminal activity.
4. **Retreatism:** This is a rejection of both the goal and the means of society. Retreatists include psychotics, outcasts, vagrants, vagabonds, tramps, chronic drunkards and drug addicts. They are unable to use or incapable of using both legitimate and illegitimate means. They attempt to escape from their lack of success by withdrawing either mentally or physically.
5. **Rebellion:** This is a substitution of an alternative set of goals and means of conventional ones. Revolutionaries, who wish to promote radical change in the existing structure, and who call for alternative lifestyles, goals and beliefs are engaging in rebellion.

Delinquency and differential opportunity is another theory of strain. Richard Cloward and Lloyd Ohlin extended Merton's and Cohen's formulations of anomie theory by suggesting that not all gang delinquents adapt to anomie in the same way. They argue that the type of adaptation made by juvenile gang members depends on the illegitimate opportunity structure available to them.

Cloward and Ohlin identified three delinquent subcultures: The criminal, the violent and the retreatist. They stated that if illegitimate opportunity is available to them, most delinquents will form criminal gangs to make money. However, if neither illegitimate nor legitimate opportunities to make money are available, delinquents often become frustrated and dissatisfied and form violent gangs to vent their anger. Finally, there are delinquents who, for whatever reason are unable to adapt by joining either

criminal or violent gangs. They retreat from society as in Merton's retreatist adaptation and become alcoholics and drug addicts. (Bohn and Haley 2002).

Delinquency as strain-reducing behaviour is another theory of strain theory developed by Albert Cohen in his study of low-class adolescent male delinquency in which he described as a non-utilitarian, malicious, versatile and negativistic. This delinquency is not however, without purpose according to Cohen. The purpose is to solve problems or reduce strain. Cohen believes that all human activity is related to problem solving and basically involves two variables: the situation and the frame of reference.

According to Albert Cohen, the situation refers to the social and physical setting of the action which the frame of reference refers to the way in which the actor perceives it. When confronted with a problem, the actor may solve or by changing either the situation that produces it or the frame of reference. For example, in response to strain, either they can conform to middle-class values and resign themselves to their inferior status among the peers or they can rebel and establish their own value structure by turning middle-class values on their head. Juvenile who rebel in this way tend to find each other and to form groups or gangs to validate and reinforce their new values.

## **3.2 LEARNING THEORIES**

Social learning theorists believe that crime is a product of learning the norms, values and behaviour associated with criminal activity. Gabriel Tarde, a French lawyer and Magistrate published a book *Penal Philosophy* in 1890. He was one of the first theorists to believe that crime was something learned by normal people as they adapted to other people and the conditions of their environment. Tarde viewed the state of knowledge about the learning process in his day and concluded that all social phenomena are the product of imitation.

### **3.2.1 DIFFERENTIAL ASSOCIATION THEORY.**

Differential association theory is one of the social learning theories. It was proposed by Edwin H. Sutherland and developed between 1934 and

1947. It is used to explain criminal behaviour. Its basic assumption is that criminal behaviour like any other social behaviour is learned through association with others. It is neither physiological nor inherited nor the product of warped psychology.

If a criminal behavior is learned as any other behaviour is learned, then it is learned through association with others, especially interaction within intimate personal groups. Through out ones lives, and from association and interaction with others as learns, motives, attitudes values and rationalizations. The specific direction that these will take - law - abidingness or law - violative will depend on the form on learn behavior. Thus, differential association – differences in with whom we associate-in large part determines how we behave.

The nine basic principles of differential association as proposed by Sutherland's theory are :

1. Criminal behaviour is learned
2. Learning is a by-product of interaction
3. Learning occurs within intimate groups
4. Criminal techniques are learned
5. Perceptions of legal code influence motives and drives.
6. Differential associations may vary in frequency, duration, priority, and intensity.
7. The process of learning criminal behaviour by association with criminal and anti-criminal patterns involves all of the mechanism involved in many other learning processes.
8. Criminal behaviour is an expression of general needs and values, but it is not excused by those general needs and values because non-criminal behaviour is also an impression of those same needs and values.
9. A person becomes delinquent because of an excess of definitions favourable to violent of law over definitions unfavourable to violation of law.

### **3.2.2 DIFFERENTIAL REINFORCEMENT THEORY**

Robert L. Burgess and Ronald L. Akers as well as C. Ray Jeffery adopted the principles of operant conditioning and behaviour modification, developed by the psychologist B. F. Skinner and the principle of modeling as developed by Albert Bandura, to explain criminal behaviour.

Differential reinforcement theory is another attempt to explain crime as a type of learned behaviour. Akere argues that the same process is involved in the learning both deviant and conventional behaviour. People learn to be neither 'all deviant' nor all conforming but rather strike a balance between the two opposing poles of behaviour. This balance is usually stable but it can undergo revision over time (Siegel 2000).

A number of learning processes shape behaviour. Direct conditioning also called differential reinforcement, occurs when behaviour is reinforced by being either rewarded or punished while interacting with others.

Positive reinforcement is the presentation of a stimulus that increases or maintains a response. The stimulus or reward can be either materials like money or psychological like pleasure while Negative reinforcement is the removal or reduction of a stimulus whose removal or reduction increases or maintains a response. This stimulus is also referred to as aversion stimulus, which includes pain and fear in most people. For example stealing may be negatively reinforced by removing or reducing the aversive stimulus of the fear and pain of poverty.

Both positive and negative reinforcement can simultaneously affect the same behaviour. For example a person may commit crime because the crime is rewarded and equally removes an aversive stimulus.

According to Akers, people learn to evaluate their own behaviour through their interactions with the significant others and groups in their lives. These groups control sources and patterns of reinforcement, define behaviour as right or wrong and provide behaviours that can be modeled through observational learning. The important groups are the ones with which a person is indifferential associate-peer and friendship groups, schools, churches and similar institution. Once individuals are indoctrinated into

crime, their behaviour can be reinforced by being exposed to deviant peers and lacking negative sanctions from parents or peers.

### **3.2.3 NEUTRALIZATION THEORY**

Gresham M. Sykes and David Matza believe that an act of delinquency or the process of becoming a criminal are a learning experience in the process potential delinquents and criminals get mastery of techniques that enable them to counter balance or neutralize conventional value and drift back and forth between the illegitimate and conventional behaviour. In other words, the criminals devise methods to neutralize the emotional consequences of their behaviour in advance and thus escape the pressures to conform. Instead of creating new norms criminals rationalize their behaviour within the existing normative framework.

They argue that even the most committed criminals and delinquents are not involved in criminality all the time. They also attend schools, family functions and religious service. Their behaviour can be concerned as falling along a continuum between total freedom and total restraint. The learning techniques of neutralization enables a person to temporarily drift away from conventional behaviour and get involved in more subterranean values and behaviours including crime and drug abuse.

Sykes and Matza have based their theoretical model on these observations, namely:

1. Criminals sometimes voice a sense of guilt over their illegal acts.
2. Offenders frequently respect and admire honest law abiding people.
3. Criminals draw a line between those whom they can victimize and those whom they cannot.
4. Criminals are not immune to the demands of conformity.

### **TECHNIQUES OF NEUTRALIZATION**

There are five major techniques of neutralization as suggested by Sykes and Matza. These neutralization techniques enable them to

temporarily drift away from the rule of normative society and participate in subterranean behaviour. Subterranean values are morally tinged influences that have become entrenched in the culture but are publicly condemned. They exist side by side with conventional values and while they are condemned in the public, they may be admired or practiced in private. Example of these are pornographic films or drinking alcohol in excess. The five major techniques of neutralisation are:

1. Deny responsibility. Delinquents see themselves as billiard balls which are helplessly propelled in various directions by the factors beyond their control. Young offenders sometimes claim that their unlawful acts were simply not their fault. The factors may be a ghetto environment, a broken home, bad companionship, low income and so on.
2. Denial of injury. It is a matter of redefining deviant behaviour in order to make it more acceptable. With redefinition, criminals are able to neutralize illegal behaviour. An example is stealing as borrowing. Vandalism is considered mischief that has gotten out of hand. After all the insurance company will pay the injured party reasons. Sometimes if delinquents' parents and friends support their denial of injury, it helps to affirm the offender's perception that crime can be socially acceptable.
3. Denial of the victim. It involves either reconstructing the situation so that the victim is perceived as being punished for some transgression (thus deserving injury) or denying that there was any injury. Denying the victim may also take the form of ignoring the rights of an absentee or unknown victim. For example, vandalism can be defined as revenge in an unfair school official or a crooked store owner.
4. Condemnation of the condemners. It involves a redefinition of the accuser as a deviant in disguise a hypocrite. The police and judges are outpouring their frustrations on their kids. The moral right of others to judge is thus denied. All of these neutralization techniques serve to deflect negative sanctions that would otherwise be associated with deviant acts.

5. Appeal to higher loyalties. Some criminals are being caught in between accepted norms of society and being loyal to subgroup norms or the peer culture. The needs of the group take precedence over the rules of society because the demands of the former are immediate and localized.

#### **4.0 CONCLUSION**

Sociological theories of crime have rejected the idea of the born criminal. The strain theory and learning theory emphasize that crime causation that is determined by social environment, are have portrayed the criminal as a person torn between guilt and desire, with desire gaining the upper hand. The essence of social learning theory is that crime is a product of learning the norms, values and behaviours associated with criminal activity.

#### **5.0 SUMMARY**

This unit enables you to know the sociological theories of crime focusing on fact that crime are caused by social environment of the criminals. This is because individual in social groups or the societies influences both criminal and non-criminal behavior.

Based on the understanding background that the strain theories of crime were treated. Strain theory is basically whenever someone says that people commit crimes because of poverty or some other disadvantage. While social learning theorists believed that crime is a product of learning the norms, values and behavior associated with criminal activity.

#### **6.0 TUTOR MARKED ASSIGNMENT**

Crime is defined as social product, determined by social condition. Discuss with reference to strain theory.

#### **7.0 REFERENCES / FURTHER READING**

Bohn R. M and Haley K. N (2002) Introduction to Criminal Justice  
New York Mc Graw hill.

Siegel L. J (2006) Criminology, Bermount Thomson Wadsworth Inc.

**UNIT 4: SOCIOLOGICAL THEORIES OF CRIME II**

**SOCIAL CONTROL OR BOND THEORIES, SOCIAL  
DISORGANIZATION THEORY, LABELLING THEORY**

**CONTENTS**

**1.0 INTRODUCTION**

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**3.0 MAIN CONTENT**

**3.1 SOCIAL CONTROL OR BOND THEORY****3.2 SOCIAL DISORGANISATION THEORY****3.3 LABELLING THEORY****3.4 THEORY OF DELINQUENT SUBCULTURES****4.0 CONCLUSION****5.0 SUMMARY****6.0 TUTOR-MARKED ASSIGNMENT****7.0 REFERENCES/FURTHER READINGS****1.0 INTRODUCTION**

In this unit, you shall learn more theories on crime causation especially the Social control or bond theory, social disorganization theory, labeling theory, theory of delinquent subcultures. The theories have societal than individual roots, are deviate from biological and psychological theories . They believe that crimes exists in relation to cultural norms results from a process of social definition and are shaped by the distribution of social power. For instance, labeling theory, asserts that crime and conformity result, not so much from what people do but from how others respond to these actions.

**2.0 OBJECTIVES**

At the end of this unit, you should be able to:

Explain social bond or control theory

Discuss social organization theory

State the labeling theory

Explain the theory of Delinquents subculture

**3.0 MAIN CONTENT****3.1 SOCIAL CONTROL OR BOND THEORIES**

According to Hirschi, in his book, causes of delinquency, delinquency should not be seen as a surprising phenomenon. Rather it is something all of you would engage in if obstacles were not thrown in our path by a disapproving civilization. Like other control theorists, Hirschi's theory is

based on the assumption that “delinquency results when an individual’s bond to society is weak or broken”. Conversely, individuals with strong social bonds are unlikely to engage in delinquency. These bonds or control are chiefly attitudes that are quite effectively implanted in most people but less effectively instilled in others. These others have a relatively weak bond to society; their minds are not set so firmly against delinquent activities.

Four elements of the social bond need be described briefly:

(1) Attachment (2) Commitment (3) Involvement (4) Belief according to Hirschi.

Attachment:

Attachment refers to an emotional element. It refers to the extent that a person cares about other people. But if a person is insensitive to the opinion or feelings of others then the person is, to that extent, not bound by the norms. He is free to deviate. Hence Curran and Renzett (1994), argued that attachment to others facilitates the internationalization of society’s norms and the development of a conscience.

Commitment:

Commitment is a more rational quality in conformity. The underlying idea of commitment is that people develop a stake in playing by the rules. It refers to the degree of one’s investment (time, energy, money, emotion and so on in pursuing a specific activity (such as getting an education, building a career and establishing themselves as respected members of their communities). When considering whether or not to commit a crime, an individual must factor in what he or she stands to lose if he or she gets caught.

Involvement:

Involvement is an opportunity element of the bond. It refers to time spend in conventional activities such as studying, working, or playing a sport. If these occupy a your entire life, you will not have time to participate in criminal activities.

Belief:

Belief refers to the extent to which an individual believes he or she should obey the rules or society. It concerns moral values, cultural norms and so forth.

McGee (1980) argues that conforming or non-conforming behaviour depends upon the nature and quality of each of these four elements in a particular case. Hirschi believes that it is not surprising that the four sometimes conjoin to produce crime. If one has few attachments to others, who might be supportive of conventional behaviour (closeness to conventional parents for example), the probability of criminal behaviour is increased. Similarly, people committed to roles and activities in which conventionality can reasonably be seen to maximize the chance of attaining desired goals are likely to conform. But the absence of such commitments reduces the need to conform, as does the absence of active involvement in such roles and activities. Finally, there is the variation in the strength with which people accept moral beliefs. If one strongly believes that it is wrong to engage in a particular behaviour, one is unlikely to do so, but if the belief is only weakly held, it operates with reduced effectiveness. (McGee 1980).

### **CRITICISMS OF SOCIAL CONTROL THEORIES**

1. The major problems with the theory is the its assumption that delinquency will occur if not prevented.
2. Another significant criticism concerns Hirschi's contention that delinquents are detached liners where who bond to their family and friends are broken.
3. Robert Agnew, a sociologist criticizes the theory arquing that Hirschi miscalculated the direction of the relationship between criminality and a weakened social bond.
- 4 It is argued also that not all elements of the bond are equal.
5. Hirschi's conclusion that any form of social attachment is beneficial, even to deviant peers and parents has been disputed.

6. There is the question as to whether the theory can explain all modes of criminality or whether it is restricted to particular groups or forms of criminality.

### **3.2 SOCIAL DISORGANIZATION**

The concept of Social disorganization emanates from the Chicago School of Sociology of the 1920s and 1930s. It is associated with those theorists concerned with the understanding of the social ecology of the city.

The Chicago school was based on a model taken from ecology and the school is sometimes called Chicago School of Human Ecology. Ecology is a branch of biology in which the interrelationship of plants and animals are studied in their natural environment. Park and his colleagues in Chicago School postulates that the growth of American cities occurs through a process of invasion, dominance and succession. That is, a scenario where a culture or ethnic group invades a territory occupied by another group and dominates the new territory until it is displaced or succeeded by another group and the cycle repeats itself.

The model of human ecology was used by Clifford R. Shaw and Henry D. McKay in their studies of juvenile delinquency in Chicago. They used the theory of social disorganization in which they linked life in transitional slum areas to the inclination to commit crime. They are influenced by Chicago School of Sociologists Ernest Burgess and Robert Park, who had pioneered the ecological analysis of urban life.

Social disorganization is the condition in which the usual controls over delinquents are largely absent, delinquency is often approved of by parents and neighbours, there are many opportunities for delinquent behaviour and there is little encouragement, training or opportunity for legitimate employment (Bohm and Haley 2005).

Shaw and McKay explained crime and delinquency within the context of the changing urban environment and ecological changes or development of the city. They saw that Chicago had developed into distinct neighborhoods

(natural areas), some affluent and others wracked by extreme poverty. These poverty ridden, transitional neighborhoods suffered high rates of population turn over and were incapable of inducing residents to remain and defend the neighborhoods against criminal groups.

According to Siegel (2006), low rents in the areas attracted groups with different racial and ethnic backgrounds. Newly arrived immigrants from Europe and the south congregated in these transitional neighborhoods. Their children were torn between assimilating into a new culture and abiding by the traditional values of their parents. They soon found that informal social control mechanism that had restrained behaviour in the “old country” or rural areas were disrupted. These urban areas were believed to be the spawning groups of young criminals.

Shaw and Mckay identified the areas in Chicago that had excessive crime rates. Using a model of analysis pioneered by Ernest Burgess, they noted distinct ecological areas had developed in the city, comprising a series of concentric circles or zones and that there were stable and significant differences in inter zone crime rates. The area of heaviest concentration of crime appeared to be the transitional inner-city zones, where large numbers of foreign-born citizens had recently settled. The zones furthest from the city’s center had correspondingly lower crime rates.

The zone of transition became the focal concern since this was the area in which new immigrants to the city settled (as it was inexpensive and near to place of work), but it was also the area which appeared to manifest more social problems, from incidence of ill health to crime.

### **CRITICISMS OF SOCIAL DISORGANIZATION**

Despite the achievements, of social disorganization of Shaw and Mckay, the validity of their findings has been challenged. Some have faulted their assumption that neighborhoods are essentially stable and others have found their definition of social disorganization confusing. The use of police records to calculate neighborhood crime rate was also faulted.

These criticisms aside, the theory of social disorganization provides a valuable contribution to our understanding of the causes of criminal behaviour. By introducing new variable – the ecology of the city – to the study of crime, they paved the way for a whole generation of criminologists to focus on the social influences of criminal and delinquent behaviour.

### **3.3 LABELING THEORY**

Labeling theory is concerned primarily with the effects of labeling a person ‘deviant’. How does society formulate definitions of deviance? How and whom are these labels applied to certain people? How does labeling influence a person’s behavior?

There are two variations of labeling theory: the interactionist perspective and the social reaction perspective. The interactionist represented here by Frank Tannenbaum and Edwin Lemert, focuses on self – identification and is concerned with what is in the minds of deviants themselves. The social reaction perspective, represented here by Howard Becker and Edwin Schur, focuses on the identify of individuals as assigned by others and is concerned with what is in the minds of others (usually social control agents).

Most labeling theorists interpret deviance in terms of symbolic interaction processes. Like other behavior is not regarded as a certain type of act undertaken by a person in isolation. It is rather a result of human interactions, people’s interpretations and definitions of their actions and those of others. It was argued by Kitsure (1962) that “forms of behaviour *per se* do not differentiate deviants from non-deviants, it is the responses of the conventional and conforming members of the society, who identify and interpret behaviour as deviant which sociologically transform persons into a deviant” (Eshlema and Cashion 1983).

In labeling theory, the focus of attention turns to the normal ( others) that do the labeling, as opposed to the deviant and the deviant act. The labeling theorist studies how a particular behaviour comes to be labeled as deviant. Society is an active partner in the creation of a deviant. Becker

(1963) noted that “social groups create deviance by making it rules whose infraction constitutes deviance and by applying those rules to particular people and labeling them as outsider’s” Thus if two people commit the same act, one might be labeled a deviant and the other might not, depending on the meaning given to the act by their social groups.

Edwin Lamert (1951), one of the first labeling theorists, identified two categories of deviance that is, primary deviance and secondary deviance. Primary deviance is simply rule breaking. A person may break rules for certain reasons which may be social, economic or political. It may be as a result of desperate need for money to buy food or to satisfy a drug habit or acting on a hedonistic impulse. This violation of social norms is seen as temporary and sporadic. It is important to note that individuals who are involved in primary deviance do not regard themselves as deviant, nor they regard such as by those around them. Whatever the specific cause factors that give rise to it, it is of little concern except it is detected and elicits a reaction.

The secondary deviance is the deviance that results from societal reaction. It involves habitual violation of norms and are labeled by the others as deviant. Secondary deviance becomes a routine, resulting in a label that leads to further deviance. According to Eshleman and Cashion (1983), there will be a development of a deviant career and label that becomes a master status, cheat, prostitute, liar and so on. If a person is labeled, other people view him in that deviant status, overlooking other qualities or statuses. The other career options may become closed and you may have little choice but to live up to the label and behave accordingly. The secondary deviance is essentially a defensive and adaptive strategy on the part of the labeled individual, it is an effort to survive and means of sustaining a social self in the face of exclusion and stigmatization.

Becker (1994/ 62) in his analyses of who labels whom says “A major element in every aspect of the drama of deviance is the imposition of definition of situations, acts, and people-by those powerful enough or legitimated to be able to do so”. Hence people who label or labelers include

such social control agents as police, judges, prison guards and psychiatrists, whereas the labeled include the criminals, delinquents, drug addicts, prostitutes, mental patients e. t. c.

According to label theorists, the consequences of labeling a person deviant has negative consequences: The person tends to see him/ herself as deviant which leads him/her to continue his/her so called deviant behaviour. The application of a label may therefore play a part in originating and continuing deviant behavior. Ridicule, humiliation, harassments or imprisonment may also result from labeling. For example, labeled people may no longer be treated as respectable parents, teachers, or community members. They may be rejected by friends, or be sent to a prison or mental hospital. Label theorists have argued further that responses from above, often push labeled people further into the deviant activity.

### **CRITICISM OF LABELING THEORY**

1. The theory does not explain the origin of delinquency.
2. Studies have not generally found labeling to amplify deviance as the theory predicts.
3. Some youths who are labeled delinquent do not passively accept the label or act in terms of it.
4. Labeling theory relieves people of moral responsibility for their behaviour.
5. To assume that no act is inherently evil or criminal is naïve.
6. It is too simplistic to argue that label causes a behavior, specifically, future delinquency.
7. Labeling theory places too much emphasis on the impact of formal interactions.
8. Labeling theory is difficult to test empirically.
9. Critics have also questioned the extent to which deviance encourages rather than defers deviant behaviour.

10. Another criticism is one that also applies to conflict theory. If the powerful create and impose the deviant label, how is it possible that powerful people are also labelled deviant?

### **3.4 CONFLICT THEORY**

Conflict theories disagreed with the functionalist assumption that society shares a single set of value. Conflict theory believes that societies have many groups which have different, often conflicting values and that the strongest group in the society have the power to define the values of weaker groups as deviant. Conflict theorists emphasize the repression of the weak by the powerful, the exploitation of the masses by strong interest groups and influential and often wealthy groups who use law courts and other agencies to oppose the interests and activities of lower socio-economic groups and minorities. (Eshlem and cashion)

Conflict theorists maintain that the rich and the powerful impose deviant and criminal labels on the less powerful members of society, particularly those who challenge the existing social order. Meanwhile, they are usually able to use their money and influence to escape punishment for their own misdeeds. Some of the critical theorists include George B. Vold 1958, Williams Bonger 1961, Austin T. Turk. Raph Darendorf 1959, Williams Chamlis 1975, Young 1973. Taylor 1973 Steven Spitzer 1980, Quinney 1979 etc.

Steven Spitzer (1980) summarizes the conflict theory of crime. He states that capitalist societies are based on private ownership of property and that the smooth functioning depends on the availability of productive labour and respect for authority. For instance if a worker steals, he has committed crime because it challenges private property. Equally when young, politically volatile students or militant trade unionists strike or otherwise protest against authority, they also represent a threat to the social order and are defined as deviant or criminal.

But the rich and the powerful engage in deviant and criminal acts too. For example, white-collar crimes are less severely punished than street crimes, regardless the relative harm they cause.

Chambliss (1969) contends that many legal scholars and social scientists are not even aware of this class domination. Most assume that law is based on the consensus of its citizens, meaning that it represents the public interest, treats citizens as equal and serves the best interests of society. Chambliss and Spidman (1971) found that they are actually unfair and unjust, favouring the rich and powerful over the poor and weak.

Both Quinney (1979) and Spitzer (1975) agreed that deviance and deviants are defined and controlled by the powerful. He went a step further and blame the lack of justice directly in the capitalist system.

Chambliss and Seidman (1971) conclude that a consequence of this principle is to bring into operation a rule of law in which discretion at be so exercised as to bring mainly those who are politically powerless (i.e the poor) into the purview of law". This is because the poor are least likely to have the power and resources necessary to create organizational strains.

### **CRITICISMS OF CONFLICT THEORY**

1. It does not search for the causes of conflict and does not explain he crimes and deviances that are not political.
2. Conflict theorists have been criticized for assuming that in the Utopian communist society crimes will disappear after the power to criminalize them is abolished.

### **3.5 THEORY OF DELINQUENT SUBCULTURES.**

The theory of deviant subcultures focus on how people living in the deteriorated neighborhoods react to social isolation and economic deprivation. Because their lifestyle is draining, frustrating and dispiriting, members of the lower class form of an independent subculture with its own set of rules and values. Middle-class culture stresses hard work, delayed gratification, formal education and being cautious. The lower-class subculture stresses according

to Miller (1970), six focal concerns of these deviant subcultures: (1)trouble, arising from frequent conflict with teachers and police (2) Toughness, the value placed on physical size, strength and athletic skills especially among males. (3)Smartness or street smarts, the ability to out think or ‘con’ others and to avoid being similarly taken advantage of (4) Excitement, the search for thrills, risk or danger to escape from a daily routine that is predictable and unsatisfying (5) a pre-occupation with fate, derived from the lack of control these youths feel over their own lives and (6) autonomy, a desire for freedom often expressed as resentment toward figures of authority.

Albert Cohen in his book “Delinquent Boys” (1955), states that delinquent behaviour of lower class youths is actually a protect against the norms and values of middle-class. The culture of middle class makes it difficult for them to achieve success legitimately the lower class youths experience a form of culture conflict that Cohen labels status frustration. As a result, many of them joint together in gang and engage in behaviour that is non-utilitarian, malicious and negativistic. (Siegel 2006).

Subculture is part of the large culture of the society but possessing a value system directly opposed to that of the larger society. Cohen describes the subculture as one that “takes its form the larger culture, but turns them upside down. The delinquent’s conduct is right by the standards of his subculture precisely because it is wrong by the norms of the large cultures”.

Subculture of deviants develops as a result of socialization practices found in the ghetto or slum environment. The members of gang lack basic skills necessary to achieve social and economic success or what Cohen calls middle-class measuring roles (hard work, formal education, delay gratification). The consequences of this deprivation result into deviant subculture.

### **CRITICISM**

Cohen’s work helps to explain the factors that promote and sustain a delinquent subculture. He states that social forces and not individual traits

combine to promote and sustain a delinquent career. This has been criticized on the assumption that every one shares the same cultural standards for judging right and wrong.

The challenge to individualistic non-sociological explanations of crime was provided by delinquent subculture theories, which came to fruition in America in the late 1950s and early 1960s, most notably in work of Albert Cohen (1955), Richard Cloward and Lloyd Ohlm (1960).

#### **4.0 CONCLUSION**

You have learnt a reasonable number of a theories of causation of crime. A general theory to explain all the crime has not emerged in one of the reasonin that crime because crime is tool variable, too influenced by moral and political entrepreneurs to be seen as a unitary phenomenon (Chilton 1991). Each of the theories is useful in explaining different situations.

#### **5.0 SUMMARY**

In this Unit, you have learnt the following

- Social control or bond theory, its four element and the criticisms.
- Social disorganization and the criticisms of other theorists
- Labelling theory and its criticism
- Theory of delinquent subcultures and its criticism.

#### **6.0 TUTOR-MARKED ASSIGNMENT**

How does labeling one a deviant influence his or her behaviour?

#### **7.0 REFERENCES/FURTHER READINGS**

McGee, R (1980) sociology: An Introduction US Holt, Rinehart and Winston.  
 Bohn R. M. and Haley K.N. (2005) Introduction to criminal justice, California, McGraw Hill Siegel,L. J. (2006) criminology, Belmont, Thomson Wadsworth. Eshleman and Cashum (1983).  
 Chilton, R. (1991) Urban Crime Trends and Criminological Theory. Criminal Justice Research Bulletin 6, No.3.

**UNIT 5: CONFLICT THEORY, RADICAL THEORY AND FEMINISM**

**CRIMINOLOGY**

**CONTENTS**

**1.0 INTRODUCTION**

**2.0 OBJECTIVES****3.0 MAIN CONTENTS****3.1 Conflict theory****3.2 Radical theory****3.3 Feminism criminology****3.4 Critical Criminology****4.0 CONCLUSION****5.0 SUMMARY****6.0 TUTOR-MARKED ASSIGNMENT****7.0 REFERENCES/FURTHER READING****1.0 INTRODUCTION**

The criminologist employs concepts like racism or ethnicity , sexism, capitalism, imperialism, exploitation and oppression in explanation of causation of crime. The social scientist argues against acceptance of the status and purely benevolent actions of government and the seeds of critical theory began to sprout giving rise to theories of conflict, radical theory and feminism theory of crime will be discussed in the Unit.

**2.0 OBJECTIVES**

At the end of this Unit, you should be able to:

Explain conflict theories

Discuss Radical theory

Explain critical theory

Explain feminism theory

**3.0 MAIN CONTENT****3.1 CRITICAL CRIMINOLOGY**

This perspective emerged in the early 1970's as an explicitly politicized body of work. It is concerned with the multiplicity of ways in

which the state uses power. Critical theory was given academic boost when British scholars - Lan Taylor, Paul Walton and Jack Young published "The New Criminology". During the same period, a small group of scholars in the United States also adopted a new critical approach to criminology. The most noted Marxist scholars in that institution were Anthony Platt, Paul Takagi, Herman Schwendinger and Julian Schwendinger. Others include Richard Quinney, William Chambliss, Steven Spitzer and Berry Krisberg.

Critical criminology seeks to explore the ways in which the variables of class, race and gender are played out in the criminal justice system. It states that each of these variables articulates a different structural relationship with the interests of the state.

The Critical criminologist views crime as a function of the capitalist mode of production and not the social conflict, which might occur in any society regardless of its economic system. According to the critical criminology, capitalism produces haves and have nots, each engaging in a particular branch of criminality.

In a capitalist society, the state apparatus, which exercises the economic and political power also control the definition of crime and the manner in which the criminal justice system enforces the law. Consequently, the only crimes involving to the poor or proletariat are the severely sanctioned examples are street crimes, rape, murder, theft and mugging. The wealthy bourgeoisies are involved in acts that do great harm and should be described as crimes but are not. Examples are racism, sexism, profiteering and white collar crime. The regulatory laws which control illegal business activities, are rarely enforced and violators are lightly punished, if at all.

Since private ownership of property is the true measure of success in capitalism, the state becomes an ally of the wealthy in protecting their property interests. Hence, theft-related crimes are often punished more severely than are acts of violence. (Siezel 2000).

Critical criminology therefore, not only reflects a concern with myriad of mechanism whereby the state reaffirms its power and the underlying

structural relations which support that power. It also recognizes the reciprocity inherent in the relationship between structure and agency but also that structural relations embody the primary determining contexts of production, reproduction and neocolonialism (Walklate 2003)

Critical criminology, then, is concerned in analysis the ways in which ideas that support the state and state practices serve to marginalize and consequently criminalize some groups and not others.

From what you have learned so far, it is evident that notion of the criminality of the state shifts the criminological agenda away from seeing society as essentially consensual towards seeing it is essentially rooted in conflict. This fundamental shift not only locates the explanation of crime squarely in the social domain but also centres the practices of the powerful as legitimate concerns for the criminological agenda (Walklate 2003).

According to critical theory, criminal law and criminal justice system act solely as the instruments for controlling the poor and, have nots in the society. The state and its agencies of control – police, courts and correctional system – are solely the tool of the capitalists.

Capitalist justice serves the powerful and rich and enables them to impose their morality and standards of behaviour on the crime society. Critical criminologists devote considerable attention to the relationships among crime, victims, the criminal and the state. Two common themes emerge (1) crime and its control are a function of capitalism (2)the justice system is biased against the working class and favour upper class interest.

### **CRITIQUE OF CRITICAL CRIMINOLOGY**

1. Some argue that critical criminology theory simply rehashes the old tradition of helping the under dog, in which the poor steal from the rich to survive.
2. It was argued that critical criminologists unfairly neglect the capitalist systems efforts to regulate itself.
3. Critical criminologists failed to address the problems and conflicts that exist in socialist countries.

### **3.2 FEMINISM CRIMINOLOGY**

Most theories of crime and delinquency have been developed to explain male's violation of the law and have them been tested with data collected from boys or men. One explanation for this is that most criminologists have been men and they have simply failed to acknowledge or be interested in law breaking by females. (Conklin 2006).

Theories of crime have equally paid little attention to the female offender, often speaking of criminal as if they are all men.

The central concerns of the Feminist criminology represented in the work of Carol Smart (1976), Ann Campbell (1981) and Francas Heidensohn (1985), Steven Muncer (1994), Kathleen Daly and Meda Chesney-Lind (1988), centered on broadening the scope of criminology in a number of ways. They aimed to expose the absence of women and girls from main stream ( "male stream") criminology both as offenders and victims. In doing so, they also sought to develop and establish a fully criminological analysis of female crime and delinquency. At the same time to sweep away the persistent tendency of those who did discuss female crime to do so within highly individualistic frame work which represented women in crude stereotypes and perpetuated sexist images and ideologies.

Furthermore, they sought to highlight what they saw as related sexism in the treatment of women others in the criminal justice system and penal policy. Finally, they stressed the need for required greater attention to be paid to women as victims and to the processes and consequences of victimization.

Feminist theories focus on gender but they also incorporate race or ethnicity and social class into their explanation of behaviour.

Daly and Chesney-Lind propose three major problems that gender poses the for criminologist. The first is, the question: whether theories of crime, most of which were developed to explain and tested on male subjects are applicable to women. The second problem is the gender ratio problem, the issue of why males commit more crimes than females. The third problem is

sexism in female criminality and in the treatment of female offenders by the juvenile and criminal justice systems.

Critical feminists argued gender inequality stem from the unequal power of men and women in a capitalist society, which leads to exploitation of women by father and husband. Under this system, women are considered a commodity worth possessing like land or money.

According to feminists, the origin of gender differences can be traced to the development of private property and male denomination of the laws of inheritance which led to male control over property and power. Critical feminists also focus on the social forces that shape women's lives and experiences to explain female criminality. They also indicated the justice system as contributing to the female delinquency.

Feminist policy solutions in relation to female crime tend to focus on strategies to improving the treatment of female offenders in the following ways: rejecting the idea that women criminals are somehow particularly abnormal.

Firstly, the tendency towards the medicalization of women's crime in the judicial and penal systems, questioning programmes, which assume that turning females into good mothers and home-makers will deflect away from crime and on to their true path. Finally, many feminist criminologists, recognizing as we suggested earlier that the legal system is often fundamentally sexist are advocating a ratification of gender biases in the construction of laws and their enforcement. For example, in prostitution, women arrested for soliciting are criminalized and are much more likely to be prosecuted than their male clients (who may be persistent nuisances as Kerb-Crawlers or their male pimps).

### **3.3 RADICAL THEORY**

The social and political turmoil in European countries in the 1960's and 1970's created a renewed interest in the Marxist theory. Although Karl Marx did not write a great deal on the subject of crime, he mentioned it in a variety of passages scattered throughout his writings. His views on the

relationship between the economic structure and social behaviour deeply influence other thinkers. Radical theories of crime causation are generally based on Marx's ideas. Among its proponents were William J. Chambliss 1975, Richard Quinney 1977, Anthony M. Patt 1982, Frank Pearce 1976.

The radical conflict theory employ a structural conflict model of society and social relations, assigning central importance to economic arrangements and seeing societies as typically characterized by division of interests and class conflict.

Many radical criminologists have adapted Karl Marx general model of society in their explanation of crime. Marx saw conflict in society as being due to a scarcity of resources and a historical inequality in the distribution of those resources, notably power. The inequality creates a conflict of interest between those with and those without power. By the dawn of the industrial Age, conflict had developed between two economic classes of the society, the proletariat (the working class) and the dominant bourgeoisie (the non working owners of wealth). (William and McShare 1999).

Radical criminologists have assumed that class struggle affects crime on three fronts.

1. They have argued that the law itself is a tool of the ruling class.
2. Radical criminologists argue that capitalism is an economic system that requires people to compete against each other in the individualistic pursuit of material wealth. The emphasis on accumulation of wealth and property leads to conflict between classes and even within classes.
3. Radical criminologists must deal with relationships to the mode of production as an explanation for crime.

Generally, radical forms of criminological theory focus on five major concepts: social class and stratification, political economy, family disorganization, economic conditions and surplus value. Economic conditions are also critical to many radical theories. Unemployment is among the most common of the factors assumed to be associated with crime.

According to radical criminologists, the destructive effects of capitalism, such as crime, are not caused by income or property inequality or by poverty. Rather the competition among wealthy people and among the poor people and between rich and poor people – the class struggle – and the practice of taking advantage of other people cause crime. They also cause income or property inequality, poverty and many of the other problems that are characteristic of a capitalist society. (Bohm and Haley 2005).

For radical criminologists, laws protect capitalist property predominantly; they are disproportionately focus on shoplifting, burglary, car theft, vandalism and so on, and not on city swindles, business crime, tax evasion and industrial pollution by multinational companies. Large corporations and business leaders are sufficiently powerful to be able to avoid criminal labels being attached to their activities. The limited prosecutions of the extensive corporate and white-collar crime, which do exists serve the important symbolic purpose of sustaining al illusion that the law is nonpartisan. A second illusion is also created by this selective construction and enforcement of the law; working-class street crime and not upper-class ‘suite’ crimes, are epitomized as the crime problems both officially and in the minds of working-class people themselves.

It has been argued that if the current legal definition of crime supports the ruling class in a capitalist system and redefining crime as the violation of human rights. The radical criminologist have argued that the solution to the crime problem is a benevolent socialist society governed by democratically elected representatives of the population. They maintain that a socialist society would first require the development of political awareness among all people disadvantaged by the capitalist system. Such people must be aware that they are in a class struggle. Once enough people are aware, according to radical criminologists, then only through praxis will the new socialist society be achieved.

## **CRITICISM**

1. Radical definition of crime as the violation of human rights is too broad and vague.
2. Its adherents are pursuing a political agenda and thus are not objective in their work.

#### **4.0 CONCLUSION**

All the conflict perspectives discussed above emanate from the works of Karl Marx in his theory of class and class conflict.

The conflict perspective, whether radical or critical has changed the nature of criminological theorizing over the decades. While it is difficult to characterize conflict theories because of their diversity, there are certain commonalities.

#### **5.0 SUMMARY**

In this Unit, you learned, among other things, that found that

- Conflict theories criticized the functionalist assumption that society shares a single set of values. It believes that societies have many groups which have different, often conflicting values and that the strongest group in the society have the power to define the values of weaker group as deviant.
- Feminist criminology is centered on broadening the scope of criminological agenda in a number of ways. For instance, they aimed at exposing the absence of girls and women from main stream criminology both as offenders and as victims.
- Radical criminologists have assumed that class struggle affects crime on three fronts : the law as tool of the ruling class, capitalism as an economic system that requires people to compete against each other in the individualistic pursuit of material wealth, and crime is a selection of relationships to the mode of production.

#### **6.0 TUTOR-MARKED ASSIGNMENT**

What are the assumptions of the radical criminologists? Are the accusations of the feminist criminologists justified?

#### **7.0 REFERENCES/FURTHER READINGS**

Conklin, J. E. (2006), *Criminology*, Boston Pearson Education, Inc.

William, F. P. and Mc Share M.D. (1999) *criminological Theory*, New Jersey, Prentice-Hall, Inc.

Bohn, R.M. and Haley, K. N. (2005) *Introduction to Criminal Justice*, New York, Mc Graw Hill.

Walklate, S. (2003) *understanding criminology current theoretical debates* Philadelphia Open University Press.

Siegel, L. J. (2002) *Criminology* Belmont Thomson Wadsworth.

## **MODULE THREE :TYPES OF CRIMES**

### **UNIT 1: VIOLENT CRIMES I**

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#### **1.0 INTRODUCTION**

In this unit, you shall learn about the concept of violent crimes and various causes of violence. The types, nature and extent of violent crime will also be analysed. The history and legal issues pertaining to this violent crime, will also be discussed.

#### **2.0 OBJECTIVES**

At the end of this unit, you should be able to:

- Understand the various causes of violent crimes.
- Identify the source of violence.
- Analyse the effect of violence.
- Identify the various types, nature and extent of violent crimes.

- Evaluate the effectiveness of the legal control to violent crime.

### 3.0 MAIN CONTENT

#### 3.1 THE CAUSES OF VIOLENCE

##### 3.1.1 Evolutionary Factors/Human Instinct

Sigmund Freud, (1922) a renowned psychologist believed that human aggression and violence are produced by instinctual drives. Freud maintained that the human possesses two opposing psychological drives that interact to control behaviour eros: the life instinct, which drives people towards self fulfillment and enjoyment; and thanatos, the death instinct, which produces self-destruction. Thanatos can be expressed externally (as violence and sadism) or internally (as suicide, alcoholism, or other self destructive habits). As aggression is instinctual, Freud saw little hope for its treatment.

#### **SELF-ASSESSMENT EXERCISE**

What is violence?

##### 3.1.2 Drug Abuse

Drug abuse may be defined as the “arbitrary” overdependence or misuse of one particular drug with or without a prior medical diagnosis from qualified health practitioners. Some people are substance abusers, and their behaviour causes them to become involved in violent behaviour pattern. Drug abuse has been linked to violence in one of three ways.

- (i) **Psycho-pharmacological Relationship:** Violence may be the direct consequence of ingesting mood-altering substance that is likely to reduce cognitive ability, while limiting the capacity for rational dialogue and compromise.
- (ii) **Economic Compulsive Behaviour:** Drug users/dealers resort to violence to obtain the financial resources to support their habit.
- (iii) **Systemic Link:** Violence escalates when drug dealing gangs flex their muscle to dominate a territory and drive out rivals.

### **3.1.3 Socialization and Upbringing**

Another view is that improper socialization and upbringing is responsible for the onset of violent acts. This view is presented by Stephen Whitney (2003) in his book “Examining the link between child abuse and youth violence.” He submits that absent or deviant parents, inconsistent discipline, physical abuse, and lack of supervision have all been linked to persistent violent offending.

### **3.1.4 Exposure to Violence**

People who are constantly exposed to violence at home, at school, or in the environment may adopt violent methods themselves. Some are exposed at an early age to violence in the home. In some cases, people are exposed to violence when they associate with violent peers. Exposure to violent can also occur when people are forced to live in violent, dangerous neighbourhood.

### **3.1.5 Cultural Values/Subculture of Violence**

Another theory is that violence is the product of the beliefs, values, and behaviours that develop in the nation’s poorest and most disorganized area. Regions that experience violence seem to cluster together. To explain this phenomenon, criminologists Marvin Wolfgang and France Ferracut (1967), formulated the famous concept that some areas contain an independent subculture of violence.

### **3.1.6 Peer Group Influences**

Empirical evidence shows that violence rates are highest in urban area where subcultural values support teenage gangs, whose members typically embrace the use of violence. Criminologist Scott Decker (1994), found that gang violence may be initiated for a variety of reasons:

- (a) It enables new members to show toughness during initiation stages.
- (b) It can be used to retaliate against rivals for actual or perceived grievances.

- (c) It protects ownership, such as when violence erupts when graffiti is defaced by rivals.
- (d) It protects turf from incursions by outsiders.

### 3.2 FORCIBLE RAPE

According to William Green (1988), rape (from the Latin *rapere*, to take by force) is defined in common law as “the carnal knowledge of a female forcibly and against her will”. It is one of the most loathed, misunderstood, and frightening crimes. Rape involves non-consensual sexual intercourse that a male performs against a female he is neither married to nor cohabitating with.

In Nigeria, rape is the most serious kind of sexual assault and is punishable with imprisonment for life with or without whipping. The offence is defined in section 357 of the Nigeria criminal code as follows:

Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threat or intimidation of any kind, or by fear of harm, or by means of False and Fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape.

In Nigeria according to section 30 of the criminal code, a male person under the age of 12 years is presumed to be incapable of having carnal knowledge. It follows from this that he cannot be guilty of the offence of rape or attempted rape although on such a charge he may be convicted of indecent assault. The presumption is one of law and cannot be rebutted by showing that the accused has reached the full state of puberty even though he is below the age of 12 years. A husband cannot be guilty of rape upon his wife. But this privilege or immunity is of limited effect. If the marriage has been dissolved,

or if a separation order containing a clause that the wife be no longer bound to cohabit with her husband then the implied consent to intercourse given by the wife at marriage is thereby revoked and while the order is in force it will be rape for the husband to have intercourse with the wife without her consent. The mere fact that a wife has presented a petition for divorce does not by itself revoke the implied consent to intercourse. An undertaking by a husband (in lieu of an injunction) “not to assault, molest or otherwise interfere with his wife .....

” is equivalent to an injunction and has the effect of revoking the implied consent to intercourse. Although a husband may not be guilty of rape upon his wife, yet if he uses force or violence to exercise his right to intercourse, he may be guilty of assault or wounding. Also a woman cannot be guilty of committing rape upon a man because according to section 357 the offence can only be committed upon a woman or girl. In every case where a person is incapable of committing rape he or she may be charged with the offence by virtue of section 7 of the code for aiding, counselling or procuring the commission of the offence.

### **SELF ASSESSMENT EXERCISE I**

Discuss the definition of rape as given in Nigerian Criminal Code.

#### **3.2.1 Forms of Rape**

- (a) **Gang Rape:** This is the rape that involves multiple offenders to an individual. Gang rapes then, as might be expected, are more severe in violence and outcome.
- (b) **Serial Rape:** Some rapists are one-time offenders, but others engage in multiple or serial rapes.
- (c) **Acquaintance Rape:** Acquaintance rape involves someone known to the victim, including family members and friends. Included within acquaintance rape are the sub-categories of (i) date rape, which involves a sexual attack during a courting relationship; (ii) statutory rape which refers to sexual relations between an underage minor

female and an adult male. Although the sex is not forced, the law, stress that young girls of certain age are incapable of giving consent.

- (d) **Marital Rape:** Which is forcible sex between people who are legally married to each other. A legally married husband could not be charged with raping his wife. The origin of this legal doctrine can be traced to the sixteenth – century pronouncement of Matthew Hale, England’s Chief Justice who wrote.

“but the husband cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual matrimonial consents and contract the wife hath given up herself in this kind unto the husband which she cannot retract.”

In some jurisdiction, the law has “retracted” the privilege and a husband can now be liable if he rapes his legitimate wife. According to David Finkelhor (1985) research indicates that many women are raped each year by their husbands as part of an overall pattern of spousal abuse, and they deserve the protection of the law. Not surprising, the marital exemption has undergone significant revision. Today, almost every state in United States recognizes marital rape as a crime.

### 3.2.2 Rape and the Law

Julie Horney and Cassia Spohn (1996) in their write-up on “aggravated rape cases” surmises that of all violent crimes, none has created such conflict in the legal system as rape. Even if women choose to report sexual assault to police, they are often initially reluctant to a number of reasons: among them is the attitude of police, prosecutors, and court personnel and the legal technicalities. However, police and courts are now becoming more sensitive to the plight of rape victims. In some jurisdictions, the justice system takes all rape cases seriously and has laid special task force, courts are proceeded for speedy disposal by specialised agency.

## **SELF-ASSESSMENT EXERCISE II**

List the forms of rape you know.

### **3.3 HOMICIDE**

Homicide is the name given to all killings of human being by another human being. It may be lawful or unlawful; felonious or non-felonious. Homicide is lawful if it is justifiable, as in the execution of public justice, or in the advancement of future justice, or in self-defence. It is excusable if death occurs in the course of pure accident, under an honest and reasonable mistake, surgical operation, in self defence or while engaged in sports. Felonious homicide is either murder or manslaughter. Manslaughter is the unlawfully killing of another in such circumstances as not to constitute murder.

At common law, murder lies “where a person of sound memory and discretion, unlawfully killeth any reasonable creature in being and under the Queen’s peace with malice aforethought, either express or implied the death following within a year and a day.” Under the Nigerian Law, murder is where a person unlawfully kills another, death following within a year and a day under any of the following circumstances, that is to say:

- (1) If the offender intends to cause the death of the person killed, or that of some other person.
- (2) If the offender intends to do to the person killed or to some other persons, some serious harm.
- (3) If death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such nature as to be likely to endanger human life.
- (4) If the offender intends to do grievous harm to some person to facilitate the Commission of an offence for which the offender may be arrested without warrant or to facilitate the flight of an offender, who has committed or attempted to commit any such offence.

- (5) If death is caused by administering any stupefying or over powering things for either of the purposes above.
- (6) If death is caused by willfully stopping the breath of any person for either of such purposes.

The guilty intent for murder appears wider in Nigeria than the common law; malice aforethought means no more than a freely formed intention of a person to pursue a course of conduct, which the person realizes will or may bring about the death of some person.

### 3.3.1 Degree of Murder

There are different degrees of homicide. First degree murder occurs when a person kills another after premeditation and deliberation. Also, a killing accompanying a felony, such as robbery, rape, usually constitutes first degree murder.

**Second – degree murder** requires that although may be devoid the killer to have malice of malice aforethought (premeditation or deliberation). He had shown a wanton disregard for the victim's life and possessed that serious bodily harm would result from his or her all or foresight omission.

Homicide without malice is called **manslaughter** and is usually punished less than murder. In Nigeria, the maximum punishment is life imprisonment. There is no minimum prescription. Examples of manslaughter are deaths arising from reckless driving of motor vehicles.

### **SELF-ASSESSMENT EXERCISE III**

Discuss the different levels of degrees of homicide.

### 3.4 ASSAULT AND BATTERY

Although many people mistakenly believe the term assault and battery refers to a single act, they are actually two separate crimes. Battery requires offensive application of force is touching, slapping, hitting, or punching a victim. Assault may not necessarily be physical. It may be verbal e.g. threat that force is about to be used on the victim. These are categories of assault and battery ranging from common assault which is a misdemeanor to assault occasioning harm, wounding and aggravated assault which are felonious. In the Uniform Crime Report (UCR), the Federal Bureau of Intelligence (FBI) defines serious assault, or aggravated assault, as “an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.” This definition is similar to the one used in most countries.

Section 252 of the Nigeria criminal Code Act defined assault as a person who strikes, touches, or moves, or other wise applies force of any kind to, the person of another, either directly or indirectly, without his consent, or with his consent, if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent in such circumstances that the person making the attempt or threat has actually or apparently a present ability to affect his purpose is said to assault that other person, and the act is called an assault. Section 351 stipulate that any person who unlawfully assaults another is guilty of a misdemeanor an is liable, if no greater punishment is provided to imprisonment for one year.

The following are kinds of assault in Nigeria’s Criminal Code:

1. Common assault
2. Serious assault
3. Assault occasioning harm
4. Indecent assault on females
5. Indecent assault on males
6. Assault with intent to commit unnatural offence
7. Assault with intent to steal

8. Assault with intent to compel action
9. Assault on persons protecting wrecks
10. Assault occasioning harm
11. Wounding

In Nigeria, assault is also used to include assault and battery. Battery is an injury or wrong done to the body of another in an aggrieved, angry, revengeful, rude or insolent manner.

As you may observe, the term 'Assault' is very wide. It includes such acts as kissing a woman against her will, setting of dog at a person, spitting at the face of another person, pointing a gun at or trying to strike another.

### 3.5 ASSAULT IN THE HOME

**Child Abuse:** One area of family violence that has received a great deal of media attention is child abuse. This term describes any physical or emotional trauma to a child for which no reasonable explanation, such as an accident or ordinary disciplinary practices, can be found. Child abuse can result from actual physical beatings administered to a child by hands, feet, weapons, belts, sticks, burning, and so on. Humiliating words or failure to provide necessity of life tantamount to child abuse.

**Sexual Abuse:** Another aspect of the abuse syndrome is sexual abuse – the exploitation of children through rape, incest, prostitution or harassment. Sexual abuse is of particular concern because children who have been abused experience such symptoms, as fear, post-traumatic stress disorder, and poor self esteem. Victims may have unwanted pregnancies, HIV/AIDs and may die, or get maimed.

**Parental Abuse:** Parents are sometimes the target of abuse from their own children. Research conducted by Arina Ulman and Murray Straus found as follows:

- (i) The younger the child, the higher the rate of child-to-parent violence (CPV).
- (ii) At all ages, more children were violent to mothers than to fathers.
- (iii) Both boys and girls hit mothers more than fathers.
- (iv) At all ages, slightly more boys than girls hit parents.

Ulman and Straus found that child-to-parent violence was associated with some form of violence by parents, which could either be husband-to-wife, wife-to-husband, corporal punishment of children, or physical abuse. They suggest that if the use of physical punishment could be eliminated or curtailed, then child-to-parent violence would similarly decline.

**Spousal Abuse:** Spousal abuse has occurred throughout recorded history and it is still widespread today. Richard Geues and Murray Straus found that 16 percent of surveyed families had experienced husband –wife assaults. In U.S. Police Departments 60 to 70 percent of evening calls involve domestic disputes.

### **SELF-ASSESSMENT EXERCISE**

Discuss the types of assault you know.

## **4.0 CONCLUSION**

From this unit, students of criminology should be able to know the causes of violence, the nature and extent of violent crime. The unit has briefly reviews some hypothetical sources of violence. Then it focuses on specific types of interpersonal violence, rape, homicide, assault, robbery and interpersonal violence.

## **5.0 SUMMARY**

From this unit, students of criminology should be able to know that violence has become an all too common aspect of modern life. Among the various explanations of sources of violent crime are exposure to violence, personal traits and make up, evolutionary factors and human instincts, cultural values and a subculture of violence, substance abuse, socialisation and upbringing.

#### 6.0 TUTOR-MARKED ASSIGNMENT:

Discuss the Various Causes of Violence

#### 7.0 REFERENCES/FURTHER READINGS

Adler, F., Mueller, G., Laufer, W., (1995) *Criminology*: 2nd edition. California: McGraw Hill. Inc.

Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.

Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.

Dambazau, A. B. (2007) *Criminology and criminal justice*: 2nd edition Ibadan, Nigeria. Spectrum Books Ltd.

Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.

Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.

Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth

Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.

Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley.

## **UNIT 2 VIOLENT CRIME II**

### **CONTENT**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main content
  - 3.1 Robbery
  - 3.2 Typology of Robbery
  - 3.3 Terrorism
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References/Further Readings

### **1.0 INTRODUCTION**

Violent crime is an harmful, destructive and injurious acts which has the capabilities to threaten and disorganise a society. This can result when it involves mass killing, maiming and destruction of property. In this unit we shall examine violent crimes or robbery and terrorism.

### **2.0 OBJECTIVES**

At the end of this unit you should be able to;

- Define the term terrorism;
- Differentiate between terrorist and guerilla;
- Identify contemporary forms of Terrorist.
- Define the term 'robbery'.
- Identify types of robbery.

### **3.0 MAIN CONTENT**

#### **3.1 ROBBERY**

Robbery, may be defined as “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.” A robbery is a violent crime. It involves the use of force to obtain money or goods. Robbery is punished severely and in proportion the amount of force used during the crime, rather than the value of the items stolen.

According to Iwarmie Jaja (1991:28) for an act to constitute robbery “all the elements of larceny, plus two additional elements” must be present. First, the property must be taken from the person who possesses legal right of ownership and secondly, “it must be taken by force, violence or the threat of violence or intimidation”. By law, robbery is a crime of violence since it involves the use of force or violence and/or the threat of violence to obtain anything of value.

Section 401 of Nigeria criminal code Act defined robbery as any person who steals any thing, and at or immediately before or immediately after the time of stealing it uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is said to be guilty of robbery.

The offence of robbery in Nigeria criminal code is punishable with imprisonment for 14 years. But if the offender is armed with any dangerous or offensive weapon, or is in company with one or more other person or persons or wounds or uses personal violence to any person, he is liable to imprisonment for life with or without whipping. Because of the alarming increase in cases of armed robbery after the Civil War the Robbery and Firearms (special provisions) Decree, No. 47 of 1970 was passed to provide severer punishment for the offence and more speedy mode of trial. Under the Degree the offence of robbery is punishable with imprisonment for not less than 21 years. If the offender is armed with any firearms or any offensive

weapon or is in company with any person so armed, or at or immediately before or immediately after the time of the robbery he wounds any person the punishment is death which is executed by hanging or by Firing squad.

There are scales of robbery: robbery, armed robbery, petty or less sophisticated and the prodigious. It is armed robbery if the offender is armed with firearms, or any offensive weapon or is in the company with any person so armed or at or immediately before or immediately after the time of the robbery, the offender wounds or uses any personal violence to any person.

### **SELF ASSESSMENT EXERCISE I**

Define the term 'robbery' as stated in Nigeria's Criminal Code.

### **3.2 TYPOLOGY OF ROBBERY**

McClintock and Gibson (1961) formulated a typology for robbery. According to them, there could be up to five classification of the nature of robbery cases.

These include:

- (1) Robbery of persons who, as part of their employment are in charge of money or goods. This category includes robberies in Jewelry stores, banks, offices, and other places in which money changes hands.
- (2) Robbery in an open area. These robberies include street offences, mugging, purse snatching, and other attacks
- (3) Robbery on private premises. This type of robbery involves robbing people after breaking into homes.
- (4) Robbery after preliminary association of short duration. This type of robbery comes in the aftermath of a chance-meeting in a bar, at a party, or after a sexual encounter.
- (5) Robbery after previous association of some duration between the victim and offender. Incidents in patterns 4 and 5 are substantially less common than stronger-to-stranger robberies, which account for more than 75 percent of the total (Siegel 1992: 309).

## SELF-ASSESSMENT EXERCISE II

What is robbery? Give examples.

### 3.3 TERRORISM

#### 3.3.1 What is Terrorism?

Terrorism, as a means to achieve political ends, is not a new phenomenon; but it has recently acquired a new intensity (Malcolm Shaw, 1997: 803). Aircraft hijacking and Hostage taking are terrorist activities known to terrorism. Are freedom fighters terrorists or not? What about terrorist attacks on property, person or both? Should there not be a distinction between purely criminal attacks and politically inspired attacks? What proper motive or intention should be required for the offence of terrorism. Answers to questions of this nature make it difficult to define terrorism.

Some attempts have, however been made to define 'terrorism'. Here are examples: Terrorism is:-

- The use or threat of violence to intimidate or cause panic especially as a means of affecting political conduct. (*Black Law Dictionary: p. 1484*).
- Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes... whatever the consideration of a political, philosophical, ideological, racial, ethnic, religious, or any other nature that may be invoked to justify them. (*General Assembly Resolutions 49/60 (1994) and 51/210 (1999)*). (*UN GA Resolution 49/60 (1994)*).
- All criminal acts directed against a state and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public. (*League of Nations Convention, 1937*).

Writers have also attempted to describe Terrorism. For example Schmid, (2005: 1-2, 17) defined Terrorism or an anxiety – Terrorism or an anxiety – inspiring method of repeated violent action, employed by (Semi-) Clandestine individual, group or state actors, for idiosyncratic, criminal, or political reasons, whereby – in contrast to assassination – the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat-and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience), turning in into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion or propaganda is primarily sought.

Some older countries also enacted anti terrorists laws, which provide an operational definition of terrorism. The United Kingdom Terrorism Act, 2000 defines Terrorism as a use or threat of action:-

- Involving serious violence against a person, or serious damage to property.
- Endangering the life of a person other than the ‘terrorist’
- Creating a serious risk to the health or safety of the public or a section of the public, or
- Designing seriously to interfere with or disrupt an electronic system.

The design altogether must be to influence the government or intimidate the public or a section of the public and made for the purpose of advancing a political, religious or ideological cause. Where the use of or threat of action involves the use of firearms or explosives, it need not be designed to influence the government or to intimidate the public or selection of the public.

### 3.3.2 Terrorist and Guerilla

According to Robert Friedlander (1979), the word terrorist is often used interchangeably with the term guerilla; however, the terms are quite different. Guerilla comes from the Spanish term meaning “little war”, which developed out of the Spanish rebellion against French troops after Napoleon 1808 invasion of the Iberian Peninsula. Terrorists have an urban focus. Operating in small bands, or cadres, of three to five members, they target the properties or persons of their enemy, such as members of the ruling class. Guerillas on the other hand, are located in rural areas and attack the military, the police and government officials. Their organisations can grow quite large and eventually take the form of a conventional military force. However, guerillas can infiltrate urban areas in small bands, and terrorists can make forays into the countryside. Hence, the terms are used interchangeably.

### **3.3.3 Terrorism and the Nigerian Society**

Terrorism is a devastating trend that our contemporary world has had to grapple with in most recent times. It is both domestic and international and has spread fear into the heart of states-weak and strong alike. However, it has been very difficult to arrive at an objective definition of the term, and even the United Nations (UN) has not been able to agree on a particular definition. It is a fluid and changing term especially when issues of freedom fighting and self-determination are concerned. However, there seems to be a meeting point between the different views as terrorism is generally accepted to be propelled by politically driven agencies, deliberate and well-designed violent strategies targeted at civilians and public facilities, with the long-term aim of using fear to achieve goals.

On 25 December 2007, Nigeria made news headlines and was thus associated with global terrorism at least for a time-after 23-year-old Nigerian attempted to blow up a Detroit-bound Delta airliner. The aftermath of this infamous act was the listing of Nigeria on the United States (US) terrorism watch list as one of 14 countries of special (security) interest. This paper examines

terrorism in relation to Nigeria, and analyses factors that can encourage terrorist inclinations with the Nigerian State and the options that the state has in essence it looks into the meaning of this trend to the Nigerian polity and the individual citizen vis-à-vis the present terrorist situation in the world.

#### **3.3.4 Nigeria and Global Terrorism**

The ignoble action of a Nigerian to blow up a passengers bound plane in US, though unsuccessful, had serious ramifications for his country Nigeria was blacklisted on the US terror watch list or among countries of special interest-a saga that rocked the Nigerian political foundation. This compounded the Woes of Nigerian travelers to the US and indeed many other parts of the (Western) World, since apart from other ignoble connotations attached to the Nigerian passport, there was a new dimension-terrorism.

Many Nigerian analyst and policy makers blamed the US for blacklisting Nigeria on the terror watch list, arguing that Nigeria is not a terrorist state, simply because of the actions of a single Nigerian. Despite this fact, one cannot ignore the fact that global terror links have gone father than Afghanistan, Pakistan, or Yemen Peter Pham (2010) notes that Al Daeda is morning swiftly at taking root in Africa, and soon, Africa will be the new battle field. According to Pham, Al Daeda has plans to make Africa its new nest for the grooming of more terrorists in the military expedition against target energies, because the continent is a very significant region. This significance is not only because Islam is strong within the continent, but because the continent has become a haven for dangerous activities. The fact that poverty is so predominant, state and governance sp corrupt, borders too weak and religious bigotry so wide spread makes African easy prey for terrorist groups-especially as they use religion and anti-western ideologies and propaganda to mobilize or lure disillusioned individual is into their network. This is where Nigeria comes in and as a state that is notorious for

weakness, one cannot rule out the possibility of terrorist cells being run-though secretly for now-in the country.

#### **SELF ASSESSMENT EXERCISE IV**

Discuss the measures of combating terrorism in Nigeria.

##### **3.3.5 Internal violent uprising in Nigeria: a recipe for terrorism?**

Religious extremism and fundamentalism in northern Nigeria is one issue that is linkable to terrorism. It is clear that Nigeria is a nation of many ethnic groups that all have different approaches to life. It is also proven that the major tools of mobilization in Nigeria are religion and ethnicity. Since the return to democracy in May 1999, the number of violent clashes between Christian and Muslims has risen tremendous and at every slight provocation that has any links with Islam, Christian and Southern settlers in the North become victims of attacks orchestrated in forms of religious bigotry.

Accepting that religion is a major rallying point for people in Nigeria, and considering the fact that more and more carnages have been perpetrated within the region in the name of religion, it becomes easy to concludes that terrorism (as in the case in the middle East or even at-Shabbat in Somalia) may not be too far from Nigeria if these extremists lay hold on the Muslim community in the North of Nigeria

##### **3.3.6 Boko Haram**

Boko Haram is an Islamic militant sect in northern Nigeria, thought to be in existence since 1995, and operating in Yobe, Bauch, and Borno States. It has engaged in a number of planned attacked on police stations and other public facilities, accounting for thousands of deaths. The group is a fundamentalist group with anti-western ideologies and holds western civilization to be sinful, while propagating the Islamic culture.

It is recorded that this group has attacked many Government Forces and made different locations in Bauchi, Yobe, Kano and Borno States quite inhabitable as it carried out attacks on people and Government agencies alike. Though some militants in this group are not Nigerian, and they come in from outside the country to commit deadly attacks on people and public facilities, it points even more to the vulnerability of the country to terrorist infiltration.

### **3.3.7 The Nigeria Delta and the Struggle against Exploitation**

In the Niger Delta region of Nigeria, young men and women are easily recruited to join militant groups. Between the years 1990 and 2003, and 2007 and 2009 Rivers State was the hub of militant activities. Though these violent attacks ensued between two militant groups-Niger Delta peoples volunteer force (NDPVF) and Niger Delta Vigilante Force (NDVF), the latter allegedly sponsored by the State, while the former ostensibly fights for the rights of the Niger Delta minority groups they were characterized by Wanton bloodshed. Though there were no incidents of suicide bombing, the fact remained that many innocent people were killed for the cause of the Niger Delta struggle. What the incentives were to join these militant groups then and now may differ, but at the moment, militancy is lucrative where poverty and unemployment is entrenched. Many of these groups have grown powerful and wealthy because of the capital they acquire. Through stolen oil and political Godfathers and sponsors, many of them are well grounded with information technology and have developed networks with other militant groups across the country. These are real threats to national security and issues of concern within the spheres of global terrorism.

### **3.3.8 Evaluating Terrorist Threats in Nigeria**

Terrorism in terms of a political motivated violence targeted at innocent non-combatants by a clandestine group may be too much of a tag to place on Nigeria. However, the rate of corruption in the country, the porosity of its borders, the widely spreading anti-western feeling among Muslim

fundamentalists, and the rate of poverty in the country are loopholes that terrorist groups can build upon to establish terrorist cells in Nigeria if there are none already in existence. To conclude therefore, Nigeria is not a terrorist state, but these issues demand attention because terrorism in its present stage of evolution may engulf the nation.

#### **4.0 CONCLUSION**

From this unit, you should be able to describe the various types of violent crime. These violent crimes, do cause intense personal intrusions and anxiety about people's safety and well being which instill persistent fear in them.

#### **5.0 SUMMARY**

You have been able to learn about the types, meaning and dimension of different acts of violent crime particularly robbery and terrorism. These are not exhaustive but merely demonstrate individual acts of violent crime.

#### **6.0 TUTOR-MARKED ASSIGNMENT**

Give your suggestion on how Government should tackled the upsurge in internal uprising in Nigeria.

## 7.0 REFERENCES/FURTHER READINGS

- Adler, F., Mueller, G., Laufer, W., (1995) *Criminology*: 2nd edition. California: McGraw Hill. Inc.
- Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.
- Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.
- Dambazau, A. B. (2007) *Criminology and criminal justice*: 2nd edition Ibadan, Nigeria. Spectrum Books Ltd.
- Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.
- Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.
- Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth
- Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.
- Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley.

## **UNIT 3 : PROPERTY CRIME CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main content
- 3.1 Occasional Criminals
- 3.2 Professional Criminals
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

In this unit, you shall examine the nature and extent of economic crime. The unit focuses on theft related offences and the more serious forms of breaking offences which involve forcible entry and breaking into person's home or place of work and arson. Arson is discussed briefly.

### **2.0 OBJECTIVES**

At the end of this unit, you should be able to:

- Narrate the history of theft offences.
- Recognize the differences between professional and amateur thieves.
- Identify the similarities and differences between the various types of larceny.
- Explain the different forms of shoplifting.
- Critique the concept of fraud.
- Define breaking offences and arson.

### **3.0 MAIN CONTENT**

#### **3.1 OCCASIONAL CRIMINALS**

Though criminologists are not certain, whether the majority of economic crimes are the handiwork of amateur criminals whose decision to steal is

spontaneous and whose acts are unskilled, impulsive, and haphazard. Occasional property crime opportunities are available to members of all classes, but members of the upper class have the opportunity to engage in white collar crime. White collar crime may be define as crime committed by people who belong to upper socio-economic class in the ordinary course of their business activities. Example of white collar crime are; embezzlement, commercial bribery, kick-back, tax violation, etc.

Situational inducement are short term influences on a person's behaviour that increase risk taking. These include psychological factors, such as financial problems, and social factors, such as peer pressure. Opportunity and situational inducements are not the cause of crime; rather, they are the occasion for crime, hence, the term occasional criminal. The opportunity to commit crime and the short term inducement to do so are not randomly situated; some people typically poor young males, have an ample supply of both. Consequently, the frequency of occasional property varies according to age, class, sex, and so on. Occasional offenders are not professional criminal. They do they make crime their occupation, nor rely on skills or knowledge to commit their crime, or organize their daily activities around crime. They are not committed to crime as a way of life, although they may have little group support for their acts.

Unlike professionals, they do not receive informal peer group support for their crimes. In fact, they will deny any connection to a criminal lifestyle and instead view their transgressions as being "out of character." Because of their lack of commitment to a criminal lifestyle, occasional offenders may be the most likely to respond to the general deterrent effect of the law.

### **3.2 PROFESSIONAL CRIMINALS**

In contrast to occasional criminals, professional criminals make a significant portion of their income from crime. Professional criminal do not delude

themselves with the belief that their acts are impulsive, one time efforts, nor do they employ elaborate rationalisations to excuse the harmfulness of their action (“shoplifting doesn’t really hurt anyone”), professional criminals pursue their craft with vigour, learn from older and more experienced peers, criminals skills and techniques. Though their numbers are relatively few, professionals engage in crimes that cause the more significant social harm.

The most typical preoccupation of professional criminals are theft and related crimes, pocket-picking, burglary, shoplifting, forgery and counterfeiting, extortion, sneak theft, and confidence swindling.

### **3.2.1 Theft/Stealing**

According to S. T. Reid (1982) that theft is the taking of personal property without the owner’s consent and with the intent to deprive the owner of his or her property permanently. Theft ranges from the petty to the aggravated form of stealing. It involves small amount of money or property, to a huge merchandise of greater value.

### **3.2.2 Shoplifting**

According to Oxford Advanced Learners Dictionary “shoplifting is a crime of stealing goods from a shop/store by deliberately leaving without paying for them.” According to Larry Siegel (1992) that “shoplifting is a form of theft involving taking goods not paid for from a retail store.” He add that it involves stealing by snatching goods such as “jewelry, clothes, records, a appliances – when store personnel are otherwise occupied and hide the goods on their person.”

Specifically it is a theft of goods from a store or other commercial establishment by willfully taking and concealing the merchandise with the intention of converting the goods to ones personal use, without paying the purchase price.”

### 3.2.3 False Pretenses or Fraud

“False Pretense.” A person is guilty of obtaining by false pretence (4-1-9) if by false pretence, and with intent to defraud he or she obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen.

### SELF ASSESSMENT EXERCISE I

Briefly discuss section 419, of the Nigerian Criminal Code Act.

### 3.2.4 Embezzlement

Embezzlement. Is the fraudulent taking of personal property with which one has been entrusted especially as a fiduciary. In other words, it is a fraudulent conversion of the property of another by one, who has lawful possession of the property and, whose fraudulent conversion has been made punishable by the statute. (*Loewy, H. (1987) Criminal law in a Nutshell (2<sup>nd</sup> Ed.) p. 94.*

### 3.2.5 Auto Theft

Motor vehicle theft is another common property offence. Yet because of its frequency and seriousness, it is treated as a separate category in the Uniform Crime Report (UCR). A number of attempts have been made to categorize the various forms of auto theft. The purpose of stealing a vehicle make for temporary personal use, for resale, and for chopping or stripping cars into parts.

### SELF ASSESSMENT EXERCISE II

Defined the concept larceny/theft

### 3.2.6 Burglary

Breaking offences violent crimes. They include burglary, house breaking and store breaking. The most serious of them is burglary, the felony of breaking and entering into the dwelling house of another by night time, with intent to commit a felony or breaking out of a dwelling house of another after committing a felony. The offence of house breaking is essentially similar except that the offence is burglary if it occurs in the night, (6.30pm – 6.30am) and house breaking if it occurs in the day (6.30am – 6.30pm). Store breaking may be in the day or night.

Section 411 of Nigeria criminal code, have it that, any person who breaks and enters the dwelling house of another with intent to commit a Felony therein, or having entered the dwelling-house of another with a like intent or having committed a felony in the dwelling house of another, breaks out of the dwelling-house, is guilty of a felony. If the offence is committed in the daytime it is appropriately called house-breaking and is punishable with imprisonment for 14 years. If it is committed at night, it is called burglary and is punishable with imprisonment for life.

### **SELF ASSESSMENT EXERCISE III**

What is the difference between burglary and house breaking?

#### **3.2.7 Arson**

Arson is setting fire willfully and unlawfully to any of the following:

- (a) any building, or structure whatever whether completed or not
- (b) any vessel, whether completed or not
- (c) any stack of cultivated vegetable produce, or of mineral or vegetables
- (d) a mine, or the workings, fittings, or appliances of a mine.

There may be several motivations for arson. Examples are emotional turmoil, disturbed personality or mental disorder. sensual pleasure, profit or vendetta.

**SELF ASSESSMENT EXERCISE IV**

Define the term, 'Arson'.

**4.0 CONCLUSION**

This unit provides you, as students of criminology, a broader knowledge of property crimes that fall within the purview of criminology, and committed by ordinary citizens. Property crimes are the dominant offence group in Nigeria street.

**5.0 SUMMARY**

Theft or stealing is common throughout recorded history. Like other economic crimes theft financially rewards the amateur criminals or professional offenders. Both of them commit theft or stealing, fraud, embezzlement, shoplifting, auto theft, burglary and arson.

**6.0 TUTOR-MARKED ASSIGNMENT**

Discuss the two types of criminals you know

## 7.0 REFERENCES/FURTHER READING.

- Adler, F., Mueller, G., Laufer, W., (1995) *Criminology*: 2nd edition. California: McGraw Hill. Inc.
- Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.
- Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.
- Dambazau, A. B. (2007) *Criminology and criminal justice*: 2nd edition Ibadan, Nigeria. Spectrum Books Ltd.
- Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.
- Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.
- Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth
- Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.
- Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley.

## **UNIT 4**

### **WHITE COLLAR, CYBER AND ORGANIZED CRIMES**

#### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main content
  - 3.1 Enterprise crime
  - 3.2 Crime of business enterprise
  - 3.3 White collar crime
  - 3.4 Cyber crime
  - 3.5 Organized crime
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

#### **1.0 INTRODUCTION**

In this unit, you will examine the various perspectives of enterprise crime, white collar crime, cyber crime and organized crimes. It has become routine in our free enterprise, global economy for people to commit crimes of the marketplace or enterprise crime. In this unit, you will learn about crimes of illicit entrepreneurship and its three distinct categories: white-collar crime, cyber crime, and organized crime.

#### **2.0 OBJECTIVES**

At the end of this unit, you should be able to:

- Describe the concept of enterprise crime.

- Identify the various types of white-collar crime
- Recognize the extent and various causes of white-collar crime
- Recognize new types of cyber crime.
- Describe the evolution of organized crime.
- Explain how the government is fighting organized crime.
- Explain the features of organized crime.

### 3.0 MAIN CONTENT

#### 3.1 ENTERPRISE CRIME: WHITE-COLLAR, CYBER AND ORGANIZED CRIMES

**Enterprise Crime:** It is common in our free enterprise, global economy for people where stock brokers, bankers use illegal tactics to make profit. Crimes of market place are referred to as enterprise crimes: white-collar crime, cyber crime and organized crime. White-collar crime involves illegal activities of people and institutions for purpose of making profits in legitimate business transactions. While often difficult to define because there are so many variations, cyber crime involves people using the instruments of modern technology for criminal purpose.<sup>2</sup> Organized crime involves illegal activities of people and organizations for profit through illegitimate business enterprise.

#### 3.2 CRIME OF BUSINESS ENTERPRISE

Cyber crime, organized crime and white-collar crime have the identical feature of using the legal rules of commercial enterprise for criminal purposes. Sometimes, the three names overlap. Organized criminals may use the internet to commit fraud; legitimate enterprises may launder money, diversify their sources of income, increase their power and influence, and gain and enhance respectability. Legitimate businesses may dump hazardous waste products, stifle or threaten competitors, to increase their influence. Whereas some corporate executives cheat to improve their company's

position in the business world, others are motivated purely for personal gain, acting more like organized criminals than indiscreet business people.

Mark Haller (1990) in his book, *Illegal Enterprise* states that these organizational crimes tend to corrupt the free market system. They mix and match illegal and legal practices and legal and illegal products in all phases of commercial activity. For example, illegal marketing techniques (threat, extortion and smuggling) may be devised for distribution of otherwise legal products and services (lending money, union activities, selling securities); legitimate channels of distribution of products and services may be termed into distribution channels for drugs, sex, gambling and prostitution that are illegal or proscribed. White-collar criminals use harmful business practices like embezzlement, price fixing, bribery and so on in the course of business of the enterprise or expensing normally legitimate commercial products (securities, medical care, online auctions). Cyber criminals use their technical expertise for criminal misappropriation and internet fraud.

### **3.2.1 The Nigerian Criminal Enterprises**

Nigerian organised crime has become influential in transactional illegal activities only recently. It can be traced to the collapse of oil prices in the early 1980s and the subsequent problems that this caused for an economy that relied on oil exports for 95 percent of its earnings. This resulted in a number of well-educated Nigerians many living in other countries, to be deprived of their primary source of income. This in turn created a wave of individuals turning to crime as a means of supplementing their income. Nigerian organized crime, may be refer to a number of fraudsters drug traffickers and racketeers of various sorts originating from Nigeria.

Nigerian criminal enterprises have developed large scale drug trafficking operations that are second only to the Asian triads in their import of heroin into the United States. This has been facilitated by a relatively secure home base, characterized by lack of legislation and law enforcement capacity, as well as political instability, corruption and few resources to devote to fighting organized crime. Further, Nigeria organizations have engaged in extensive fraud and extortion activities, including credit card fraud, and fraudulent activities through commercial banks and government assistance programs.

Nigerian criminal enterprises are difficult to infiltrate due to the fact that they operate in a tribal structure. These groups also have little problem accepting menial jobs, which include narcotics trafficking activities despite a membership that has a generally high level of education. Criminal organizations from Nigeria typically do not follow the mafia-type model followed by other groups. They appear to be less formal and more organized along familial and ethnic lines, thus making them less susceptible by infiltration from law enforcement. Police investigations are further hampered by the fact. There are at least 250 distinct ethnic languages in Nigeria. Other criminal gangs from Nigeria appear to be smaller-scale freelance operations.

### **SELF ASSESSMENT EXERCISE I**

Discuss the factors that facilitate the Nigerian Criminal Enterprises.

### **3.3 WHITE COLLAR CRIME**

Edwin Sutherland (1940) in his work “White collar crime” defined it as “a crime committed by a person of respectability and high social status in the course of his occupation. As Sutherland saw it, white collar crime involved conspiracies by members of the wealthy classes to use their position in commerce and industry for personal gain without regard to the law. Often these actions are civil in reality. Consequently, Sutherland believe that the

great majority of white collar criminals did not become the subject of criminological study. Yet the cost of white-collar crime is probably several times greater than all the crime customarily regarded as the crime problem. White-collar offences breed distrust in economic and social institutions, lower public morale, and undermine faith in business and government.

### **3.3.1 Redefining White-Collar Crime**

Contemporary definitions of white-collar crime are much broader and include both middle-income Americans and corporate titans who use the marketplace for their criminal activity. Included within recent views of white-collar crime are such acts as income tax evasion, credit card fraud, and bankruptcy fraud. Other white-collar crime is the abuse of positions of trust in business or government to commit economic crimes. Their activities might include pilfering, soliciting bribes or kickbacks and embezzlement, land swindles, securities theft, medical fraud, fake drugs, and so on.

Ronald Kramer (1990) extended corporate criminality to include criminal conspiracies designed to improve the market share or profit, antitrust violations, price fixing, and false advertising. Beyond the monetary cost, white-collar crime often damages property and leads to death. Violations of safety standards, pollution of the environment, and industrial accidents due to negligence can be classified as corporate violence.

## **SELF ASSESSMENT EXERCISE II**

What is white collar crime?

### **3.4 CYBER CRIME**

Cyber crime is a new breed of white-collar offense that can be singular or serial. It involves the theft of information, resources, or funds by use of

emergent forms of technology. In some instances, the technology itself is the target, for example, illegal copying and sale of computer software.

Cyber crime cost consumers billions of dollars each year and will most likely increase dramatically in the year to come if nothing is done.

### 3.4.1 Computer Crime

Computer related thefts are a new trend in employee theft and embezzlement. The widespread use of computers to record business transactions has encouraged some people to use them for illegal purposes. Computer crime generally falls into one of five categories.

- (i) Theft of services, in which the criminal uses the computer for an unauthorized purpose or an unauthorized user penetrating into another computer system. Included within this category is the fraudulent processing by an employee of time and services.
- (ii) Use of data in a computer system for personal gain.
- (iii) Unauthorized use of computers for various types of financial processing to defraud.
- (iv) Theft or conversion of property as computer for personal or profit. For example, using a computer to illegally copy and sell another's software.
- (v) Making the computer itself the subject of a crime. For example, when a virus is maliciously placed in it to destroy data.

**The Trojan Horse:** One computer to used to reprogram another for illicit purposes.

**The Salami Slice:** Is an example of a computer crime. In it an employee sets up a dummy account in the company's computerized records. A small amount even a few cents is subtracted from customers' accounts and added to the account of the thief. Even if they detect the loss, customers do not complain

because a few cents is an insignificant amount to them. The cents picked up here and there eventually amount to thousands of dollars in the swindle.

**Super-Zapping:** Although most computer programs used in business have built-in antitheft safeguards, employees shall use a repair or maintenance programme to supercede the antitheft programme. Some tinkering with the program is required, but the “superzapper” is soon able to order the system in such a way that it issue cheques to his or her private account.

**The Logic Bomb:** This is where a program is secretly inserted in the company’s computer system to monitor the company’s work and waits for a sign of error to appear. The way the thief exploits the situation to steal or effect a sabotage.

**Impersonation:** There is an impersonation occurs when an unauthorized person uses the identity of an authorized computer user to access the computer system.

**Data Leakage:** A person may illegally obtain data from a computer system by leaking it out by gradual process.

It is a computer crime to install a computer virus in a system. According to Natalie Taylor (2003) a virus is a program that disrupts or destroys existing programs and networks, causing them to perform the task for which the virus was designed. The virus is then spread from one computer to another when a user sends out an infected file through e-mail, a network, or a disk. A Computer worm is similar to a virus except that it uses computer networks or the internet to self-replicate and “send themselves” to other users, generally via e-mail without the aid of the operator

### **SELF ASSESSMENT EXERCISE III**

Discuss the several common technique used by computer criminals?

### 3.5 WHAT ARE ORGANIZED CRIMES?

‘Organized Crimes are widespread criminal activities that are coordinated and controlled through a central syndicate of criminals who rely on their unlawful activities for income’ (*Blacks Law Dictionary*).

Organized crimes can be defined as unlawful acts of members of highly organized and disciplined associations engaged in supplying illegal goods and services such as gambling prostitution, loan sharking, narcotics and labour racketeering. All these crimes mentioned above is highly dependent on time, space and location. For example advance fee fraud, oil bunkering, ritual killings, human trafficking, student cultism and armed robbery are organized criminal group with hierarchical structure. It is worthy of mention that crime categories do overlap as for example between transnational and organized crimes, and between economic and financial crimes white collar crimes, either can be committed by individuals or organized in groups.

Financial crimes embrace a wide range of illegal activities which include tax evasion, banking and insurance frauds, illegal capital transfer, currency counterfeiting, false invoicing, smuggling, embezzlement, corruption, advance fee fraud and money.

#### 3.5.1 Features of Organised Crime

Those that participate in organized crime are considered to be involved for the purpose of engaging in criminal activities on a sustained basis.

Individuals are not acting alone, and the activities that they are engaged in are not random. In addition, the economic behaviour in mature criminal organizations is international and the activities are usually directed by identifiable leader. In general, the criminal organizations that are of the greatest concern have grown into substantial enterprises often with

transnational connections that involves a large number of “employees” that can range from several hundred to several thousand.

These crime groups operate within varying organizational structures for a common purpose that is outside the bound of legal activity. Although organizations are the key to these groups there are no standardized patterns of structure within groups. A criminal organization may rely on various features that are best designed to carry out its purposes. A common feature is a hierarchical, vertically organized arrangement with fairly tight controls, such as the Colombian Cocaine cartels. Other types include regionally-structured organizations, foundations that are quasi-religious or semi-political/military based.

The objectives of the organization ultimately define its criminal. The type of activities that they are engaged in normally fall under the category of what is considered enterprise crime.

This would include the provision of illicit goods and services or goods that have been acquired through illicit means, such as fraud or theft. One way of looking at the activities of organized crime would be to compare it to the fundamental considerations that govern entrepreneurship in the legitimate market place, namely a necessity to maintain and extend one’s share of the market. The activities of criminal organizations are thus equivalent to many of the efforts of legitimate businesses-export import, trade in various articles whole sale and retail sales, and services.

However, the members of criminal organization seek to operate in areas outside legal guide lines and will generally trade in items also defined as illegal (i.e. drugs and weapons).

The scope of criminal activities spans a wide range. Some groups are highly specialized and only focus on one type of activity such as prostitution or drugs. But, the recent trend is for groups to engage in a broad array of illegal activities that include both the schemes that have been at the forefront of traditional organized crime (i.e. racketeering) and more recent financial scams that are complex in nature whatever the activity, the underlying purpose is to make a profit from the illegal “work” of a large number of people that is coordinated over time.

Violence is a primary characteristic of organized crime groups, which is used to promote and protect their interests. Criminal organizations use violence deliberately by controlling its use and directing it in specific ways to achieve certain goals. Generally, violence is used strictly for “business purposes”, although there is sometimes a lack of discipline or acts of individual cruelty inside organized crime networks.

Another feature of organized crime and related to the use of violence is the act of bribery. Since they are at odds with police and other government organizations, organized crime groups will use bribery in order to corrupt the legal system and evade prosecution. Large amounts of ready cash provide the incentive to use the power of money to stubborn government officials on a large scale, assisting organized crime in achieving its objectives .

The penal code (Nigerian Laws Cap 89), applicable in the north of Nigeria, Criminalises both rape and “defilement” (rape of a girl under the age of 13 years). Rape is defined here as “a man is said to commit rape who, save in the case referred to in subsection (2), has sexual intercourse with a women in any of the following circumstances-against her will; without her consent; with her consent, when her consent has been obtained by putting her in fear of death or hurt; with her consent, when the man knows that he is not her husband and that her consent is given because she believe that he is another man to whom

she is or believes herself to be lawfully married and with or without her consent, when she is under fourteen years of age or of unsound mind.

#### **SELF ASSESSMENT EXERCISE IV**

Discuss the features of organized crime.

#### **3.5.2 Classification of Organized Crime**

Criminologists has classified organized crime into two broad categories. These broad categories are underworld crime and upper world crime.

**Underworld Crime:** Underworld crime is usually to denote crimes that are organized by syndicates and which are difficult to detect, trace and punish organized crimes are a mystery to law enforcement. It involves the activities of underworld criminals in prohibited business. It is also known that such prohibited business activities provide the Nigerian society and the people of other countries with services and commodities which have been labeled as illegal by the law. Despite the fact that such illegal organized business provide services enjoyment and employment to some segment of the Nigerian society underworld criminal activities continue to be prohibited. There are great similarities between organized crime as an underworld crime and white-collar crime as a typical example of an upper world crime.

According to S. T. Reid (1982) “The basic differences between organized crime and white-collar crime comes not in the type of activities but rather in the methods for carrying out those activities. Violence will more often be found in organized crime, although it may also occur among white collar criminals. The use of force and threat is also more common in organized crime.

A good example of an underworld crime is drug trafficking, which in itself is an organized criminal act because it operates under a well established criminal network. Drug trafficking provides illegal and evil use of narcotics and

psychotropic substance. The trade in these illegal substances has provided opportunities for some persons and groups to gain economic advantages through the exploitation of those whose appetite for the substances is out of control. The effort of legitimate authorities including governments, to restrict these abuses and opportunities for exploitation through education and particularly, through criminal legislations and enforcement agencies, have produced a counter action from these greedy and exploitative individuals.

**Upper World Crime:** This is associated with occupations. A typical example of upper world crime is corporate or bureaucratic crime. This is often termed white collar crime. In Nigeria, the concept of white collar crime has often being used interchangeable with corruption.

White collar crime may be defined as crime committed by people who belong to the upper socio-economic class in the ordinary course of their business activities. Such persons occupy middle and high social positions in their places of occupation. The act itself is an offence representing the violation of regulated business practice by a person or persons involved in an occupational activity. Based on this idea, the category of crime which constitutes white collar crimes is extensive. And organized crime is a relatively large-scale and complex criminal activity carried on by groups of persons, however loosely or lightly organized, for the environment of those participating and at the expense of the community and its members.

### **SELF ASSESSMENT EXERCISE V**

Organized crime is classified into two broad categories. Discuss.

#### **3.5.3 Types of Organized Crime in Nigeria**

The commons types of organized crimes in Nigeria are:

- Drug pushing
- Armed robbery

- Kidnapping
- Prostitution
- Military/terrorism
- Ethnic/religion armed violence
- Armed insurrection
- Human trafficking/enslavement
- Failed coups
- Cultism in educational institution
- Ritual Killing etc.

#### 3.5.4 Causes of Organized Crime In Nigeria

The dominant motives and objectives of organized crime in Nigeria are financial and political power. Hence, the main causes of these criminal activities are connected with corporate ambition, relative social deprivation, political marginalization, social poverty and perceived political oppression.

Opportunity to commit crime with impunity. As they say where there is no law, there is no offence. Hence, the extent of organized crime tends to vary with the opportunity for getting away with it. The greater the chances of being caught and punished appropriately, the less the willingness to engage in crime, other things being equal when corruption operates to cover up crime or to permit it, then the problem is serious. In other cases, the capacity to detect and apprehend criminals may simply be too weak or have a field day.

**Poor Law Enforcement:** This is closely related to the opportunity factor. Pervasive under policing of society, corruption of law enforcement agencies, weak and corrupt judiciary and general apathy over the application of sanctions against crime all operate to encourage crime.

**Post-Conflict Access to Arms and Ammunition:** In post-conflict societies, there is fairly easy access to arms, which can get to crime inclined elements.

Demobilization without redeployment also tends to encourage the armed elements to extent a living from society by violence.

**Pervasive Corruption:** This tends to facilitate organized crime in different ways. The inclination to amass wealth corruptly may find expression in drug pushing, prostitution, human trafficking, the organization of caps and insurrection as means of seizing power to amass wealth. The corruption of law enforcement agencies and the judiciary also encourages organized crime in the different ways discussed earlier.

**Social Injustice and Oppression:** These are sources of rebellion and other forms of anti-social or deviant behaviour. Some forms of organized crime may thus be expressions of resistance or rejection of social oppression by the state. Armed robbery, kidnapping, militancy, terrorism drug pushing etc. are examples of these social protests against the perceived injustice of the state.

**Massive Poverty and Very Poor Pay:** These are familiar causes of organized crimes in Nigeria. The desperate bid to find a means of livelihood may also make people easy recruits to drug pushing, kidnapping, terrorism etc for money. The poor state of Nigeria economy and the rise in crimes provide empirical evidence of these casual relationships.

**Excessive Greed and Materialism:** These are also familiar causes of organized crimes in Nigeria. Since the oil boom, for example the ostentations lifestyle of the new rich has incited a culture of morbid greed and perverse materialism in Nigeria, a culture that is also associated with crimes such as armed robbery, kidnapping, smugglings, drug peddling and prostitution.

**Moral Decay:** This seems to have contributed to organized crimes like cultism, armed robbery, the peddling of dangerous drugs and international prostitution.

## **SELF ASSESSMENT EXERCISE VI**

Discuss types of organized crime in Nigeria.

### **4.0 CONCLUSION**

Enterprise crimes may be classified into the two categories of underworld and upper world crimes. Underworld crime is usually used to denote crimes that are organised by syndicates and which are difficult to detect, trace and punish. Upperworld crime is associated with occupations. A typical example of upperworld crime is corporate crime, otherwise termed white-collar crime. There are great similarities between organised crime as an underworld crime and white-collar crime as a typical example of an upperworld crime.

### **5.0 SUMMARY**

Enterprise crime involves illicit entrepreneurship and commerce. Types of enterprise crimes are white-collar crimes (involving the illegal distribution of legal materials). Cyber crime (involve use of technology to commit crime, and organised crime comprise the illegal distribution of illegal material.

White-collar, cyber, and organised crime are interrelated as they involve entrepreneurship. An enterprise crime uses the legal rules of commercial enterprise for criminal purposes.

### **6.0 TUTOR-MARKED ASSIGNMENT**

Discuss the causes of organized in Nigeria.

## 7.0 REFERENCES/FURTHER READINGS

- Adler, F., Mueller, G., Laufer, W., (1995) *Criminology*: 2nd edition. California: McGraw Hill. Inc.
- Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.
- Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.
- Dambazau, A. B. (2007) *Criminology and criminal justice*: 2nd edition Ibadan, Nigeria. Spectrum Books Ltd.
- Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.
- Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.
- Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth
- Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.
- Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley.

## UNIT 5

### PUBLIC ORDER AND MORALITY CRIMES

#### CONTENT

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#### 1.0 INTRODUCTION

Public order crimes involve acts that interfere with the operations of society and the ability of people to function efficiently. Examples are unlawful assembly and riots. Offences against morality include homosexuality, prostitution and other sex related offences like paraphilias, and pornography. More appropriately, you are dealing with miscellaneous offences and hence include abuse of drugs and drug offences.

#### 2.0 OBJECTIVES

At the end of this unit you should be able to:

- Explain the acts that constitute public order offences
- Differentiate between law and morality
- Define paraphilias
- Distinguish the relationship between obscenity and pornography.
- Determine the history and extent of drug abuse.
- Identify the cause of substance abuse.

- Enumerate the various drug control strategies
- Explain the relationship between drugs and crime.

### 3.0 MAIN CONTENT

#### 3.1 HIGHLIGHT OF THE ISSUE

##### Public Order Offences/offences against morality

These are offences against a lawful authority and the most significant in the offence group is the breach of public peace. Other examples are unlawful assembly and riot.

On the other hand, offences against morality are rape, unnatural offences, assaults coupled with indecency and defilements. The classification of public order or morality offences are not statutory. It is for convenience and it is commonly used in the official crime statistics.

#### 3.2 LAW AND MORALITY

There is little debate that the purpose of criminal law is to protect society and reduce social harm. When a store is robbed or a child is assaulted, it is relatively easy to see and condemn the harm done to the victim. But it is, more difficult to identify let alone sympathise with the victims of immoral acts, such as pornography or prostitution. The reason in part is that the parties involved may be willing participants; there may be no victim as such.

However, some participants may have been coerced into their acts. In that case, there are probably victims. Scholars have differed on this issue. Some are of the view that even a crime is not actually harm their participants, the society as a whole should be considered the victims. In other words, the person would be victims of acts like pornography, prostitution, and drug use which erode the moral fabric of society and therefore should be prohibited and punished. According to Morris Cohen (1942) “it is one of the functions of

the criminal law to give expression to the collective feeling of revulsion toward certain acts, even when they are not very dangerous. By this view, so-called victimless crimes are prohibited and punished because one of the functions of criminal law is to express a shared sense of public morality H. L.A. Harts, (1959) a legal scholar in his book “Immorality and treason” pg. 163, have questioned the propriety of legislating morals, by stating that “it is fatally easy to confuse the democratic principle that power should be in the hands of the majority with the utterly different claim that the majority, with power in their hands, need respect no limits. Certainly there is a special risk in a democracy that the majority may dictate how all should live.”

Hart may be motivated by the fact that defining morality may be an impossible task; who defines morality? Are we not punishing differences rather than social harm? As U.S. Supreme Court Justice William O. Douglas once so succinctly put it, “what may be trash to me may be prized by others.” After all, many of the great works of western art depict nude males and females, some quite young. Are these paintings, so cherished, not obscene?

## **SELF ASSESSMENT EXERCISE I**

Distinguish between law and morality?

### **3.3 HOMOSEXUALITY**

According to Oxford Advance Learners Dictionary, homosexuality is a practice where a person is sexually attracted to people of the same sex. Homosexuality derives from the Greek “homos,” meaning “same” and refers to erotic interest in members of one’s own sex. Sexual relation between one among males, who are motivated in adult life by a definite preferential erotic attraction to members of the same sex and who usually (but not necessarily) engage in overt sexual relations.

#### **3.3.1 Paraphilias**

Paraphilias have been recorded for thousands of years. From the Greek para, “to the side of,” and philos, “loving,” paraphilias are bizarre or abnormal sexual practices involving recurrent sexual urges focused on:

- (i) Non human objects (such as underwear, shoes, or leather)
- (ii) Humiliation or experience of receiving or giving pain (such as in sadomasochism or bondage), or
- (iii) Children or others who cannot grant consent.

Some paraphilias, such as wearing clothes normally worn by the opposite sex (transvestite fetishism), can be engaged in by adults in the privacy of their homes and do not involve a third party, these are usually out of the law’s reach. Others, however, risk social harm and are subject to criminal penalties.

## **SELF ASSESSMENT EXERCISE II**

Discuss the difference between homosexuality and paraphilias.

### **3.3.2 Prostitution**

According to Oxford Advanced Learners Dictionary, prostitution is the practice of using sex to make money. Prostitution derives from the Latin “*prostituere*,” which means “to cause, to stand in front of.” It is the publicly offering ones body for sale. Prostitution is the act or practice of engaging in sexual activity for money or its equivalent. It is a commercialised sex. Today, there are many variations of prostitution. According to Charles McCaghy (1976) in his book “Deviant behaviour” pg. 348 prostitution can be defined as granting non-marital sexual access, established by mutual agreement of the prostitutes, their clients, and their employers, for remuneration. This definition is sexually neutral because prostitutes can be straight or gay and male or female.

Prostitution is not itself a crime in Nigeria or in the UK although certain activities of prostitutes and those who profit from prostitution are proscribed.

Examples are soliciting in a public place, procuring, letting premises for the purpose of prostitution etc. The woman, who offers her body (in nudity) for acts of sexual intercourse, lewdness, or indecent practice for payment is a common prostitute.

The conditions usually present in a commercial sexual transaction include.

- (a) Activity that has sexual significance for the customer: This includes the entire range of sexual behaviour, from sexual intercourse to exhibitionism, sadomasochism, oral sex and so on.
- (b) Economic transaction: Something of economic value, not necessary money, is exchanged for the activity.
- (c) Emotional indifference: The sexual exchange is simply for economic consideration. Although the participants may know each other, their interaction has nothing to do with affection. Men believe that the lack of involvement makes hiring a prostitute less of a hassle and less to able than becoming involved in a romantic relationship.

### 3.3.3 Pornography

According to Oxford Advanced Learners Dictionary, pornography is basically (disapproving) books, magazines, DVD, etc. that describe or show naked people and sexual acts in order to make people feel sexually excited, especially in a way that many other people find offensive. The term pornography derives from Greek 'porne,' meaning "to write". In major cities, magazines and films are features depicting every imaginable explicit sex act. Suburban video store also rent and sell sexually explicit tapes. The internet contains at least 200,000 websites offering pornographic material and adult sex films. Obscenity, derived from the Latin 'caenum,' for fifth, "is defined by Webster's dictionary (pg. 484) as "deeply offensive to morality in decency... designed to innate to lust or depravity. But who, critics ask, is to judge what is obscene? At one time, it was what were prohibited because they

were considered obscene. But, what is obscene today may be considered socially acceptable at a future time.

### 3.4 SUBSTANCE ABUSE AND CRIME

**Substance Abuse:** Substance or drug abuse refers to the non-medical application of drugs, alcohol, cocaine, heroin, amphetamines, sedative and tranquilizers. It is also the use of drug when not medically prescribed or when used against legal prohibition and cause harm i.e. the user (Gupter, 1976: 23).

**Drug Addicts:** Drug addicts refer to someone who cannot stop taking drugs such as cocaine or heroin. He is psychologically dependent on drug on a continuous basis and tries to avoid the discomfort of its absence (Silverman 1974: 182).

**Drug Trafficking:** Refers to the illegal movement or transportation of drugs from one location to another. This is usually done under cover, in order to avoid detection by law enforcement agents (Odeofe, 2003: 2).

Odejide (1989:66) noted that those drugs which exert their biochemical effects on the brain leading to sedation and changes in human behaviour are known as “psychoactive substance” or “hard drugs”. The use of such hard drug when they are not medically prescribed or when administered in excess constitute the phenomenon of “drug abuse”. The abuse of drugs can also occur when such uses of drugs result in the physical, mental, emotional or social impairment of the user.

Large urban areas are beset by drug-dealing gangs, drug users who engage in crime to support their habits, and alcohol-related violence.

According to Arnold Trebach (1982) in his book, “The Heroin solution” that there is a great debate over the legalization of drugs and the control of

alcohol. Some consider drug use is a private matter and drug control is another example of government intrusion into people private lives. Furthermore, legalisation could reduce the profit of selling illegal substances as dangerous, believing that the criminal activity of users makes the term victimless nonsensical. Still another position is that the possession and use of all drugs and alcohol should be legalized but that the sale and distribution of drugs should be heavily penalized. This would punish those profiting from drugs and would enable users to be helped without fear of criminal punishment.

#### **3.4.1 Nigerian Society and Drug Abuse/Trafficking**

Drug abuse is one of the social problems that confront almost every civilized society today. The scale of global drug problems has generated so much concern to the extent that drug conferences and series of conventions with the accompany treatises has been held periodically throughout the world. These conventions aimed to reduce drug abuse by controlling very strictly the supply side of the drug economy, the license, the production, manufacture, internal and international trade prescribing and storage of the substances covered so that legitimate trade and production are limited to the required amounts and diversion into illicit channel are prevented.

Drug abuse and dependence as earlier mentioned is a global problem, and Nigeria is no exception. It goes without saying that drug abuse and trafficking has poses serious problems to Nigerian society. In view of the adverse effects, the Nigerian government took the bull by the horn by setting up Nigerian Drug Law Enforcement Agency (NDLEA) in 1990, through the promulgation of degree 48 of 1990. The agency is charged with identifying and making policies that would ensure the effective eradication of hard drugs as well as discourage their abuses.

The NDLEA not only battle drug trafficking and abuse but also money laundering. In addition to the prosecution of offenders, the NDLEA has the responsibility of counseling drug addicts. The counseling unit in collaboration with the Federal Ministry of Health has the responsibility of organizing seminars, campaigns and workshops aimed at educating the public on the danger of narcotic drugs and psychotropic substances thereby stimulating interest and creating awareness about drug related problems. The unit is also charged with after care, rehabilitation, social reintegration and education of addicts and the promotion of the welfare of the convicts.

The establishment of NDLEA has added impetus in the effective administration of drug laws and policy in Nigeria. Hundred of thousands of drug traffickers, users and collaborators has been arrested and persecuted. The NDLEA has no doubt facing a lot of hazards in fighting the menace of drugs abuse and illicit trafficking in narcotic. Most of the drugs traffickers are usually harm with sophisticated weapons. Despite the enormous problem, they are not deter to rid Nigerian society of drug abuse and trafficking to help redeem the image of Nigeria, both home and abroad.

### **SELF ASSESSMENT EXERCISE III**

Discussed the statutory function of National Drugs Law Enforcement Agency.

#### **3.4.1 Drugs and Crime**

Drug and Crime correlate. According to Marvin Dawkins (1997) in his work, "Drug use and violent crime among adolescent" pg 395 – 406, opined that many criminal offenders have extensive experience with drug use and that drug users commit an enormous amount of crime, alcohol abuse has also been linked to criminality. Research by U. S. Department of Justice of 5<sup>th</sup> April, 1998, shows that almost four in ten violent crimes and fatal motor vehicle accidents involve alcohol. This pattern is not unique in the United States. Research conducted in England found that about 61 percent of arrestees tested

positively for at least on drug, a finding comparable to arrestees in the United States (1997 Drug Use Forecasting, Annual Report on Adult and Juvenile Arrestees).

George Speckarl (1986: 74) in his book, "Narcotics use and crime," opined that although the drug crime connection is powerful, the line relationship between them is still uncertain because many users have had a history of criminal activity before the onset of their substance abuse. It is possible that chronic criminal offenders begin to abuse drugs and alcohol after they have engaged in crime, that is, crime causes drug abuse.

Substance abusers turn to a life of crime to support their habits. That is, drug abuse causes crime. Drug use and crime co-occur in individuals, that is, both crime and drug abuse are caused by some other common factor. For example, people with a fondness for risk taking activities may take drugs and also commit crime.

Drug users begin to engage in activities such as heavy drinking, which leads them to commit crime.

#### **SELF ASSESSMENT EXERCISE IV**

What is drug abuse?

#### **4.0 CONCLUSION**

Victimless crimes involve persons who do not think of themselves as victimised. In such a crime, no victim is assumed to exist probably because the parties involved consensual. The, behaviour which violates the laws of morality, and deviant behaviour such as prostitution, homosexuality, drinking, and gambling, are example of victimless crimes.

#### **5.0 SUMMARY**

Public order crimes are acts considered illegal because they conflict with social policy, accepted moral rules, and public opinion. There is usually great debate over public order crimes. Some charge that public order crimes are not crimes at all and it is foolish to legislate morality. Others view such morality act as prostitution, gambling, and drug abuse as harmful and therefore subject to public control. Many public order crimes are sex related.

Edwin Schur (1965), in his work, defines crimes without victims as victimless crimes . “the willing exchange among adults, of strongly demanded but legally prescribed goods or services.” He says also “that crimes without victims may be limited to those situations in which one person obtains from another, in a fairly direct exchange, a commodity or personal services which is socially disapproved and legally proscribed.” Clearly, in these words Schur appears to imply that there is lack of public consensus on laws governing such behaviours, we call victimless crimes. This lack of public consensus accounts for why it is difficult to enforce laws against such acts as gambling, and prostitution in which there is hardly any complaint.

## **6.0 TUTOR-MARKED ASSIGNMENT**

Discuss extensively on Public Order Crime

Discuss the relationship between drugs and crime

## 7.0 REFERENCES/FURTHER READING

- Atta, A. T. (1990). Drug trafficking and the implication for Nigeria and its image abroad. Paper presented at the National Conference on Crime Control in Nigeria, Jos, November 26 – 28.
- Bohn, R. M. and Haley, K. N. (2002). Introduction to criminal justice, 3rd edition California McGraw Hill Inc.
- Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.
- Dambazau, A. B. (2007) *Criminology and criminal justice: 2nd edition* Ibadan, Nigeria. Spectrum Books Ltd.
- Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.
- Okonkwo and Naish (1990) *Criminal law in Nigeria*. 2<sup>nd</sup> edition. Pub. Spectrum Book Limited, Ibadan.
- Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.
- Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth
- Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.
- Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley

## MODULE FOUR :.THE CRIMINAL JUSTICE SYSTEM

### Unit 1:The concept of criminal Justice

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#### **1.0 INTRODUCTION**

According to Iwarimie-Jaja. D (2003) in his book “Criminology, the study of crime,” that criminal justice system is defined as a system or as a process when the different components coordinate their independent functions by processing the criminal suspect from one stage to the other. It is made up of three subsystems or components; the police, the courts, and correctional subsystem for law enforcement. In this, you will learn the issues of criminal justice system.

#### **2.0 OBJECTIVES**

At the end of this unit, you should to able to:

- Relay the history of the criminal justice system.
- Explain the various stages in the process and models of justice.

- Critique the criminal justice as shaped by the rule of law.
- Explain the problems with Nigeria's criminal justice system.
- Describe the rights of suspects in Nigeria criminal justice system.

### **3.0 MAIN CONTENT**

#### **3.1 WHAT IS THE CRIMINAL JUSTICE SYSTEM?**

According to Larry Siegel (2006) in his book "Criminology" the criminal justice system refers to the agencies of government charged with enforcing law, adjudicating criminals, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control. Society considers some behaviours so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent social harm by apprehending and punishing those who violate the law and in so doing deter those who may be contemplating future wrongdoing. Only the criminal justice system has the power to control crime and punish criminals. The major components of this immense system are the police, courts and correctional agencies.

#### **SELF ASSESSMENT EXERCISE I**

What is criminal justice system?

#### **3.2 THE PROCESS OF JUSTICE**

In addition to viewing the criminal justice system as a collection of agencies, it is possible to see it as a series of decision points through which offenders flow. This process begins with initial contact with police and ends with the offender's re-entry into society. At any point in the process, especially in United States, a decision may be made to drop further proceeding and allow the accused back into society without additional penalty. In the word of Herbert Packer (1968) that the process is so routine than some commentators refers to it as 'assembly-line justice.'

Although what is obtainable in various countries is somewhat different, in general, a comprehensive view of the processing of a felony offender would probably contain the following decision points.

- (1) **Initial Contact:** the initial contact an offender has with the justice system occurs when police officers observe a criminal act during their patrol of city streets, parks, or highways. They may also find out about a crime through citizen or victim complaint. Similarly, an informer may alert them about criminal activity in return for financial or other consideration. Sometimes, political officials such as the mayor or city councillor, ask police to look into criminal activity.
- (2) **Investigation:** Regardless of whether the police observe, hear of, or receive a complaint about a crime, they may investigate to gather sufficient facts, or evidences to identify the perpetration, justify and arrest, and bring the offender to trial.
- (3) **Arrest:** An arrest occurs when the police takes a person into custody for allegedly committing a criminal act. The offender is immediately taken to the police officer who arrests for bail or remand.
- (4) **Complaint/Charge:** After the police has investigated, a decision will be made whether to file a complaints, information, or charge before the court or close the case. it depends on whether there is probable cause that the accused committed the crime and, therefore, that there is sufficient reason to charge or induct the suspect.
- (5) **Arraignment:** An arraignment brings the accused before the court that will actually try the case. The formal charges are read, and defendants are informed of their constitutional rights (such as the right to legal counsel). Bail is considered and a trial date is set.
- (6) **Bail or detention:** The bail decision is considered at the earliest time of contact with the police and also upon arraignment before the courts. In appropriate cases, bail is granted upon such conditions as will ensure the presence of suspect at trial while allowing them their freedom until that time. Many jurisdictions allow defendants awaiting trial to be

released on their own recognizance, without bail, if they are stable members of the community.

- (7) **Plea Bargaining:** In some jurisdictions, unlike what is obtains in Nigeria, after arraignment, it is common for the prosecutors to meet with the defendant and his or her attorney to discuss a possible plea bargain. If plea bargaining is successful, the accused pleads guilty as charged, thus ending the criminal trial processes, In return for the plea, the prosecutor may reduce charges, request a lenient sentence, or grant the defendant some other consideration.
- (8) **Trial (adjudication):** In Nigeria, the charge is read, parties are informed of their constitutional rights, the state provide legal aid with appropriate trial procedures This involves a full-scale inquiry into the facts of the case before a judges, according to law, at the cease of counsels addresses, the court gives his verdict.
- (9) **Disposition:** After a criminal trial, a defendant who is found guilty as charged is sentenced by the presiding judge. Otherwise he or she is discharged and acquitted After disposition, the defendant may exercise his right to appeal against the conviction or sentence.
- (10) An appellate court reviews trial procedures in order to determine whether an error was made or whether these has been a fair trial. If the appellant court uphold the appeal, or dismiss it, or order a new trial before another court. There are opportunities to appeal further to yet a higher tribunal until the supreme court which is the apex and final court of appeal and whose decision s final in Nigeria
- (11) **Correctional Treatment:** Offenders who are found guilty and are formally sentenced to a term of imprisonment. In the alternation he or she may be given non-custodian sentence of fine or discharge. They may be incarcerated in the open or closed penal institution.
- (12) **Release:** At the end of the correctional sentence, the offender is released into the community.

### 3.3 CONCEPTS OF JUSTICE

Many justice system operations are controlled by the rule of law, but they are also influenced by the various philosophies or viewpoints held by its practitioners and policy makers. These, in turn, have been influenced by criminal logical theory and research. Knowledge about crime, its causes, and its control has significantly effected perceptions of how criminal justice should be managed.

Not surprisingly, many competing views of justice exist simultaneously in every society. Those in favour of one position or another to win public opinion to their side, hoping to influence legislative, judicial, or administrative decision making. Over the years, different philosophical viewpoints tend to predominate only to fall into disfavour as programmes based on their principles fail to prove effective. The remainder of this unit briefly discusses the most important concepts of criminal justice.

#### 3.3.1 Crime Control Model

Those espousing the crime control model believe that the overriding purpose of the justice system is to protect the public, deter criminal behaviour, and incapacitate known criminals. Those who embrace its principles view the justice system as a barrier between destructive criminal elements and conventional society. Speedy, efficient justice – unencumbered by legal red tape and followed by punishment designed to fit the crime is the goal of the advocates of the crime control model. Its disciples promote such policies as increasing the size of police forces, maximising the use of discretion, building more prisons, using the death penalty, and reducing legal controls on the justice system.

The crime control philosophy emphasises the essence of protecting society and compensating victims. The criminal is deemed to be responsible for his or her action, for broken faith with society, and for choice to violate the law.

Therefore, money spent should be directed not at making criminals more comfortable but at increasing the efficiency of police in apprehending them, the courts in effectively trying them, and the corrections system in punishing them. According to David Garland (1990) in his book “Punishment and modern society” that punishment is critical because it symbolizes the legitimate social order and the power which societies have to regulate behaviour and punish those who break social rules”.

### 3.3.2 Justice Model

According to the justice model, in the word of David Fogel (1975), it is futile to rehabilitate criminals not because treatment programmes are ineffective but also because it deny people equal protection under the law. It is unfair if two people commit the same crime they receive different sentences because only one is receptive to treatment. The consequence provokes a sense of injustice in the criminal justice system.

Beyond these problems, advocates of the justice model are questioning question the crime control perspective’s reliance on deterrence. Is it fair to punish or incarcerate an offender based on predictions of what he or she will do in the future or on whether others will be deterred by his or her punishment? Justice model advocates are also concerned with unfairness in the system, such as ethnicity and discrimination that causes sentencing disparity and unequal treatment before the law.

As an alternative, the justice model calls for fairness in criminal procedure. This would require determinate sentencing, in which all offenders in a particular crime category would receive the same sentence. Prisons would be viewed as places of just, evenhanded punishment. Parole would be abolished to avoid the discretionary unfairness associated with that mechanism of early release.

The justice model has had an important influence on criminal justice policy. Some states have adopted determinate sentencing statutes and have limited the use of parole. There is a trend toward giving prison sentences because people deserve punishment rather than because the sentences will deter or rehabilitate them. Such measures as sentencing guidelines, which are aimed at reducing sentencing disparity, are a direct offshoot of the justice model

### 3.3.3 Due Process Model

In the limits of the criminal sanction, Herbert Packer (1995) in his book “The limits of the criminal sanction” contrasted the crime control model with an opposing view that he referred to as the due process model. According to Packer, the due process model combines elements of liberal/positivist criminology with the legal concept of procedural fairness for the accused. Those who adhere to due process principles believe in individualised justice, treatment, and rehabilitation of offenders. If discretion exists in the criminal justice system, it should be used to evaluate the treatment needs of the offender. Most important, the civil rights of the accused should be protected at all costs. This emphasis calls for strict scrutiny of police search and interrogation procedures, review of sentencing policies, and development of prisoners’ rights.

Advocates of the due process model have demanded that competent defence counsel, jury trials, (where applicable) and other procedural safeguards be offered to every criminal defendant. They have also called for making public the operations of the justice system and placing controls over its discretionary power.

Due process advocates see themselves as protectors of civil rights. They view overzealous police as violators of basic constitutional rights. Similar, they are skeptical about the intentions of meddling social workers, whose treatments often entail greater confinement and penalties than does punishment. Their

concern is magnified by data showing that the poor and minority group members are often maltreated in the criminal justice system.

### 3.3.4 **Rehabilitation Model**

The rehabilitation model embraces the notion that given the proper care and treatment, criminals can be changed into productive, law abiding citizens. Influenced by positivist criminology, the rehabilitation principle suggests that people commit crimes through no fault of their own. Instead, criminals themselves are the victims of social injustice, poverty and racism; their acts are a response to a society that has betrayed them. And because of their disturbed and impoverished upbringing, they may be suffering psychological problems and personality disturbances that further enhance their crime committing capabilities. Although the general public wants protection from crime, the argument goes, it also favours programs designed to help the unfortunate people who commit crimes due to emotional or social problems.

Dealing effectively with crime requires attacking its root causes. Funds must be devoted to equalising access to conventional means of success. This requires supporting such programmes as public assistance, educational opportunity, and job training. If individuals run foul of the law, efforts should be made to treat them, not punish them, by emphasizing counseling and psychological care in community-based treatment programmes. Whenever possible, offenders should be placed on probation in halfway houses or in other rehabilitation oriented programmes (Richard McCorkle 1993, *Punish and Rehabilitate?* pg. 240-252)

This view of the justice system portrays a method for dispensing “treatment” to needy “patients”. Also known as the medical model, it portrays offenders as people who, because they have failed to exercise self – control, need the help of the state. The medical model rejects the crime control philosophy on

the grounds that it ignores the needs of offenders, who are people whom society has failed to help.

### **3.3.5 Non Intervention Model**

Edwin Lemert (1967) is the foremost proponent of the non-intervention model. The rehabilitation, ideal and the due process movement have been viewed suspiciously by experts who are concerned by the stigmatisation and labeling of offenders. Regardless of the purpose, the more the government intervenes in the lives of people, the greater the harm done to their future behaviour patterns. Once arrested and labeled, the offender is placed at a disadvantage at home, at school, and in the job market. Rather than deter crime, the stigma of a criminal label erodes social capital and jeopardizes future success and achievement.

The nonintervention model calls for limiting government intrusion into people's lives, especially minors who run foul of the law. Non-interventionists advocate de-institutionalisation of non serious offenders, diversion from formal court processes into informal treatment programmes, and de-criminalisation of non serious offences, such as possessing small amounts of marijuana. Under this concept, the justice system should interact as little as possible with offenders. Police, courts and correctional agencies would concentrate their efforts on diverting law violators out of the formal justice system, thereby helping them avoid the stigma of formal labels such as delinquent "or ex-con". Programmes instituted under this model include mediation (instead of trial), diversion (instead of formal processing), and community, based corrections (instead of secure correction).

### **3.3.6 Restorative Justice Model**

According to Herbert Bianchi (1994) in his work, "Justice as sanctuary" that those who believe in the restorative justice model maintain that the true purpose of the criminal justice system is to promote a peaceful, just society,

they advocate peacemaking, not punishment. They argue that the violent and punitive acts of the state are not dissimilar from the violent acts of individuals. Whereas crime control advocates associate lower crime rates with increased punishment, restorative justice advocates have countered with the argument that punitive methods of correction (such as jail and prison) are no more effective than humanitarian efforts (such as probation with treatment). Therefore, mutual aid rather than coercive punishment is the key to a harmonious society. Without the capacity to restore damaged social relations, society's response to crime has been almost exclusively punitive.

Although restorative justice has become an important perspective in recent years, with many diverse programmes calling themselves restorative, there is no single definition of what constitutes restorative justice. According to David Altschuler (2001), in his work "Community Justice Initiatives" that restorative justice programmes must also be wary of the cultural and social differences that can be found throughout our heterogeneous society. Indeed, what may be considered restorative in one subculture may be considered insulting and damaging in another.

## **SELF ASSESSMENT EXERCISE II**

Elaborate on crime control model

### **3.4 NIGERIA'S CRIMINAL JUSTICE SYSTEM**

According to Punch Editorial Board of 14 September, 2010, that the Nigerian Bar Association recently bemoaned the crisis in the nation's criminal justice system. According to a report by the NBA Human Rights Institute, every aspect of the criminal justice system – from law enforcement through the judiciary to the prisons is characterized by inefficiency, corruption, lack of resources and disregard for the due process.

Obviously, each of the tripod institutions, police, court and the prison, that make up the justice system is in dire need of reform. An ugly hallmark of the system, over the years, is the alarming number of awaiting trial inmates. The Comptroller-General of the Nigeria prisons service, Mr. Olusola Ogundipe, recently disclosed that, as at July 2010, the population of prisoners stand at 47,628 out of which 13,300 or 23 percent were convicted persons and 77 percent were awaiting trial inmates. Stressing the need to keep prisoners in a more humane environment, he announced the Nigerian prisons services plan to provide extra accommodation in the congested urban prisons.

Legal experts have blamed the trend on the use of “holding charge” to detain people accused of grievous offence such as murder. Using the instrument, the police usually keep the suspect in detention, while evidence of guilt is sought by rushing to the magistrate’s court, an inappropriate institution, to obtain a remand order. Interestingly, this is based on section 236(3) of the criminal procedure law of Lagos introduced by Edict No. 14, 1984 of Lagos, a law with a military origin and that is patently at odds with the 1999 constitution, which provides for the right to personal liberty and fair hearing.

The nation’s criminal justice system has been described by amnesty international as the “Conveyor belt of Injustice from beginning to the end.” Amnesty international said that Nigeria prisons are filled with people whose human rights are being systematically violated and revealed how at least 65 percent of Nigeria’s inmates have never been convicted of any crime, with some awaiting trial for up to ten years. It also bemoaned the appalling prison conditions, including over crowding, which damage the physical and mental health of inmates. Sadly, it was found that most prisoners in Nigeria are too poor to afford a lawyer with only 91 legal aid workers available in a country of 150 million people.

The glaring ineffectiveness of our criminal justices system have placed Nigeria in the bad books of global human rights organizations. Beside the police corruption and indiscriminate arrest of persons, the judiciary has been noted to be short of the needed manpower, court rooms and equipment to deliver justice speedily, leading to prolonged adjournments. Delayed justice leads to justice being denied. Indeed, the poor justice system is a huge drawback on the economy and a disincentive to foreign investments. The question remain, why is the nation's leadership unable to carry out the necessary turnaround?

Government should adopt a holistic way of reforming the system. The nation should also take a cue from the United States where the prison system, included in concurrent legislative list, is jointly managed and funded by the federal and state governments to combat prison overcrowding, underfunding and under-staffing. Nigeria's centralized military-like police force should be decentralised to bring policing closer to the community.

Governments at all levels should established officers of public defender and fund them properly to assist the poor to get justice. Besides, there is a need to allocate funds for the expansion and building of more prisons, computerize judicial functions and end the tradition of judges writing in long hand to facilitate quick dispensation of justice. Government should purged the criminal justice system of corrupt practitioners.

### **SELF ASSESSMENT EXERCISE III**

Give an appraisal of Nigeria's Criminal Justice System.

### **3.5 THE NIGERIAN CRIMINAL JUSTICE SYSTEM AND THE RIGHT OF SUSPECTS**

Awaiting Trial Persons (ATPs) are a special category of prisoners. They have not been convicted. Nevertheless, they suffer the inconvenience that goes

with conviction. It is in the light of the foregoing that we consider the significant impact unlawful detention, awaiting trial has on the fundamental rights of persons, who, under the law, are mere suspects.

### 3.5.1 Rights to Liberty

Personal liberty has been defined as the freedom of every law abiding citizen to think what he will, to say what he will on his lawful occasion without let or hindrance from any other person.

The right to personal liberty is prescribed under section 35(1) of the 1999 constitution as follows:

- (i) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law.
- (ii) In execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty.
- (iii) By reason of his failure to comply with the order of a court or in order to secure the fulfillment of any obligation imposed upon him by law.
- (iv) For the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or such extent as may be reasonably necessary to prevent his committing a criminal offence.
- (v) In the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants for the purpose of their case or treatment or the protection of the community.
- (vi) For the purpose of preventing the unlawful entry of any person into Nigeria or effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto.

Provided that a person who is charged with an offence and who has been detained in lawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offence.

Subsumed in the personal liberty provisions are, other rights of a custodial detainee. These include the right not to be in custody awaiting trial, for a period longer than the maximum period of imprisonment prescribed for the offence; right to silence; right to be informed within twenty four hours facts and grounds of arrest and detention; right to be arraigned within a reasonable time; and right to compensation and public apology in case of unlawful detention.

### **3.5.2 Right to Fair Trial within Reasonable Time**

Section 36(4) of the 1999 constitution provides:

Whenever any person is charged with a criminal offence, he shall, unless the charge is withdrawn, be entitled to a fair hearing in public within a reasonable time by a court or tribunal. The right to fair trial within reasonable time embodies two important components namely the right to fair hearing and the right to speedy trial. It is imperative to note that the two components differ fundamentally. While trial is all encompassing, that is, from arraignment to the conclusion of the trial culminating in the announcing of the decision of the court or tribunal; fair hearing entails merely from arraignment to the putting of the case for the defence.

Right to presumption of innocence section 36(5) of the 1999 constitution provides:

Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty.

Section 36(5) of the 1999 constitution invests in every person who is charged with the commission of a crime, a presumption of innocence. In other words, the accused person is not obliged to prove his innocence. On the contrary, the law and the constitution presume that he is innocent until his guilt is proved. Proof of his guilt must also be established according to law. The standard of proof is beyond reasonable doubt.

Right to be charged promptly section 36(6) of the 1999 constitution provides:

Every person who is charged with a criminal offence shall be entitled to:

- (a) be informed promptly in the language that he understands and in detail of the nature of the offence.
- (b) be given adequate time and facilities for the preparation of his defence.
- (c) defend himself in person or by legal practitioner of his choice;
- (d) examine, in person or his legal practitioners, the witnesses called by the prosecution before any court or tribunal and obtain the attendance and carry out the examination of a witnesses to testify on his behalf before the court or tribunal on the same conditions as those applying to the witnesses called by the prosecution; and
- (e) have, without payment, the assistance of an interpreter if he cannot understand the language used at the trial of the offence.

### **3.5.3 Right to Dignity of Human Person**

Section 34(1) of the 1999 constitution provides:

Every individual is entitled to respect for the dignity of his person and accordingly.

- (a) no person shall be subjected to torture or to inhuman or degrading treatment;
- (b) no person shall be held in slavery or servitude;
- (c) no person shall be required to perform forced or compulsory labour.

The constitution by section 34(1) provides against torture, inhuman and degrading treatment. There is no where in the Police Act or the criminal procedure law where members of the law enforcement agencies approve torture, inhuman or degrading treatment for use.

#### **SELF ASSESSMENT EXERCISE IV**

State the various right of suspects in Nigerian Criminal Justice System.

#### **4.0 CONCLUSION**

As an institution of social control; the criminal justice system differs from the others in two important ways. First, the role of criminal justice is restricted officially to persuading people to abide by a limited range of social values, those whose violation constitute crime. Thus, although courteous behaviour is desired of all citizens, rude behaviour is of no official concern to criminal justice, unless it violates the criminal law. Dealing with noncriminal rude behaviour is primarily the responsibility of the family. Second, criminal justice is generally society's "last line of defence" against people who refuse to abide by dominant social values and commit crimes. Usually, society turns to criminal justice only after other institutions of social control have failed.

#### **5.0 SUMMARY**

The criminal justice system refers to the formal processes and institutions that have been established to apprehend, try, punish, and treat law violators. The major components for the criminal justice system are the police, courts and correctional agencies. Police maintain public order, deter crime, and apprehend law violators. The courts determine the criminal liability of accused offenders brought before them and dispense sanctions to those found guilty of crime. Corrections agencies provide post-adjudicatory care to offenders who are sentenced by the courts to confinement.

#### **6.0 TUTOR-MARKED ASSIGNMENT**

1. Discuss extensively on the process of justice.
2. Differentiate between Justice Model and Rehabilitation model.
3. What reforms would you recommend in the Nigerian justice system?

#### 7.0 REFERENCES/FURTHER READINGS

1999 Constitution of the Federal Republic of Nigeria and Fundamental Rights (Enforcement Procedure) Rules 2008.

Adler, F., Mueller, G., Laufer, W., (1995) *Criminology*: 2nd edition. California: McGraw Hill. Inc.

Asein, J. O (2005) *Introduction to Nigerian legal system*, 2<sup>nd</sup> edition, Pub. Ababa Press Ltd, Lagos.

Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.

Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.

Dambazau, A. B. (2007) *Criminology and criminal justice*: 2nd edition Ibadan, Nigeria. Spectrum Books Ltd.

Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.

Okonkwo and Naish (1990) *Criminal law in Nigeria*. 2<sup>nd</sup> edition. Pub. Spectrum Book Limited, Ibadan.

Olisa Agbakoba and Obioma Obeagu (2002) *Transcending the wall: A manual for prisoners' reform* pub. Hurilaws, Lagos.

Olisa Agbakoba and Stanley Ibe (2004). *Travesty of Justice: An advocacy manual against the holding charge*. Pub. Hurilaws. Lagos.

Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.

Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth

Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.

Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley.

## **UNIT 2 : POLICE AND LAW ENFORCEMENT**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main content
  - 3.1 History of police
  - 3.2 Objective and Important of Policing
  - 3.3 Sociological Perspective of the functions of the police
  - 3.4 Statutory functions and power of the police in Nigeria
  - 3.5 Various challenges facing the Nigerian Police in perspective
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  - 3.7 Community-oriented policing (COP)
  - 3.8 The concept of Community Policing Project in Nigeria
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### **1.0 INTRODUCTION**

The police are the gatekeepers of the criminal justice process. They initiate contact with law violators and decide whether to formally arrest them and start their journey through the criminal justice system, settle the issue informally (such as by issuing a warning), or simply take no action at all. The strategic position of law enforcement officers, their visibility and contact with the public, and their use of weapons and power of arrest keep them in the

forefront of public thought. This unit will examine importance issues on police, policing and law enforcement.

## 2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Explain with the early history, meaning of police, policing .
- Discuss the changing role of police, and the principles guiding police work.
- Describe the statutory functions of police.
- Explain the objectives and importance of policing.
- Explain the rationale for community policing in Nigeria.
- Describe the various challenges facing the Nigerian police.

## 3.0 MAIN CONTENT

### 3.1 HISTORY OF POLICE

The police in Nigeria is a colonial heritage and its history cannot be properly understood without first discussing the origin of the British Police.

The origin of police agencies can be traced back to early English society. Before the Norman conquest, there was no regular English police force. Every man living in the villages scattered throughout the countryside was responsible for aiding his neighbours and protecting the settlement from thieves and marauders. This was known as the pledge system. People were grouped into a collective of ten families called a tithing and entrusted with policing their own minor problems. Ten tithings were grouped into a hundred, whose affairs were supervised by a constable appointed by the local noble man. The constable who might be considered the first real police officer dealt with more serious braches of the law (Daniel Devlin, 1996: Police Procedure Administration and Organisation pg. 3).

Later the hundred were grouped into shires resembling the counties of today. The shire reeve was appointed by the crown to supervise a certain territory and assure the local nobleman that order would be kept. The shire reeve, forerunner of today's sheriff, soon began to pursue and apprehend law violators as part of his duties.

In the thirteenth century, during the reign of King Edward I, the watch system was created to help protect property in England's larger cities and towns. Watchman patrolled at night and helped protect against robberies, fires and disturbances. In 1326 the office of justice of the peace was created to assist the shire reeve in controlling the county. Eventually, the justices took on judicial functions in addition to their primary duty as peacekeeper. A system developed in which the local constable became the operational assistant to the justice of the peace, supervising the night watchmen, investigating offences, serving summonses, executing warrants, and securing prisoners. This working format helped delineate the relationship between police and the judiciary that endured intact for 500 years.

In 1826 Sir Robert Peel, England home secretary, guided through parliament an "Act for Improving the police in and near the metropolis." The act established the first organised police force in London and the police department was called the London Metropolitan Police.

The police system in Nigeria was first introduced over a hundred and twenty years ago. The present system came into being in 1930. Considerable changes have taken place in its structure, composition, organization, equipment and operation. Following the annexation of Lagos in 1861, a Consular Guard was established in the Bight of Biafra which carried out their consular assignments. In 1863, the Consular Guard became known as the "Hausa Guard." In 1879, it was regularized by an ordinance creating a constabulary for the colony of Lagos. This force known as "Hausa

Constabulary” was commanded by an Inspector-General of Police. The force had a military a character. In 1896, the Lagos police force was created armed like the “Hausa Constabulary.” It was headed by a Commissioner of Police. In 1896, a Criminal Investigation Department was established (Iwarimie-Jaja, 2003). As these developments were going on in Lagos, the areas now known as Delta, Rivers and Cross River States were declared the Oil Rivers Protectorate in 1891. Later in 1893, the area was proclaimed the Niger Coast Protectorate and in 1894 the Niger Coast Constabulary was formed. It was armed like the “Hausa Constabulary” and it featured prominently in the British expeditions up to 1896.

Following various political and social contradictions in the country in 1900 the British Government proclaimed the protectorate of northern and southern Nigeria. Following the transfer of administration from the Royal Niger Company, the Royal Niger Constabulary was split into Northern Nigeria Police Force and the Northern Nigeria Regiment. This had a remarkable impact on citizens of Nigeria who were then under colonial rule by the British (Iwarimie-Jaja, 2003).

### **SELF ASSESSMENT EXERCISE I**

The police in Nigeria is a colonial heritage and its history is link to the origin of British police, Discuss.

### **3.2 OBJECTIVES AND IMPORTANCE OF POLICING**

According to Odekunle (1979) “the central objective of policing are:

- (a) To provide security, or at least a social and psychological feeling of security, for a majority of citizens in a majority of places, and for most of the time.
- (b) To prevent, control and combat criminality whatever and by whoever.
- (c) To maintain public order and peace.

- (d) To render assistance and service to all citizens needing or requiring security and
- (e) To favourably symbolize the law and the government by always upholding the rule of law.

Odekunle (1979) has suggested certain yardsticks for measuring successful policing.

- (a) Effectiveness (e.g.) fewer or reduced criminal victimization, higher proportion of crimes known to the police cleared by arrest, increased recovery of stolen property, higher rates of arrests which result in conviction, lower traffic accident rates, faster response time to reports/complaints).
- (b) Responsiveness (e.g. higher citizen perception of safety from crime, higher citizen ratings of police performance in general, higher citizen ratings of specific police activities, higher citizens ratings of specific aspects of police conduct such as honesty, integrity, courtesy and fairness).
- (c) Equity (i.e. with reference to egalitarian distribution of “protection” to all sections of the population).
- (d) Efficiency (i.e. with reference to cost and benefit analysis of population” output relative to monetary, human and material input)

## **SELF ASSESSMENT EXERCISE II**

State the objectives and importance of policing.

### **3.3 SOCIOLOGICAL PERSPECTIVES OF THE FUNCTIONS OF THE POLICE**

Historically, the police have performed two basic functions; law enforcement and maintenance of order and by extension the delivery of social services. Bowden (1978) observed that the police are established and maintained not only to monitor but also to discourage and destroy challenges to the existing

order of things. He argued that the primary task of the police is order enforcement. Consequently, whenever the government is facing a crisis (social disorder) the police is deployed or called upon to serve as a buffer between the elites and the masses and perform the essential holding operations against the malcontents until military force could be applied in a punitive manner.

Neiderhoffer and Bumbery (1976) reinforce the idea of police force as a containment agency, observing that the police serve as 'controlling radar' to keep a society within structural confines. To effectively perform this function the police are empowered to exercise state power, if necessary through coercion and violence.

Historically, therefore the main function of the police has been to protect the property and well being of those who benefit most from an economy based on the extraction of private profit. The police were created primarily in response to riot and disorder directed against oppressive working and living conditions. Law enforcement involves measures taken by the police to prevent breaches of criminal law, to apprehend crime suspects and to restrain them in custody (if need be) to bring offenders to court for trial or prosecution and to assist the court and prisons in executing conviction or sentencing dispositions.

But order maintenance entails public order policing or the preservation of the status quo and public peace; deployment of police personnel and resources towards the suppression of oppositions and threats to the government and to the prevailing modes of political economic and social organization. This is so vital to the political and economic power-holders in society that the goals of order maintenance is simultaneously pursued through coercive (via police, military, prisons, tribunals courts etc) as well as by means of persuasion, ideology and indoctrination and socialization within the family and other

social institutions such as religious and professional bodies, social and cultural associations political parties etc.

According to Alemika (1992) “all over the world, the police are servants of government, assembled, trained, deployed and rewarded for enforcing the law and maintaining order in society. He further opined that the police are guardians of social order. As an institution, the police force, helps to preserve, fortify and maintained the prevailing social order and are hardly catalyst for its change”. Thus, when a social order is oppressive, exploitative and unjust the police preserve it by suppressing and defusing demand for democracy and elimination of oppression and injustices. Similarly, in a democratic, just and equitable society, police serve as vanguard for social democracy, human rights and socio economic justice. The message, therefore is that the role and performance of police are dependent on the political and economic structures of society.

#### **3.4 STATUTORY FUNCTIONS AND POWERS OF THE POLICE IN NIGERIA**

Section 214 of the constitution of Nigeria (1999) provided that.

There shall be a Police Force in Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other Police Force shall be established for the federation or any part thereof and shall have such powers and duties as may be conferred upon them by law.

Section 4 of the Police Act explicitly spelt out the functions of the Nigerian Police Force as:

- (a) Prevention and detection of crime.
- (b) Apprehension of offenders.
- (c) Preservation of law and order.
- (d) Protection of life and property.

- (e) Enforcement of all laws and regulation with which they are charged.
- (f) Military duties within or without Nigeria as may be required of them.

In order to discharge their numerous functions, police in Nigeria are accorded wide powers by law. For example, Nigeria Police have powers:

1. To take measures to prevent crime.
2. To investigate crime
3. To prosecute suspects
4. To search properties and persons in order to prevent crimes, detect or investigate crime, apprehend offenders, and collect evidence for prosecution.
5. To grant bail to suspect pending investigation or arraignment in court.
6. To serve summons
7. To regulate processions and assemblies.

### **SELF ASSESSMENT EXERCISE III**

Discuss the statutory functions and powers of the police in Nigeria.

#### **3.4.1 Issues on Power and Duties of Police in Nigeria**

The 1999 constitution provides that the members of the Nigerian Police Force shall have such powers that may be conferred upon them. The Police Act provides for such powers and duties. The police has the power to arrest any offender and the power to detain and search the offender they also have the power to take the finger print of the offender, search his property and to conduct prosecutions in courts of Law. The powers bestowed upon them are very expansive, but they must be exercised under the Law.

The Police Act States that the Police are employed for the preservation and detection of crime, the apprehension of offenders, the preservation of Law and order, the protection of life and property and the due enforcement of all Laws, regulations with which they are directly charged and shall perform such

military duties within and outside Nigeria as may be required of them, by or under the authority of this or any other Act.

From the foregoing, if a police officer refuses to arrest an offending person, this indicates that he is not performing his duty of maintaining Law and order. Such officer has also failed in his duty to prevent and detect crime. The officers can combine their powers and duties which involves work and instrument used. Both power and duty are complimentary and this made it difficult to know which one-power or duty-takes precedence over the other in the mind of the police officer. But it is worthy to note that the exercise of his powers within the law entails a response to the call of duty. It is very difficult to differentiate police powers from police duties, this is because there are an integral part of a police officer.

### **3.5 VARIOUS CHALLENGES FACING THE NIGERIAN POLICE IN PERSPECTIVE**

The problems of the Nigeria police are quantitative and qualitative inadequacies of Personnel, materials and other resources. According to Alemika (1991) “with gross lack of organizational autonomy in (a) the appointments, promotion and discipline of commanders and senior officers and (b) funding and operations, the Nigeria police is reduced to a mere appendage of government.

As Ohakwe (1989)has said a “police force that serves as a handmaid of an oppressive irresponsible, irresponsive and corrupt government cannot but be the target of public ridicule and hostility. Consequently in a country where the police and the public organize themselves into hostile camps, Police inevitably face the challenges of restoring the sense of trust to the relationships that exist between the police and the public. Ohakwe counseled that It is important for the police to cultivate a sense of discipline and

solicitousness towards the perception of the police authority as being a service group rather than a repressive arm of the government.

Alemika (1988) “Police inefficiency in Nigeria has been attributed to “prevailing undemocratic political system, widespread cases of corruption among top government officials and those who control the economic sectors, inadequate funding of the police, poor management of available resources by police leadership, poor conditions of service, inadequate resources for police – work and pervasive effects of the nations socio economic order. Furthermore, at the micro level, Alemika identified the size, quality and indiscipline of police personnel as well as poor police – public relations and image as other obstacles to enviable police performance. The inability of the police to respond with reasonable level of efficiency, investigate crimes, apprehend and prosecute offenders, contribute to the congestion of prisons. The result is that unduly large populations of inmates are remanded in custody pending trials and that is a reflection of poor police performance of their law enforcement duties.

The Nigeria Police may not be solely blamed for the lapses. The police are not responsible for and cannot resolve by themselves, the social conditions that stimulate crimes. They do not originate and cannot stop the convulsive social change taking place... They do not enact the laws that they are to enforce, nor do they dispose of the criminals they arrest... In so far as crime is a social phenomenon, crime prevention is the responsibility of every part of society.

Kayode (1983) observed that “the acute shortage of men has reduced the police to crime – fighters to the detriment of the diversification of police functions. Furthermore, the Nigeria Police lack equipment for achieving the stated objectives. They are limited in terms of properly equipped and

maintained scientific laboratory, transport and communications, specialized and sophisticated work tool and office accommodations.

Robert Degrazia, a former Boston police chief had observed that the police cannot control or substantially reduce crime. They have capacity to move or harass criminal operations. The elimination of crime is a political problem requiring fundamental changes in social conditions and opportunities.

### 3.6 THE PROBLEMS AND OBSTACLES OF EFFECTIVE AND EFFICIENT POLICING IN NIGERIA

**Material inadequacies:** Poor financing is a great constraint to crime – prevention/control, detection, traffic control and accident prevention, information and data-gathering. With adequate funding the police can achieve their goals and objectives. (The Nigerian police is supposed to cover a population of about more than 926,000 square kilometers of land).

**Personnel:** According to Odekunle (2001) Had the quality of the human or personnel resources of the Nigeria police been optimum the material inadequacies might have been partially ameliorated ... the Nigeria police force has human problems that not only aggravate its material insufficiencies, but are also of tremendous adverse import on its general performance from one day to the next. Odekunle a renowned criminologist went as far to enumerate factors responsible for this problem, as follows:

- (1) The colonial origin and heritage of the force which continue to influence the selection, training and orientation of a majority of policemen.
- (2) Improper recruitment.
- (3) Insufficient length of training period and attention in training recruits for the “rank and file”.
- (4) Inadequate or faulty training curricula.
- (5) Restrictive/exposure of recruits to only “professional police officers”

- (6) “Police sub-culture” which tends to influenced the “working personality” of new constables.
- (7) Discourtesy permanently among the policemen on the streets, in the station etc.
- (8) Organizational re-orientation of policemen.
- (9) Aggression (potential and actual) of the mobile police (e.g. suppressing riots and demonstrations)
- (10) Poor police- public image.
- (11) Discouraging conditions of service.
- (12) Traditional obsession with “security” and a “know-all-about crime” mentality of inadequate resent.
- (13) A materialistic, socio- economic environment (i.e. a society gets what police force it deserves) and
- (14) The burdensome character of our inherited legal system

In 1901, a Fire Brigade was established and, in 190-6, the Lagos Police Force and part of the Niger Coast Constabulary became the Southern Nigeria Police Force, while the other part of the Niger Coast Constabulary formed were responsible for dealing with internal and external disturbances. In 1914, the amalgamation of Northern and Southern Nigeria caused both Police Forces to be merged into the present day Nigeria Police Force. The Police Ordinance No.2 of 1930 caused the Police Force to be known as the Nigeria Police headed by an Inspector-General. Two Assistant Inspector-Generals were in charge of the Northern and Southern Provinces. A commissioner headed each of the three regions and was responsible to each of the Commissioners. Under the Police Act, the Nigeria Police Officer is guaranteed certain powers. Such powers include the authority to prosecute offenders, the power to arrest, the power to serve summons, stop and search, the power to authorize search without warrant, the authority to issue warrant, the power to take finger prints, the power to break into premises, the power to stop or disperse illegal

assembly or procession, the power to regular and stop assemblies and processions (Iwarimie-Jaja, 2003).

### **SELF ASSESSMENT EXERCISE III**

Discuss the various challenges facing the Nigerian police.

#### **3.7 COMMUNITY-ORIENTED POLICING (COP)**

Community policing is a recent development in policing Nigeria. According to James D. Wilson and George Kelling (1982) it is a return to a nineteenth century style of community-oriented policing (COP) in which police maintained a presence in the community, walked beats, got to know citizens, and inspired feelings of public safety. Wilson and Kelling asked police administrators to get their officers out of depersonalising patrol cars. Instead of deploying police on the basis of crime rates or in areas where citizens make the most calls for help, police administrators should station their officers where they can do the most to promote public confidence and elicit citizen cooperation. Community preservation, public safety, and order maintenance not crime fighting should become the primary focus of people. Implied in the Wilson and Kelling model was a proactive police role. Instead of merely responding to calls for help (known as reactive policing), police should play an active role in the community, identify neighborhood problems and needs, and set a course of action for an effective response.

#### **3.8 THE CONCEPT OF COMMUNITY POLICING PROJECT IN NIGERIA**

On 27 April 2004 His Excellency President Obasanjo formally launched the Nigeria Police Community Policing Project. A programme is now being implemented by Nigeria police to introduce community policing throughout Nigeria. Community policing is founded on the principle that in a democratic

society, the police are entrusted by their fellow citizens to protect and serve the public's fundamental rights to liberty, equality and justice under the law.

Many police forces throughout the world claim to practice community policing but the concept can be misunderstood and misapplied. Often community policing is perceived as a single model or technical specification that can somehow be transplanted into any policing environment regardless of organizational, cultural or social context.

In fact, community policing is a philosophy and value system against which policing objectives and performance are measured. Therefore local models can and will share and retain the same set of key principles and core values.

### **3.9 RATIONALE FOR COMMUNITY POLICING IN NIGERIA**

The reasons for adopting the more proactive approach inherent in community policing are both philosophical and pragmatic.

At the philosophic level, any police organization that seeks to serve democratic and humanitarian ideals must be (and be seen to be) transparent, fair, apolitical, accountable and responsive to public perceptions and expectations. Such policing is characterized by the notion of "police service" rather than "police force", where the most significant benchmarks of performance are public satisfaction, trust and confidence.

At the pragmatic level, there exists an awareness of the inadequacy of the traditional approach to policing, which tends to be reactive and exclusively law-enforcement based, an ultimate not effective in preventing crime and anti-social behaviour within society. Further, a predominantly reactive policing style encourages a police culture, whereby the police and public develop a separatist 'them and us' mentality towards one another. The inevitable

outcome is that the police image suffers, public confidence declines, and cooperation is non-existent.

Finance provides another pragmatic and compelling reason to pursue a community policing style. Citizens and their elected representatives are entitled to demand value for their money, should be able to prove that they have spent their budget wisely and that resources have been targeted effectively towards social priorities. If the police can demonstrate that they are operationally cost-effective and achieving results, in service quality and public satisfaction, they gain a significant edge in the bidding for future finance and resources.

#### **SELF ASSESSMENT EXERCISE IV**

Explain the rationale for community policing in Nigeria.

#### **4.0 CONCLUSION**

The police play important roles without which the sustenance of order, legality, development and democracy may be difficult. Therefore, any pro-change initiative must take account of the facilitative and inhibitive roles of the police in society. The primary role of police is policing – securing compliance with existing laws and conformity with precepts of social order. But the police are not the only agency involved in policing, in the broad sense of the term. Other security agencies are equally involved in policing and law enforcement according to their statutory goals and objectives.

#### **5.0 SUMMARY**

Police officers are the gatekeepers of the criminal justice process. They use their powers of arrest to initiate the justice process. Many countries police departments are modeled after the British, especially those nations that were

colonised by British. It has been highlighted that the emergence of the police, a body of men recruited and paid by the state to enforce law and maintain order is a recent development in human history. This is a departure from the earlier practice where policing in the medieval/tradition society was the responsibility of all adults in community.

## 6.0 TUTOR-MARKED ASSIGNMENT

Discuss the various challenges facing the Nigerian police in effective and efficient policing.

## 7.0 REFERENCES/FURTHER READINGS

1999 Constitution of the Federal Republic of Nigeria and Fundamental Rights (Enforcement Procedure) Rules 2008.

Adler, F., Mueller, G., Laufer, W., (1995) *Criminology*: 2nd edition. California: McGraw Hill. Inc.

Asein, J. O (2005) *Introduction to Nigerian legal system*, 2<sup>nd</sup> edition, Pub. Ababa Press Ltd, Lagos.

Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.

Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.

Dambazau, A. B. (2007) *Criminology and criminal justice*: 2nd edition Ibadan, Nigeria. Spectrum Books Ltd.

Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.

Okonkwo and Naish (1990) *Criminal law in Nigeria*. 2<sup>nd</sup> edition. Pub. Spectrum Book Limited, Ibadan.

Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.

Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth

Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.

Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley.

## **UNIT 3 :THE JUDICIARY AND ADMINISTRATION OF JUSTICE**

### **CONTENTS**

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- 2.0 Objectives
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### **1.0 INTRODUCTION**

The focus of this unit are the institutions and processes involved in adjudication and trial. You shall learn about the court structure and then the actors in the process – prosecution, defence, judges, and other court officials. The trial stage of the justice process will also receive attention. The criminal trial will be discussed in some details.

### **2.0 OBJECTIVES**

At the end of this unit, you should be able to:

- Explain the duties of a judge, defence counsel, and the prosecutor.
- Describe legal rights during trial
- Explain the sentencing process and the various forms of sentencing
- Explain the various court structure in Nigeria.

### **3.0 MAIN CONTENT**

The courts is a complex social agency with many independent but interrelated subsystems – parties to the action, (prosecutor, defence, and their attorney), judge, and court officials and the attorney general and minister (or commissioner) of justice as the case may be both criminal and civic) – each having a role in the court's operation. It is also the scene of many important elements of judicial decision making.

Ideally, the judicial process operates with absolute fairness and independence. The entire process – from filling the initial complaint to final verdict – is governed by precise rules of law.

However, criminal justice can be selective. Judicial and administrative discretions exist and exercised through every step of the process. Discretion may be exercised in a way that two people committing similar cases receive dissimilar treatment. For example, in the U.S., most people convicted of homicide receive a prison sentence, but about 5 percent receive probation and 2 percent earn death sentence.

### **3.2 COURT STRUCTURE IN NIGERIA**

#### **Supreme Court**

Established under section 230 of the 1999 constitution, the Supreme Court is the highest court in Nigeria. It is essentially a court of appeal but it exercises some measure of original jurisdiction in civil matters. Section 232 (1) of the Nigeria constitution states that the court shall, to the exclusion of any other court, have original jurisdiction in any dispute between the federation and a state or between states if and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depend.

The Supreme Court of Nigeria consists of the Chief Justice of Nigeria and such number of Justices of the Supreme Court, not exceeding twenty-one (21), as may be prescribed by an Act of the National Assembly. The Chief

Justice of Nigeria is appointed by the president on the recommendation of the National Judicial Council and subject to the approval of the Senate. On the other hand, Justices of the Supreme Court are appointed by the president on the recommendation of the Nigerian Judicial Council and subject to approval by the senate.

The Supreme Court in its appellate Jurisdiction has exclusive Jurisdiction to hear and determine appeals from the court of appeal.

An appeal may either lie to the Supreme Court as of right from decisions of the court of appeal to the Supreme Court in the following cases:

- (a) Decisions in any civil or criminal proceeding, where the ground of appeal involves questions of law alone;
- (b) Decisions in any civil or criminal proceedings on questions as to the interpretation or application of the constitution.
- (c) Decisions in any civil or criminal proceedings on questions as to whether any of the provisions of chapter iv dealing with fundamental rights has been, is being, or is likely to be contravened in relation to any person;
- (d) Decisions in any criminal proceedings in which any person has been sentenced to death by the court of appeal or in which the court of appeal has affirmed a sentence of death imposed by the court.
- (e) Decisions on any question;
  - (i) Whether any person has been validly elected to the office of president or vice president under the constitution;
  - (ii) Whether the term of office of president or vice president has ceased;
  - (iii) Whether the office of President or Vice President has become vacant and
- (f) Such other cases as may be prescribed by an Act of the National Assembly.

### **Court of Appeal**

Section 237 of the 1999 Nigerian constitution establishes a Court of Appeal comprising a president of the Court of Appeal and such number of Justices of the Court of Appeal not less than forty-nine as may be prescribed by an Act of the National Assembly. At least three of the Justices must be learned in Islamic Law and at the least three learned in customary law. This diversification in the areas of specialization is intended to cater for the peculiar needs of Nigeria as a heterogeneous society with different cultural values and a dual legal system made up of the English Law and customary Law (including Islamic Way). This arrangement is even more pertinent in view of the fact that the Court of Appeal entertains appeal from both customary Courts of Appeal and Sharia Courts of Appeal.

The president and other justices of the Court of Appeal are appointed by the president, on the recommendation of the National Judicial Council in the case of the president of the Court, the appointments subject to confirmation by the Senate while no such confirmation if required in the case of other justices.

The Court of Appeal is essentially a Court of appellate jurisdiction with limited original jurisdiction in election petition cases.

The Court of Appeal has exclusive original jurisdiction to hear and determine any question as to whether;

- (a) any person has been validly elected to the office of president or Vice – President under the constitution; or
- (b) The office of president of Vice president has become vacant.

In its appellate Jurisdiction the Court has exclusive Jurisdiction to hear and determine appeals from the:

- (1) Federal High Court

- (2) The High Court of the Federal Capital Territory, Abuja
- (3) The High Court of a State
- (4) The Sharia Court of Appeal of the Federal Capital Territory, Abuja.
- (5) The Sharia Court of Appeal of a State
- (6) The customary Court of Appeal of the Federal Capital Territory, Abuja
- (7) The customary Court of Appeal of a State; and
- (8) A Court martial or other tribunals as may be prescribed by an Act of the National Assembly.

### **Federal High Court**

The Federal High Court is established under section 249 of the Nigeria constitution and it consists of the Chief Judge of the Federal High Court and such number of Judges of the Federal High Court as may be prescribed by any Act of the National Assembly.

There is only one Federal High Court, divided into Judicial Divisions as may be determined by the Chief Judge of the Federal High Court.

Appointments to the offices of Chief Judge and Judges of the Federal High Court are made by the president on the recommendation of the National Judicial Council. In the case of the Chief Judge, the appointment is subject to the confirmation of the Senate while no such confirmation is required in the case of appointments to the office of a Judge of the Court.

### **High Court of a State**

Section 270 of the Nigeria constitution establishes a High Court for each State of the Federation. A State High Court consists of a Chief Judge and such number of Judges of the High Court as may be prescribed by a law of the House of Assembly of the State.

The appointment of persons to the office of Chief Judges of a State High Court is made by the Governor of the State concerned on the recommendation of the National Judicial Council subject to confirmation of the appointment by the House of Assembly of the state. On the other hand, appointments to the office of a Judge of a High Court of a State is made by the Governor of the State acting on the recommendation of the National Judicial Council without need for confirmation of such appointment by the State House of Assembly.

Subject to the provisions of the constitution, particularly section 251, The High Court of a State has Jurisdiction to hear and determine any civil proceedings in which the existence or extent of a legal right power, duty, liability, privilege, interest, obligation or claim is an issue. The Court also has Jurisdiction to hear and determine any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person. This Jurisdiction includes original, appellate and supervisory function.

### **Sharia Court of Appeal of a State**

Section 275 of the Nigerian constitution provides for the establishment of a Sharia Court of Appeal for any State that requires it. The Court consists of a Grand Kadi, of the Sharia Court of Appeal of that State and such number of Kadi's as may be prescribed by the state House of Assembly. A state will have to desire a Sharia Court of Appeal based on the population of persons likely to benefit there from. At the moment, the states with a high population of Moslems mostly in the North, have found such Courts desirable.

The appointment of persons to the office of Grand Kadi, of the Sharia Court of Appeal of a State is made by the Governor of the State on the recommendation of the National Judicial Council, subject to confirmation of such appointment by the House of Assembly of the State. Appointments to the office of a Kadi, of the Shaira Court of Appeal of a State is also by the

Governor of the state on the recommendation of the National Judicial Council but without the additional requirement of confirmation by the State House of Assembly.

### **Customary Court of Appeal of a State**

The establishment of a customary Court of Appeal for any state that so requires it, is provided for under 280 of the constitution. The Court consists of a president of the Customary Court of Appeal of the state and such number of Judges of the Customary Court of Appeal as may be prescribed by the House of Assembly of the state. Appointment of persons to the office of president of the Customary Court of Appeal of a State is made by the Governor of the State on the recommendation of the National Judicial Council, subject to confirmation of such appointment by the House of assembly of the State. Other Judges of the Court are also made by the Governor of the State on the recommendation of the National Judicial Council but without the additional requirement of confirmation of such appointment by the House of Assembly.

### **Magistrates Aid District Courts**

Each State of the Federation has its own magistrates Court system. The Courts are established under the respective magistrates' Courts Law in the Southern States and the District Courts Law in the Northern States. The Chief Judge of each state is responsible for the demarcation of the state into magisterial districts based on the needs of the different parts of the state. A district, or magisterial district, as the case may be, has one or more magistrates' or district Courts of any grade and each district is usually under the administrative control of a Chief magistrate.

Magistrates' Courts, like the superior Courts, administer both the common law and equity and have the power to grant all legal and equitable remedies. Like the superior Courts, they are also enjoined to observe and enforce the observance of every native law and custom that is not repugnant to National Justice, equity and good conscience and not incompatible with any local

statute. These courts exercise both civil and criminal Jurisdictions in virtually all of the Southern States. But they only exercise criminal Jurisdiction in most of the Northern States, their civil Jurisdiction being administered by them, not as magistrates' Courts, but in their capacity as district courts. The same officer who sits as magistrate in criminal cases also presides over civil matters as a district Judge.

### **Customary and Area Courts**

The native courts were designed primarily to administer the customary laws of the different communities that make up Nigeria with political emancipation and independence customary courts replaced the native courts. These courts are known as customary courts in those states carved out of the old Eastern and Western Regions and area courts in those of the old Northern Region. Many of the 36 States have either promulgated new Customary or Area Courts laws/Edicts or continue to apply the one inherited from their parent regions/states.

### **Juvenile Courts**

As the name implies, Juvenile Courts are special courts established for the trial and welfare of children and young persons. These courts were first established under the children and young persons ordinance of 1943 providing for the setting up of approved schools, remand homes and probation officers to cater for children under the age of 17. Today, the court exist in the different states by virtue of their respective but similar children and young persons laws. The courts are, in fact, magistrates or district courts specially designated and constituted for the purpose of trying Juveniles. For instance, the Chief Judge of Lagos State may appoint any person(s) to sit with a magistrate and the magistrate and person(s) so appointed would constitute the court. A child is defined as any person under the age of 14 years while a young person is any person who has attained the age of 10 years but is less than 17 years (in the Southern States or 18 years) in the Northern States.

**SELF ASSESSMENT EXERCISE I**

Discuss the various court in Nigeria and their functions.

### 3.3 PERSONNEL OF ADMINISTRATION OF JUSTICE PROCESS

The judge, the prosecutor, and the defense attorney are the key players in the adversarial process. The prosecution and defense oppose each other in a hotly disputed contest – the criminal trial - in accordance with rules of law and procedure. In every criminal case, the prosecutor represents the state's interests and the defense attorney the criminal defendant's with each side trying to bring evidence and arguments forward to advance its case. Theoretically, the ultimate objective of the adversarial system is to seek the truth, to determine whether the evidence presented at the trial is sufficient to prove the facts of the charge. So that the defendant is given a fair trial, the judge acts as an impartial arbiter of procedure, ensuring that neither side violates the rules of local conduct.

#### 3.3.1 Prosecutor

The prosecution represents the state in criminal matters that come before the courts. The prosecutor's major duties are:

- (i) Investigating law violations: Prosecutors are empowered to conduct their own investigations into alleged violations of the law. In some jurisdictions, they maintain a staff of detectives and investigators; in others they rely on local or state police. In jurisdictions with grand jury systems, the prosecutor can convene the grand jury to collect information and interview witnesses for the purpose of accumulating enough evidence to indict suspects in criminal conspiracies.
- (ii) Cooperating with police: The prosecutor's office usually works closely with police agencies. Police prepare the investigation report of a crime according to the format desired by the prosecutor's office. Prosecutors also advise police agents about the legal issues in a given case. For example, they supervise the drawing up of requests (affidavits) for search warrants and then make sure that the police understand the limitations presented by the warrant. Some prosecutor's office help

train police officers, making them aware of the legal issues involved in securing a warrant or a legal arrest, interrogating a suspect, and so on.

- (iii) **Determining charges:** The prosecutor determines the charges to be brought against the suspect. The charge on which defendants are brought to trial may not resemble the original reasons they were arrested. For example, a suspect picked up for disorderly conduct may later be identified in a police lineup as the perpetrator of a string of liquor store robberies. The disorderly conduct charge may then be dropped in favour of prosecution on the more serious robbery charges.
- (iv) **Representing the government in pretrial hearings and motions.** The prosecutor bring the case to trial. Prosecutors contact witnesses and prepare them to testify, secure physical evidence, and discuss the victim's testimony. If the defendant attempts to have evidence suppressed at a pretrial hearing (for example, because of violations of the exclusionary rule), the prosecutor represents the state's position on the matter.
- (v) **Plea bargaining:** The prosecutor is empowered to negotiate a guilty plea with the defendant, thereby ending the formal trial process.
- (vi) **Trying criminal cases:** The prosecutor acts as the state's attorney at criminal trials. Consequently, another name for the prosecutor is people's attorney.
- (vii) **Sentencing:** The prosecutor recommends dispositions at the completion of the trial. Usually, the type of sentence recommended is influenced by plea bargaining cooperation, public opinion, the seriousness of the crime, the offender's prior record, and other factors related to the case.
- (viii) **Representing the government at appeals** if the defendant is found guilty as charged, he or she may appeal the conviction before a higher court. The prosecutor represents the government at these hearings.
- (ix) **Conducting special investigations:** Some jurisdictions empower special prosecutors to seek indictments for serious crimes considered important to the public interest. This practice became well known

during the Watergate investigation, when first Archibald Cox and then Lean Jaworski were appointed as special prosecutors to investigate the break-ins and subsequent cover-up. In recent years Kenneth Starr served as an independent counsel investigating the Clinton presidency.

### 3.3.2 **Defense Attorney**

While representing the accused in the criminal process, the defense counsel performs many functions which are:

- (a) Investigating the incident;
- (b) Interviewing the client, police officers, and other witnesses;
- (c) Discussing the matter with the prosecutor;
- (d) Representing the defendant at the various pretrial procedures, such as arrest, interrogation, lineup, and arraignment.
- (e) Entering into plea negotiations;
- (f) Preparing the case for trial including developing the tactics and strategy to be used;
- (g) Filing and arguing legal motions with the court;
- (h) Representing the defendant at trial;
- (i) Providing assistance at sentencing and
- (j) Determining the appropriate basis for appeal.

### 3.3.3 **Judge**

The third major participant in the criminal trial is the judge – the senior officer in a court of criminal law. Judges' duties are quite varied and are far more extensive than the average citizen might suspect. During trials, the judge rules on the appropriateness of conduct, settles questions of evidence and procedure, and guides the questioning of witnesses. When a jury trial occurs, the judge must instruct jury members on which evidence can be examined and which should be ignored. The judge also formally charges the jury by instructing its members on what points of law and evidence they must consider before reaching a decision of guilty or innocent. When a jury trial is

waived, the judges must decide whether the defendant is guilty, the judge decides on the sentence (in some cases the sentence is legislatively determined). This duty includes choosing the type of sentence, its length and - in the case of probation – the conditions under which it may be revoked. Obviously, this decision has a significant effect on an offender's future.

While carrying out their duties, judges must be wary of the legal controls placed on trial process by the appellate court system. If an error is made, the judges decision may be reversed causing at the minimum personal embarrassment. While some experts believe that fear of reversal may shape judicial decision making, recent research by David Klein and Robert Hume (2003) indicates that judges may be more independent than previously believed, especially if they can use their judicial power as a policy making tool to influence important social agendas such as affirmative action or privacy.

Beyond these stated duties, the trial judge has extensive control and influence over the other service agencies of the court: Probation agencies, court clerks, police agencies, and the district attorney's office. Probation and the clerk may be under the judge's explicit control. In some courts, the operations philosophy, and procedures of these agencies are within the magistrate's administrative domain. In other courts – for example, where a state agency controls the probation department – the attitudes of the county or district court judge still influence how a probation department is run.

#### **3.3.4 Bail**

Bail is the monetary amount for a condition of pretrial release, normally set by a judge at the initial appearance. The purpose of bail is to ensure the return of the accused at subsequent proceedings. The judge reviews the facts of the case and the history of the defendant. Defendants who cannot afford or who

are denied bail are detained, usually in a county jail or lockup, until their trial date. Those who make bail are free to pursue their defense before trial.

The bail system goes back to English common law. At one time the legal relationship existing in the contract law of bailment even permitted the trying and sentencing of the bailor (the person who posted bail) if the bailee did not appear for the trial.

Under the U.S. system of justice, the right to bail comes from the English Amendment of the constitution, which states that people can expect to be released on reasonable bail in all but capital cases. Thus, in most cases, the accused have the right to be released on reasonable bail to prepare their defence and continue their life in the community.

### **3.3.5 Plea Bargaining**

One of the most common practices in the criminal justice system today, and a corner stone of the informal justice system, is plea bargaining. The majority of defendants in criminal trials are convicted by their own guilty pleas; plea bargains are also common in juvenile court. About 90 percent of all those charged with felonies plead guilty, if misdemeanors are included, the percentage jumps to 98 percent.

Plea bargaining usually occurs between arraignment (or initial appearance in the case of a misdemeanor) and the onset of trial.

### **3.3.6 Forms of Plea Bargaining**

- (a) The initial charges may be reduced to those of a lesser offense, thus automatically reducing the sentence imposed.
- (b) In cases where many counts are charged, the prosecutor may reduce the number of counts.

- (c) The prosecutor may promise to recommend a lenient sentence, such as probation.
- (d) When the charge imposed has a negative label attached (such as child molester), the prosecutor may alter the charge to a more “socially acceptable” one (such as assault) in exchange for a plea of guilty.

### 3.3.7 Plea Bargaining Issues

Those who favour plea bargaining argue that it actually benefits both the state and the defendant.

1. The overall financial costs of criminal prosecution are reduced.
2. The administrative efficiency of the courts is greatly improved.
3. The prosecution is able to devote more time to cases of greater seriousness and importance.
4. The defendant avoids possible detention and extended trial and may receive a reduced sentence.

## SELF ASSESSMENT EXERCISE II

What is plea bargaining?

### 3.4 TRIALS AND THE RULE OF LAW

Every trial has its constitutional issues, complex legal procedure, rules of court, and interpretations of statutes – all designed to ensure that the accused gets a fair trial. The most important constitutional rights of the accused at trial are;

- (a) **Right to a speedy and public trial:** The sixth amendment guarantees a defendant the right to a speedy trial. This means that an accused is entitled to be tried within a reasonable period. If a person’s right to a speedy trial is violated, then a complete dismissal of the charges against him or her is required. It should be noted, however, that a

defendant can waive the right to a speedy trial. A waiver of the right is implied when defendants cause the delay or when they do not assert their right when the trial take too long to get underway.

In determining, whether a defendant's right to speedy trial has been violated, several factors are considered; length of delay alone does not constitute a violation. The supreme court, the case of *barker vs Wingo*, enumerated the factors that should be considered in determining whether the speedy trial requirement has been complied with (i) the length of the delay, (2) the reason for the delay (3) the timelines of the defendant's assertion of his or her right to a speedy trial and (4) the prejudice to the defendant.

- (b) **Right to a Jury trial:** Because a jury trial is considered a fundamental right, the supreme court in the case of *Duncan v Louisiana*, made the guarantee applicable to the states through the fourteenth Amendment. However, the question arises as to whether this right extends to all defendants – Those charged with misdemeanors as well as felonies. It was decided that defendants are entitled to a jury trial only if they face the possibility of a prison sentence of more than 6 months.
- (c) **Right to be free from double jeopardy:** The fifth amendment provides that no person shall “be subject for the same offense to be twice put in jeopardy of life or limb.” This means that a defendant cannot be prosecuted by a jurisdiction more than once for a single offense. For example, if a defendant is tried and convicted of murder in Texas, he cannot be tried again for the same murder in Texas. The right to be protected from double jeopardy was made applicable to the states through the fourteenth Amendment in the case of *Benton vs Maryland*. However, a person tried in Federal court can be tried in State court, and vice versa. And in 1985 the court ruled in *Heath v. Alabama* that if a single act violates the laws of two States, the offender may be punished for each offense under the dual sovereignty doctrine. Legal jurisdictions have the right to enforce their own laws and a single act can violate the laws of two separate jurisdictions.

- (d) **Right to Legal Counsel:** Regardless of the legal rights citizens command at trial, without legal counsel to aid them, they would be rendered defenseless before the law. Consequently, the Sixth Amendment provides the right to be represented by an attorney in criminal trials. However, the vast majority of criminal defendants are indigents who cannot afford private legal services.
- (e) **The Right to be Competent at Trial:** In order to stand trial, a criminal defendant must be considered mentally competent to understand the nature and extent of the legal proceedings. If a defendant is considered mentally incompetent, the trial must be postponed until treatment renders the defendant capable of participating in his or her own defense.
- (f) **Right to Confront Witness:** The accused has the right to confront witnesses to challenge their assertions and perceptions. Did they really hear what they thought they did? Or see what they think they saw? Are they biased? Honest? Trustworthy?

An important confrontation issue is the ability to shield child witnesses from the trauma of a court appearance. In *Maryland v Craig* the supreme court ruled that child witnesses could testify via closed-circuit television as long as safeguards were set up to protect the defendant's rights. Protections included the defendant being able to view the witness and being in communication with the witness's attorney at all times.

### 3.5 SENTENCING

After a defendant has been found guilty of a criminal offense or has plead guilty, he or she is brought before the court for imposition of a criminal penalty – sentencing. Historically, a full range of punishment has been meted out to criminal offenders; Corporal punishment, such as whipping or mutilation; fines; banishment; incarceration; and death.

In most nations, incarceration in a federal, state or local institution is generally the most serious penalty given out to offenders. In addition, the death penalty remains on the statute books of most jurisdictions and has been used at an increasing rate in recent years. Some countries like China, Iran, Iraq, USA, Nigeria are still maintaining death penalty in the statute books.

### 3.5.1 Purpose of Sentencing

A multiplicity of goals lies behind the imposition of a criminal sentence. No single philosophy of justice governs sentencing decisions. Each jurisdiction employs its own sentencing philosophies, and each individual decision maker views the purpose of sentencing differently. A 20 year old college student arrested for selling cocaine might be seen as essentially harmless by one judge and granted probation; another judge might see the young drug dealer as a threat to the moral fabric of society and deserving of a prison term justice system. Norval Morris (1977) in his book 'Equal Justice Under the Law' (pg. 69) said one of the great flaws of the U.S. justice system has been the extraordinary amount of disparity in criminal punishment. Nigerian legal system is not different.

In general, there are four principal sentencing goals: deterrence, incapacitation, habilitation, and desert retribution –

- (i) **Deterrence:** By punishing the known offender for their misdeeds, society hopes to convince potential offenders and the public at large that the pains of punishment outweigh the potential benefits of crime. The validity of deterrence rests on the premise that punishing one offender will convince other potential criminals to abstain from crime. According to deterrence theory, people are not punished for what they have done but for the effect their punishment will have on the future behaviour of others.
- (ii) **Incapacitation:** By incapacitating a convicted offender in a secure facility, such as a prison or jail, the state seeks to reduce or eliminate

- his or her opportunity to commit future crimes. Incapacitation involves anticipating behaviour patterns. Offenders are confined not for what they have done for what it is feared they might do in the future. Thus a convict who is hanged or incarcerated for his or her crime has no opportunity to commit any crime after execution or long incarceration
- (iii) **Rehabilitation:** Correctional rehabilitation is aimed at reducing future criminality by treating and eliminating the underlying causes of crime. Offenders are believed to have one or more emotional or behavioural deficits that cause them to violate the law. Criminal behaviour would cease if this problem could be successfully treated. Rehabilitation efforts focus on emotional stress, vocational training, education, or substance abuse. Rehabilitation also involves predicting future behaviour. Unless the offenders receive treatment, they will commit future crimes, treatment reduces the likelihood of their re-offending.
- (iv) **Desert/Retribution:** Because criminals benefit from their misdeeds, they deserve to be punished for their criminal acts. Furthermore, if the state does not punish people for their crimes, victims would be encouraged to seek personal vengeance, creating a chaotic society. In a just society, criminals are punished in a manner proportionate to the severity of the crimes. According to this view, it is only fair that criminals who have committed the most serious crime, murder, receive the most severe penalty, death.

### **SELF ASSESSMENT EXERCISE III**

Discuss the purpose of sentencing.

#### **4.0 CONCLUSION**

The courts have a very important symbolic role. As the symbols of justice, depicted by the justice scale, the public sees the courts as the platform for fairness and impartiality. Courts allow each side equal opportunity to present its case, provide the forum for resolving dispute and adjudication, perform

their role, the court, in both civil or criminal causes enjoy judicial independence, and decides each case dispassionately, most especially because citizens perceives them as the guarantors of their fundamental rights. A very important characteristic of the courts is the fact that they have asserted the right to be authoritative interpreters of the constitution.

## 5.0 SUMMARY

The judiciary process provides a forum for deciding the outcome of a conflict between two or more parties. This process is played out in the nation's court system. There are three main actors in the judiciary process the prosecutor, the defence attorney, and the judge.

The prosecutor brings charges against the offender and then represents the state. The accused, assisted by his or her counsel puts up his or her defence attorney represents the accused at all stages of the judicatory process. The judge controls the trial, sits as judge and jury.

## 6.0 TUTOR-MARKED ASSIGNMENT

Mention the various actors in the judicatory process

## 7.0 REFERENCES/FURTHER READINGS

- Adler, F., Mueller, G., Laufer, W., (1995) *Criminology*: 2nd edition. California: McGraw Hill. Inc.
- Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.
- Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.
- Dambazau, A. B. (2007) *Criminology and criminal justice*: 2nd edition Ibadan, Nigeria. Spectrum Books Ltd.
- Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.

Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.

Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth

Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.

Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley.

## **UNIT 4 :CORRECTIONS CONTENTS**

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### **1.0 INTRODUCTION**

The concept of “correction” has assumed significance in contemporary social science disciplines, especially criminology. It is now widely accepted as a theoretical terminology embracing all forms of punishment, incapacitation, custody, retribution, rehabilitation and reformation. This unit will considers some of the basic elements of correctional treatment. It will briefly highlight on the evolving trend of corrections. Then modern correctional institutions are explored, including such issues as penal institutions, the prisoner’s social world, correctional treatment, and prisoners’ rights.

### **2.0 OBJECTIVES**

At the end of this unit, you should be able to:

- Explain the early history of punishment, the development of the prison as a means of punishment and correction treatment

- Describe different types of correctional facilities and their level of security.
- Explain the statutory functions of the Prisons in Nigeria.

### 3.0 MAIN CONTENT

#### ISSUES ON CORRECTIONAL INSTITUTION

When a person is convicted of a criminal offence, the society exercises the right to punish or correct his or her behaviour. Equating crime and punishment is certainly not a new practice. Criminal offenders have been punished by governmental authorities throughout recorded history. Over the countries, there has been significant debate as to why people should be punished and what type of punishment is most appropriate to correct, treat, or deter criminal offenders. The style and purpose of criminal corrections have gone through many stages and have featured a variety of penal sanctions.

Today there are more than 1,600 adult correctional facilities in the United States. These include prisons, prison hospitals, prison farms, and boot camps; centers for reception, classification, or alcohol and drug treatment; and community based facilities such as halfway houses, group homes, and work release centers. The overwhelming majority of these facilities are state-run institutions. This vast correctional system provides many services in programs differentiated by level of security and intrusiveness. The least secure and intrusive programs involve community supervision by probation officers. Some offenders who need more secure treatment or control are placed under house arrest or held in community correctional centers. Those who require the most secure settings are placed in an incarceration facility. Felons are usually incarcerated in a state or federal prison; misdemeanors are housed in county jails or reformatories.

The entire correctional system has been a source of great controversy. Conservatives charge that the justice system is often too liberal and that

serious offenders are all too often granted probation. Getting tough, they suggest is the only way to keep crime rates down. They point out the fact that as the prison population has increased during the past decade, the crime rate has fallen. In contrast, liberals view prisons as warehouses that, far from helping rehabilitate inmates, are places of violence and degradation. Rather than deter people from future criminality, a prison stay actually reinforces or encourages their criminal offending. And though it might surprise some “get tough” politicians, the general public may not be ready to embrace a prison-building boom at the expense of rehabilitation efforts.

### 3.2 CONTEMPORARY CORRECTIONS

Correctional treatment can be divided today into community-based programs and secure confinement. Community-based corrections include probation, which involves supervision under the control of the sentencing court, and an array of intermediate sanctions, which provide greater supervision and treatment than traditional probation but are less intrusive than incarceration.

Treatment in the community is viewed as a viable alternative to traditional correctional practices. First, it is significantly less expensive to supervise inmates in the community than to house them in secure institutional facilities. Second, community-based corrections are necessary if the prison system is not to be overwhelmed by an influx of offenders. Third, community-based treatment is designed so that first-time or non-serious offenders can avoid the stigma and pain of imprisonment and be rehabilitated in the community.

In secure confinement, the jail houses misdemeanants (and some felons) serving their sentences, as well as felons and misdemeanants awaiting trial who have not been released on bail. State and Federal Prisons incarcerate felons for extended periods. Parole and aftercare agencies supervise prisoners who have been given early release from their sentences. Although parolees

are actually in the community, parole is usually considered both organizationally and philosophically part of the secure correctional system.

### **SELF ASSESSMENT EXERCISE I**

What do you understand by the term corrections?

#### **3.3 PROBATION**

Probation usually involves the suspension of the offender's sentence in return for the promise of good behaviour in the community under the supervision of a probation department. In some cases the offender is first sentenced to a prison term, and then the sentence is suspended and the defendant placed on probation. In others, the imposition of a prison sentence is delayed or suspended while the offender is put on probation. Probation is not limited to minor or petty criminals.

#### **3.4 INTERMEDIATE SANCTIONS**

At a time when overcrowding has produced a crisis in the nation's prison system, alternative sanctions are viewed as a new form of corrections that falls somewhere between probation and incarceration. Alternative sanctions include fines, forfeiture, home confinement, electronic monitoring, intensive probation supervision, restitution, community corrections, and boot camps.

The development of these intermediate sanctions can be tied to a number of different sources. Primary is the need to develop alternatives to prisons, which have proved both ineffective and injurious. Allen Beck (1989) opined that research indicates that about half of all prison inmates are likely to be re-arrested and returned to prison, many soon after their release from an institution. High revocation rates indicates that probation alone may not be an effective solution to the prison crowding problem. Therefore, a sanction that falls somewhere between prison and probation might be a more effective alternative to traditional forms of correction.

Intermediate sanctions also meet the need to develop punishments that are fair, equitable, and proportional. It seems unfair to treat both a rapist and a shoplifter with the same type of sentence, considering the differences in their criminal acts. Intermediate sanctions can provide the successive steps for a meaningful “ladder” of scaled punishments outside prison, thereby restoring fairness and equity to non-incarceration sentences. For example, a forger may be ordered to make restitution to the victim, and an abusive husband may be ordered to reside in a community correctional center, whereas a rapist would be sent to state prison. This feature of intermediate sanctions can be designed to be punitive by increasing punishments for people whose serious or repeat crimes make straight probation sentences inappropriate yet for whom prison sentences would be unduly harsh and dysfunctional. In fact, the punitive nature of intermediate sanctions is not cost on offenders, some of whom prefer prison to the new, tougher forms of probation.

The most likely candidates are convicted criminals who would normally be sent to prison but either have a low risk of recidivating or pose little threat to society (such as non violent property offenders) used in this sense, intermediate sanctions are a viable solution to the critical problem of prison overcrowding.

### **3.5 FORMS OF INTERMEDIATE SANCTIONS ARE:**

#### **3.5.1 Fines**

Fines are monetary payments imposed on an offender as an intermediate punishment, for criminal acts. They are a direct offshoot of the early common-law practice requiring compensation to the victim and the state for criminal acts. Although fines are most commonly used in misdemeanors, they are also frequently employed in felonies where the offender benefited financially.

### 3.5.2 Forfeiture

Another financially based alternative sanction is criminal (in personam) and civil (in rem) forfeiture. Both involve the seizure of goods and instrumentalities related to the commission or outcome of a criminal act. For example, federal law provides that after arresting drug traffickers, the government may seize the boat they used to import the narcotics, the car they used to carry them over land, the warehouse in which they were stored, and the home paid for with drug money; upon conviction, the drug dealers permanently lose ownership of these instrumentalities of crime.

### 3.5.3 Restitution

Another popular intermediate sanction is restitution, used in about one-third of felony probation cases, which can take the form of requiring convicted defendants to either repay the victims of crime (Monetary restitution) or serve the community to compensate for their criminal acts (community service restitution).

Restitution programs offer convicted offenders a chance to avoid jail or prison sentences or lengthy probation. Restitution may also be used as a diversionary device that allows some offenders to avoid a criminal record altogether. In this instance, a judge continues the case “without a finding” while the defendant completes the restitution order, after the probation department determines that restitution has been made, the case is dismissed.

## 3.6 THE NIGERIAN PRISONS SERVICE

In Nigeria there are many prisons created by the Laws of the Federation and are classified Act 1972 (No 9) now governs the creation of a prison in Nigeria and section 2(i) and (ii) states

- (i) “The President of Federal Republic of Nigeria may be order in the federal Gazette declare any building place in Nigeria to be a prison and by the same or subsequent order specify the area of which the prison is established”

- (ii) “Every prison will include (a) the grounds and buildings within the prison (b) any lock-up house for the temporary detention or of prisoners newly apprehended or under remand which is declared by the president of Federal Republic of Nigeria by order in the Federal Gazette be part of the prisons”.

The term correction is seldomly used in Nigeria rather the people like to call it the “prisons”. The Nigerian prisons are an embodiment of what really should be referred to as ‘corrections’. Correction is the third phase of the Nigerian criminal justice processes and, as an institution or system, it refer to prisons jails, Juvenile Training schools (Remand Homes and boarstal).

In Nigerian context, it does not include probation and parole machinery as it is presently impracticable in the Nigerian Judicial Adversary process.

Section 19 of the 1972 Act of Nigerian prisons, defined a prison as a place delimited and declared as such by the law of the state and created to ensure restraint and custody of individuals accused or convicted of violating the criminal laws of the state similarly, it defines a prisoner as “any person lawfully committed to custody”, and also defines a sentence of imprisonment as any sentence involving confinement in a prison.

## **SELF ASSESSMENT EXERCISE II**

Define the term ‘Prison’.

### **3.7 FUNCTIONS OF THE NIGERIAN PRISONS**

The statutory functions of the prisons include:

- (a) **Keeping Custody:** The prison is responsible for the custody of the final product in the criminal justice process. Maintaining custody involves carrying out measures to prevent escapes, such as erecting a high walls or chain link fence, placing armed guards, constant checks

of cells, providing a system of passes for movement within the prison, constant surveillance, and such stringent measures which may be applied from time to time to prevent escapes, riots and so on.

- (b) **Reformation:** These are activities carried out in the prisons targeted towards positive transformation of an inmate according to his societal needs.
- (c) **Rehabilitation:** These are packages of tangible and intangible provision to a willingly reformed and legally accepted way of life on discharge.
- (d) **Reintegration:** These are series of psychologically activities aimed at correcting the lenses through what the government, society and individual perceive a discharge inmate.

### **SELF ASSESSMENT EXERCISE III**

Discuss the statutory functions of Prisons.

#### **3.7.1 Types of Prisons in Nigeria**

There are different types or categories of prison in Nigerian prison system. Prisons are categorized by their capacity, extent and level of security device:

- (1) **Satellite Prison:** This is a collection center where excess lock-up in major prisons are decongested to. Satellite prisons do not receive inmates directly from courts. They are common in the northern part of Nigeria. This is due to the earlier existence of Native Authority prison system then.
- (2) **Prison Camp (Open Prison):** This is a camp or prison where first offenders (star prisoners) that is, those not yet hardened in their criminal behaviour are held. The major objectives are for reformation and training for skill acquisition. It also serves as prison industry and labour.
- (3) **Lock-up:** This type of prison holds convicts of 3 months imprisonment and below only. They are usually located in areas where there are low courts; i.e customary and Area Courts etc.

- (4) **Divisional/Provincial Prison:** This type of prison receives convicts with sentences below 2 years. This is stipulated in the law regulating its establishment.
- (5) **Medium security Prison:** This type of prison admits convicts with 3 years imprisonment only. It also admits A.T.Ps with minor offences.
- (6) **Convict Prison:** This prison admits all types or classes of inmates, both short and long term, lifers, condemned convicts, females etc. Debtors can also be admitted here. A long term prisoner is a convict with a sentence of 3 years and above, while the short term is below 3 years.
- (7) **Maximum Security Prison:** It is called maximum security prison because of the extent of security measures in such a prison e.g. all buildings in it have concrete roofs. It holds all classes of prisoners. It is a convict prison with maximum-security measures.
- (8) **Borstal Institution:** This is a Juvenile correction institution for offenders of (18 years and below). They are so separated because of their age, the type of offence notwithstanding. The emphasis in Borstal is training and Juveniles are committed to Borstal Training for a maximum of 3 years by Juveniles courts. The Borstal is not a prison and Juveniles are not accepted in adult prison by law (Child Right Act or the children's and young persons' Act).
- (9) **Female Prison:** There is only one prison in Nigeria presently, where females alone are held. It is a medium security, located in Kiki-Kiri Lagos.
10. **Prison Farm Centre:** This is a kind of an open prison where the source of prisoners is, transfer, from other prisons. It is a farm centre where the major objective is to train the prisoners in mechanized farming skills preparatory for rehabilitation on discharge. It is also aimed at generating revenue for the Federal Government.

#### **SELF ASSESSMENT EXERCISE IV**

Discuss types of prisons in Nigeria

### 3.7.2 Jails

The jails is a secure institution used to:

- (i) Detain offenders before trial if they can not afford or are not eligible for bail and
- (ii) House misdemeanants sentenced to terms of 1 year or less, as well as some non serious felons. The jail is a multipurpose correctional institution whose other main functions are:
  - (a) Receive individuals pending arraignment and hold them awaiting trial, conviction, or sentencing.
  - (b) Readmit probation, parole and jail bong violators and absconders.
  - (c) Temporarily detain juveniles pending transfer to juvenile authorities.
  - (d) Hold mentally ill persons pending their movement to appropriate health facilities.
  - (e) Hold individuals for the military, for protective custody, for contempt, and for the courts as witnesses.
  - (f) Release convicted inmates to the community on completion of sentence.
  - (g) Transfer inmates to federal, state, or other authorities.
  - (h) House inmates for federal state, or other authorities because of crowding of their facilities.
  - (i) Relinquish custody of temporary detainees to juvenile and medical authorities.
  - (j) Sometimes operate community-based programs as alternatives to incarceration.
  - (k) Hold inmates sentenced to short terms (generally under year).

### **SELF ASSESSMENT EXERCISE V**

What do you understand by the term 'Jail'.

### 3.7.3 Prisonisation Sub-culture

A significant element of the inmate's adjustment in prison is the encounter with what is commonly known as the inmate subculture. One major aspect of the inmate subculture is a unique social code-unwritten guidelines that express the values, attitudes and types of behaviour that the older inmates demand of younger inmates, passed on from one generation of inmates to another, the inmate social code represents the values of interpersonal relations within the prison.

Donald Clemmer (1958) in his sociological study of life in a maximum-security prison identified a unique language (argot) of prisoners and the prisoners tendency to group themselves into cliques on the basis of such personal criteria as political beliefs, and offence history.

Clemmer's most important contribution may have been his identification of the prisonization process. This he defined as the inmate's assimilation into the prison culture through acceptance of its language, and norms of behaviour. Those who become the most prisonized will be the least likely to reform on the outside.

Not all prison experts believe that the prison culture is a function of the harsh conditions in a total institution. In 1962 John Irwin and Donald Cressey have conceded that a prison culture exists but argued that its principles are actually imported from the outside world. In their importation model Irwin and Cressey conclude that inmates culture is affected by the values of newcomers. Many inmates come to prison with a record of many terms in correctional institutions. These men, some of whom have institutional records dating back to early childhood, bring with them a ready made set of patterns they apply to the new situation, taking control of the prison cultures content.

## 4.0 CONCLUSION

The prison is regarded as the last assembly lines of the criminal justice system. The prison is responsible for the custody of the final product in the criminal justice process. Maintaining custody, involves carrying out measures to prevent escapes, such as erecting high walls or chain-link fence, placing armed guards, constant checks of cells, providing a system of passes for movement within the prison, constant surveillance, and such stringent measures which may be applied from time to time to prevent escapes, riots, violence etc.

## 5.0 SUMMARY

Corrections involve the punishment, treatment and incapacitation of convicted criminal offenders. Today's correctional institutions can trace their development from European origin. Early punishments were physical and brutal. William Penn, an American pioneer the formation of the first modern prison facilities. Prisons is classified as minimum, medium, and maximum security, which house most of the nation's incarcerated felons.

## 6.0 TUTOR-MARKED ASSIGNMENT

Discuss other forms of alternative sanctions.

## 7.0 REFERENCES/FURTHER READINGS

Adler, F., Mueller, G., Laufer, W., (1995) *Criminology: 2nd edition*. California: McGraw Hill. Inc.

Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.

Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.

Dambazau, A. B. (2007) *Criminology and criminal justice: 2nd edition* Ibadan, Nigeria. Spectrum Books Ltd.

Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.

Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.

Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth

Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.

Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley.

## **UNIT 5 : VICTIMS AND VICTIMIZATION**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main content
  - 3.1 Definitions, Concepts and Problems
  - 3.2 Problems of Crime Victims
  - 3.3 The Nature of victimization
  - 3.4 Victim characteristics
  - 3.5 Theories of victimization
  - 3.6 The Nigerian Legal System and the treatment of victims of crime
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

The criminologists who focus their attention on crime victim refer to themselves as victimologists. In this unit you shall look victims of offences and their relationships to the offender and the criminal process. Finally, you shall learn how the society responds to the needs of victims.

### **2.0 OBJECTIVES**

At the end of this unit, you should be able to:

- Explain the concept of victimisation, victimisation precipitation/participation and problems of crime victim.
- Examine victimisation data and analyse by age, gender, and racial patterns.
- Discuss the various victim assistance programs.
- Explain issues on the restitution of crime victims in Nigeria.

### **3.0 MAIN CONTENT**

#### **3.1 CONCEPTS AND DEFINITIONS**

Drapkin and Viano (1975) in their book “Victimology” stated that it is “the study of the victim of crime.” However, Iwarimie-Jaja (1999) in his book “Criminology”, asserts that victimology is a subdivision of criminology and it refers to the relation between the victim and the offender. He also asserts that the study of victimology is important because it is paramount to understanding the following:

- (i) The socio-economic characteristics of certain victims in order to determine the profiles of persons who may become victims of certain crimes and criminals;
- (ii) The administration of the law and justice and the victims of crime;
- (iii) Critique of society’s reactions to the victim and incidence of crime;

Crime’s victims may include the young, the adolescent, the poor, the minority, men and women including persons of all classes and occupational backgrounds.

#### **SELF ASSESSMENT EXERCISE I**

What is victimology?

#### **3.2 PROBLEMS OF CRIME VICTIMS**

##### **3.2.1 Economic Loss**

When the costs of goods taken during property crimes is added to productivity losses caused by injury, pain and emotional trauma, the cost of victimisation is estimated to be in the hundreds of billions of dollars. It is said that, it cost the American tax payers huge amount to maintained the justice system, to assist victims of juvenile violence, such as medical treatment. For injuries and services for victims.

In addition to these societal costs, victims may suffer long-term losses in earning and occupational attainment. According to Ross Macmillan (2000), that victims bear psychological and physical ills that inhibit first their academic achievement and later their economic and professional success.

### **3.2.2 System Abuse**

The suffering endured by crime victims does not end when their attacker leaves the scene of the crime. They may suffer more victimization by the justice system. While the crime is still fresh in their minds, victims may find that the police interrogation following the crime is handled callously, with innuendos or insinuations that they were somehow at fault. Victims have difficulty learning what is going on in the case, property is often kept for a long time as evidence and may never be returned. According to Rebecca Campbell (1999) that “some rape victims report that the treatment they receive from legal, medical, and mental health services is so destructive that they cannot help feeling “re-raped.” Victims may also suffer economic hardship because of wages lost while they testify in court and find that authorities are indifferent to their fear of retaliation if they cooperate in the offenders’ prosecution.

### **3.2.3 Long-Term Stress**

Victims may suffer stress and anxiety long after the incident is over and the justice process has been forgotten. Experiencing abuse is particularly traumatic. For adolescents who often suffer hostility and posttraumatic stress disorders. According to Catherine Grus (2003: 296 – 298) in her book, “Child Abuse: Correlation with hostile attributions” that girls who were psychologically, sexually, or physically abused as children are more likely to have lower self-esteem and be more suicidal as adults than those who were not abused.” They are also placed at greater risk to be re-abused as adults than those who escaped childhood victimization. Children who are victimized in

the home are more likely to run away to escape their environment, which puts them at risk for juvenile arrest and involvement with the justice system.

According to Emily Paradis (2001: 65) in her book “Homeless Women and Victimization” that many who undergo traumatic sexual experiences later suffer psychological deficits such as eating disorders and mental illness and social problems such as homelessness and repeat victimization. For example, a recent study of homeless women found that they were much more likely than other women to report childhood physical abuse, childhood sexual abuse, adult physical assault, previous sexual assault in adulthood, and a history of mental health problems.

#### **3.2.4 Fear**

Many people fear crime, especially the elderly, the poor and minority group members. However, people who have suffered crime victimization remain fearful long after their wounds have healed. Even if they have escaped attack themselves, hearing about another’s victimization may make people timid and cautious. According to Susan Popkin (1999: 6) in her work “Combating Crime in Public Housing” asserts that victims of violent crime are the most deeply affected, fearing a repeat of their attack. There may be spillover effect in which victims become fearful of other forms of crime they have not yet experienced, people who have been assaulted develop fears that their house will be burglarized. Many go through a fundamental life change, viewing the world more suspiciously and as a less safe, controllable, and meaningful place. These people are more likely to suffer psychological stress for extended periods of time. Crime can have a devastating effects on its victims, who may take years to recover from the incident.

#### **3.2.5 Antisocial Behaviour**

According to Timothy Ireland and Cathy Wisdom, in their work “Childhood Victimization and Risk for Alcohol and Drug Arrests (1995: 37) “that there is growing evidence that crime victims are more likely to commit crimes

themselves. Being abused or neglected as a child increases the odds of being arrested, both as a juvenile and as an adult. People, especially young males, who were physically or sexually abused are much more likely to smoke, drink, and take drugs than are non-abused youth. Incarcerated offenders report significant amount of post-traumatic stress disorder as a result of prior victimization, which may in part explain their violent and criminal behaviours.

The abuse crime phenomenon is referred to as the cycle of violence. Research shows that both boys and girls are more likely to engage in violent behaviour if they were the target of physical abuse and were exposed to violent behaviour among adults they know or live with or were exposed to weapons.

### **3.3 THE NATURE OF VICTIMIZATION**

The National Crime Victimization Survey (NCVS) in USA, shows that patterns in the victimization survey finding are stable and repetitive, suggesting that victimization is not random but is a function of personal and ecological factors. The stability of these patterns allows us to make judgements about the nature of victimization; policies can then be created in an effort to reduce the victimization rate. Who are victims? Where does victimization take place? What is the relationship between victims and criminals? We are going to discuss some of the most important victimization patterns and trends.

#### **3.3.1 THE SOCIAL ECOLOGY OF VICTIMIZATION**

The NCVS shows that violent crimes are slightly more likely to take place in an open, public area – such as a street, a park, or a field in a school building, or at a commercial establishment such as a tavern during the daytime or early evening hours than in a private home during the morning or late evening hours. The more serious violent crimes, such as rape and aggravated assault, typically take place after 6pm. Approximately, two-thirds of rapes and sexual

assaults occur at night – 6pm to 6am less serious forms of violence, such as unarmed robberies and personal larcenies like purse snatching, are more likely to occur during the daytime.

Neighbourhood characteristics affect the chances of victimization. Those living in the central city have significantly higher rates of theft and violence than suburbanites; people living in rural areas have a victimization rate almost half that of city dwellers. The risk of murder for both men and women is significantly higher in disorganized inner-city areas where gangs flourish and drug trafficking is common place .

## **SELF ASSESSMENT EXERCISE II**

Elaborate on the social ecology of victimization.

### **3.3.2 The Victim's Household**

The National Crime Victimization Survey (NCVS), in USA tells us that within the United States, larger, African American, western, and urban homes are the most vulnerable to crime. In contrast, rural, white homes in the northeast are the least likely to contain crime victims or be the target of theft offenses, such as burglary or larceny. People who own their homes are less vulnerable than renters.

## **3.4 VICTIM CHARACTERISTICS**

Social and demographic characteristics also distinguish victims and non victims. The most important of these factors are gender, age, social status, and race.

### **3.4.1 Gender**

According to National Crime Victimization Survey (NCVS) in USA, the gender affects victimization risk. Males are more likely than females to be the victims of violent crime. Men are almost twice as likely as women to experience robbery and 50 percent more likely to be the victim of assault,

women are much more likely than men to be victims of rape or sexual assault. For all crimes, males are more likely to be victimized than females.

### 3.4.2 Age

According to National Crime Victimization Survey (NCVS) in USA, the victim data reveal that young people face a much greater victimization risk than do older people. Although the elderly are less likely to become crime victims than the young, they are most often the victims of a narrow band of criminal activities from which the young are more immune. Frauds and scams, purse snatching pocket picking, stealing checks from the mail, and crimes committed in long term care settings claim predominantly elderly victims. The elderly are especially susceptible to fraud schemes because they have insurance pension plans proceeds from the sale of homes, and money from social security and savings that make them attractive financial targets. Because many elderly live by themselves and are lonely, they remain more susceptible to telephone and mail fraud. Unfortunately, once victimized, the elderly have less opportunity to either recoup their lost money or to earn enough to replace it.

### 2.4.3 Social Status

According to National Crime Victimization Survey (NCVS) in USA, reveal that the poorest Americans are also the most likely victims of violent and property crime. This association occurs across all gender, age, and racial groups. Although the poor are more likely to suffer violent crime, the wealthy are more likely targets of personal theft crimes such as pocket picking and purse snatching. Perhaps the affluent sporting more expensive attire and driving better cars – attract the attention of thieves.

### 3.4.4 Marital Status

According to National Crime Victimization Survey (NCVS) in USA, that marital status also influences victimization risk. Never married males and females are victimized more often than married people. Widows and Widowers have the lowest victimization risk. This association between marital status and victimization is probably influenced by age, gender, and life styles.

- (i) Many young people who have the highest victimization risk, are too young to have been married.
- (ii) Young single people go out in public more often and sometimes interact with high-risk peers, increasing their exposure to victimization.
- (iii) Widows and widowers suffer much lower victimization rates because they are older, interact with older people, and are more likely to stay home at night and to avoid public places.

#### **3.4.5 Race and Ethnicity**

According to National Crime Victimization Survey (NCVS) in USA, that blacks are more likely than whites to be victims of violent crime, and serious violent crime rates declined in recent years for both blacks and whites.

Why do these discrepancies exist? Because of income inequality, racial and minority group members are often forced to live in deteriorated urban areas beset by alcohol and drug abuse, poverty, racial discrimination, and violence. Consequently, their lifestyles place them in the most at risk population group.

#### **3.4.6 Repeat Victimization**

Does prior victimization enhance or reduce the chances of future victimization? Individuals who have been crime victims have a significantly higher chance of future victimization than people who have not been victims. Households that have experienced victimization in the past are the ones most likely to experience it again in the future.

What factors predict chronic victimization? Most repeat victimizations occur soon after a previous crime has occurred, suggesting that repeat victims share some personal characteristic that makes them a magnet for predators. For example, children who are shy, physically weak, or socially isolated may be prone to being bullied in the school yard. David Finkelhor and Nancy Asigian (1996) have found that three specific types of characteristics increase the potential for victimization.

- (i) **Target Vulnerability:** The victims' physical weakness or psychological distress renders them incapable of resisting or deterring crime and makes them easy targets.
- (ii) **Target Gratifiability:** Some victims have some quality, possession, skill or attribute that an offender wants to obtain, use, have access to, or manipulate. Having attractive possessions such as a leather coat may make one vulnerable to predatory crime.
- (iii) **Target Antagonism:** Some characteristics increase risk because they arouse anger, jealousy, or destructive impulses in potential offenders. Being gay or effeminate, for example, may bring an underserved attacks in the street, being argumentative and alcoholic may provoke bar room assaults.

Repeat victimization may occur when the victim does not take defensive action. For example, if an abusive husband finds out that his battered wife will not call the police, he repeatedly victimize her; or if a hate crime is committed and the police do not respond to reported offense, the perpetrators learn they have little to fear from the law.

### **SELF ASSESSMENT EXERCISE III**

Enumerate factors that lead to chronic victimization.

### 3.4.7 Victims and their Criminals

The victim's data also tell us something about the relationship between victims and criminals. Males are more likely to be violently victimized by a stranger, and females are more likely to be victimized by a friend, and acquaintance, or an intimate.

According to Lawrence Greenfeld (1999: 21) in his book "Violent State Prisoners and their Victims" indicates during the victims report, that most crimes are committed by a single offender over age 20. Crime tends to be intra-racial. Black offenders victimize blacks, and whites victimize whites. However, because the country's population is predominantly white, it stands to reason that criminals of all races will be more likely to target white victims." Victims report that substances abuse is involved in about one-third of violent crime incidents.

Although many violent crimes are committed by strangers, a surprising number of violent crimes are committed by relatives or acquaintances of the victims. In fact, more than half of all non-fatal personal crimes are committed by people who are described as being known to the victim. Women are especially vulnerable to people they know. More than six in ten rape or sexual assault victims state the offender was an intimate, a relative, a friend, or an acquaintance. Women are more likely than men to be robbed by a friend or acquaintance. 74 percent of male and 43 percent of females state the individuals who robbed them were strangers.

## 3.5 THEORIES OF VICTIMIZATION

For many years criminological theory focused on the actions of the criminal offender, the role of the victim was virtually ignored. But more than fifty years ago, scholars began to realize that the victim is not a passive target in crime but someone whose behaviour can influenced his or her non fate, someone who "shapes and molds the criminal. These early works helped

focus attention on the role of the victim in the crime problem and led to further research efforts that have sharpened the image of the crime victim. Today a number of different theories attempt to explain the cause of victimization. The most important are discussed here.

### **3.5.1 Victim Precipitation Theory**

According to victim precipitation theory, some people may actually initiate the confrontation that eventually leads to their injury or death. Victim precipitation can be either active or passive.

Active precipitation occurs when victims act provocatively use threats or fighting words, or even attack first. Menachem Amir (1971: 20 - 32) in his book "Pattern in Forcible Rape" suggested that female victims often contribute to their attacks by dressing provocatively or pursuing a relationship with a rapist. Although Amir's findings are controversial, courts have continued to return not-guilty verdicts in rape cases if a victim's actions can in any way be construed as consenting to sexual intimacy.

In contrast, passive precipitation occurs when the victim exhibits some personal characteristic that unknowingly either threatens or encourages the attacker. The crime can occur because of personal conflict. For example, when two people compete over a job promotion, love interest, or some other scarce and coveted commodity. A woman may become the target of intimate violence when she increases her job status, and her success results in a backlash from a jealous spouse or partner. Although the victim may never have met the attacker or even know of his or her existence, the attacker feels menaced and acts accordingly.

Passive precipitation may also occur when the victims belongs to a group whose mere presence threatens the attacker's reputation, status, or economic well-being. For example, hate crime violence may be precipitated by

immigrant group members arriving in the community to compete for jobs and housing. Research indicates that passive precipitation is related to power if the target group can establish themselves economically or gain political power in the community. Their vulnerability will diminish. They are still a potential threat but they become too formidable a target to attack, they are no longer passive precipitators. By imputation, economic power reduces victimization risk.

### **3.5.2 Life Style Theory**

Some criminologists believe people may become crime victims because their life style increases their exposure to criminal offenders. Victimization risk is increased by such behaviours as associating with young men, going out in public places late at night, and living in an urban area. Conversely, one's chances of victimization can be reduced by staying home at night, moving to a rural area, staying out of public places, earning more money, and getting married. The basis of lifestyles theory is that crime is not a random occurrence but rather a function of the victim's lifestyle.

### **3.5.3 High Risk Lifestyles**

People who have high-risk life-styles like drinking, taking drugs, getting involved in crime – maintain a much greater chance of victimization. For example, those who have histories of engaging in serious delinquency, getting involved in gangs, carrying guns, and selling drugs have an increased chance of being shot and killed themselves.

### **3.5.4 Deviant Place Theory**

According to deviant place theory victims do not encourage crime but are victim prone because they reside in socially disorganized high crime area, where they have the greatest risk of coming into contact with criminal

offenders irrespective of their own behaviour or lifestyle. The more often victims visit dangerous places, the more likely they will be exposed to crime and violence. Neighborhood crime levels, then, may be more important for determining the chances of victimization than individual characteristics. Consequently, there may be little reason for residents in lower class areas to alter their lifestyle or take safety precautions because personal behaviour choices do not influence the likelihood of victimization.

Deviant places are poor, densely populated, highly transient neighborhoods in which commercial and residential property exist side by side. The commercial property provides criminals with easy targets for theft crimes, such as shoplifting and larceny. Successful people stay out of these stigmatized areas, they are homes for “demoralized kinds of people” who are easy targets for crime: the homeless, the addicted, the retarded and the elderly poor. People who live in more affluent areas and take safety precautions significantly lower their chances of becoming crime victims; the effect of safety precautions is less pronounced in poor areas. Residents of poor areas have a much greater risk of becoming victims because they live in areas with many motivated offenders; to protect themselves, they have to try harder to be safe than the more affluent.

Sociologist William Wilson (1990: 41- 47) in his work “The Truly Disadvantaged” has described how people who can afford to leave dangerous areas do so. He suggests that affluent people realize that criminal victimization can be avoided by moving to an area with greater law enforcement and lower crime rates. Because there are significant interracial income differences. White residents are able to flee inner city high-crime areas, leaving members of racial minorities behind to suffer high victimization rates.

### **3.5.5 Routine Activities Theory**

Routine activities theory was first articulated in a series of paper by Lawrence Cohen and Marcus Felson (1979: 588 - 608) in a paper titled “Social Change and Crime Rate Trends.” They concluded that the volume and distribution of predatory crime (violent crimes against a person and crimes in which an offender attempts to steal an object directly) are closely related to the interaction of three variables that reflect the volume activities of the typical American lifestyles.

- (i) The availability of suitable targets, such as homes containing easily salable goods.
- (ii) The absence of capable guardians, such as police, home owners, neighbours, friends, and relatives.
- (iii) The presence of motivated offenders, such as large number of unemployed teenagers.

The presence of each of these components increases the likelihood that a predatory crime will take place. Targets are more likely to be victimized if they engage in risky behaviours, are poorly guarded, and are exposed to a large group of motivated offenders such as substance abusing young men. For example, young, women who drink to excess in bars and frat houses may elevate their risk of date rape because:

- (i) They are perceived as easy targets, and
- (ii) Their attackers can rationalized the attack because they view intoxication as a sign of immorality (“She’s loose, so I didn’t think she’d care.”).

Conversely, people can reduce their chances of victimization if they adopt a lifestyle that limits their exposure to danger. For example, by getting married, having children, and moving to a small town.

### **3.5.6 Treatment of the Victims of Crime**

Victim service programmes are encouraged to be developed and organized in every country. The practice is prevalence in some advanced countries especially the United States of America. One of the victim-witness programmes is the victim compensation programme which allows crime victims to receive compensation under the scheme. It is advocated that such government programmes should be established and supported by legislation.

The victim witness assistance programme pays for loss of future earnings and/or loss of wages, including medical bills and makes provision for counselling victims and crime-witnesses, and, in cases of death, victim's survivors are paid burial expenses and aid for loss of support. It has been suggested that the victims-witness assistance programme should also make provisions for emergency clients who need food and medicines (Siegel, 2006: 85).

Another important victim-witness assistance programmes available to clients is the provision of court services. By teaching and explaining to them court procedures, they will be prepared to deal with the criminal justice system, by not feeling reluctant to testify in court proceeding; they will know their personal rights as victims and witnesses. Many of them do not know that they have legal rights that assure them of basic services from the court, just as the offender/defendant has the right to counsel and a fair trial under the law.

According to Larry Siegel (2006:86) in his book "Criminology" has pointed out that court service may include the provision of transportation "to and from court and counselors who remain in the court room during hearings to explains procedures and provides support." Court escorts are also provided "for elderly victims, the handicapped, victims of child abuse, and assault and those who have been intimidated by friends or relatives of the defendant."

Crisis intervention is a crucial programmes for victims of crime. Many victims of crimes suffer from emotional trauma and are in need of help from a feeling of isolation and vulnerability. Many of them need different types of assistances; finances, transportation, clothing, shelter, food and medical care. many of them do not even know where to go and obtain such help. Most victim programmes may not be designed to meet all needs of victims but referrals are made to service agencies where help could be rendered to relieve the victims client. From his ordeal (e.g. pain, problem and unpleasant feeling), counselling can be done either at the crime scene or at the agency's office or at other outreach centers. Counselling can also be done in victims' homes or in hospitals. Crisis centres should be opened in the cities, towns, and neighbourhoods, rural areas in the country.

### **3.5.7 Self Protection**

To avoid been victimized, people have involved themselves in target hardening by making their homes, businesses and offices crime proof, windows and doors are built with heavy iron bars, doors are locked with special keys and electronic devices. Homes or buildings are designed with burglary alarm device system and fence. Most of the homes and buildings have security guards and/or watch-dogs. Most office-building now have intercom or phone to prevent people from gaining easy access into the building. Many of them have installed surveillance cameras. Some homes have employed the police or military services to guards their person and property with firearm. Some citizens have legally or illegally acquired their own hand guns and are ready to use them against an intruding offender to their lives and properties in the neighbourhoods, citizens have organized themselves into vigilante groups to protect their neighbourhoods against crime and criminals.

Larry Siegel (1006: 86) in his book "Criminology" asserts correctly that although these self-protection programmes are 'welcome additions to police

services, there is little evidence that they have an appreciable effect on the crime rate.” We believe that the crime rates for different forms of crime have not been reduced significantly by these programmes but they have helped to marginally control the increasing number of persons and organization that could have been victims of predatory crime.

#### **SELF ASSESSMENT EXERCISE IV**

Give your suggestion on how the victims of crime should be care for.

### **3.6 THE NIGERIAN LEGAL SYSTEM AND THE TREATMENT OF VICTIMS OF CRIME**

According to Hon. Justice Charles Oputa (1987)

“Justice is not a one way traffic, it is not justice for the appellant only, “Justice is not even a two way traffic. It is really a three way of traffic for the appellant accused of a heinous crime of murder. Justice for the victim, the murdered man, the deceased, “whose blood is crying to heaven for vengeance” and finally, justice for the society at large – the society whose norms and values had been desecrated and broken by the criminal act complained of.” Thus, in the criminal law, justice envisages the doing of right not only to the offender, accused of breaking the law and violating the approved social norms, but also justice to the victim of such conduct, who invariably is the person injured by the physical violence from such conduct, or whose property has been destroyed and the society whose treasured moral values have been violated.

Since the criminal justice system is doing of justice to all concerned, the interest of the victims becomes imperative. Within a few years, victim compensation laws was enacted in countries of the world although with many variation. Today, in most countries, compensation laws has made rapid progress. It is sad to note that up to this 21<sup>st</sup> century, restorative laws for crimes victims is still alien to Nigeria.

In Nigeria, the legal system does not have any provision for the restoration of crime victims. Since the constitution is salient on this issue, the fate of crime victims has been hanging in the balance and their treatment palpably poor. This is so because the criminal procedure act and penal code which are in use in most parts of the country lay more emphasis on punishing the convicted crime offenders and little or nothing is said of what financial compensation or socio-psychological remedies should be awarded to the victims of crime in Nigeria. Compensatory justice in Nigeria is a matter of civil court and not criminal jurisdiction. I wish to succinctly state here that our criminal justice system has been criticised for the way it treats victims of crime. Due to this persistence criticism and topical nature it has generated, the federal government at 2005, submitted a bill which is termed the “Victims Rights Bill 2005” to the National Assembly for onward passage and subsequent signing into law.

The volte-face made by the Nigerian government as regard restitution of crime victims was made at the fourteenth commonwealth law conference held in London between September 12<sup>th</sup> to 15<sup>th</sup> 2005. There, President Olusegun Obasanjo through the Federal Attorney General and Minister of Justice, Chief Bayo Ojo (SAN) made bold pronouncement on what he considered as Federal Government's determination to introduce a legal scheme that make provisions for remedies to be offered to crime victims and for the protection and promotion of their right through the nation courts which has the judicial powers of the federation as encompassed in a section six of 1999 constitution of the Federal Republic of Nigeria.

According to president Obasanjo in the speech titled “Using the legal profession to create “A Bright Future for Peoples of the Commonwealth” stated that “discussion around reforms in our criminal justice system has also thrown up other issues with which we have to engage. Our criminal justice

system has been criticised for the way that it treats victims of crime especially when they are women and children. It has been said that the justice system has marginalised victims and that it does not respond to their needs because we are too preoccupied with offender. There have been suggestions for a victim compensation scheme. It is my view however, that we need to create a framework, not only for victim compensation, but also victim empowerment. The president noted that there is need to:

- (a) Improve the access to disempowered groups to the criminal justice system including women, children and victims in general.
- (b) Re-design the criminal justice system to empower victims.
- (c) Provide a greater and more meaningful role of victims in the criminal justice system.
- (d) Improve the service delivered by the criminal justice process to victims of crime and
- (e) Deal with the damage caused by criminal acts by providing remedial intervention for victims.

### **3.6.1 Restitution of Crime Victims in Nigeria**

Since Nigeria became a sovereign state with independence on October 1<sup>st</sup> 1960, virtually all the system of administration of justice consistently neglected or rather were bereft of enforceable statutory provisions for immediate judicial remedies for victims of crimes. At best, the criminal procedure act and penal code which are in use in most parts of the country lay more emphasis on punishing the convicted crime offenders and little is said of what financial compensations or socio-psychological remedies should be awarded to the victims of crime in Nigeria.

In Nigeria as far as restitution and compensation is concerned, the needs of victims has been seriously neglected not only by the criminal justice system but by the constitution which do not provide for it. This lack of constitutional provision greatly limit the power of the court to award compensation. It

should be noted that before the advent of modern-state, restitution of crime victims was the dominant practice of criminal justice. Dispute resolution was usually adhered through restitution by the offender and his family, so as to avoid the consequences of revenge. These mechanisms fell away with the rise of the modern state and were replaced by a retributive model of state-centred justice without enmesh focused on punishment of the offender, rather than reconciliation, between the disputing parties and restoration of the victim's wellbeing.

Crime victims and victims of power abuse has suffered immensely in Nigeria. In fact, they has been poorly treated, marginalised and disregarded by the government. This is so because our constitution do not have a well detailed provision for them. The constitution has rather focused more on the offenders and their rights. Our criminal justice system is still operating in a dark region of victims rights, where most countries has not only adopted it in their constitution but set up agency for its implementation. Because of its non-existence in our law book, many Nigerian are oblivious of its operation in other countries. Many are not even aware that is within their international right to receive compensation from the state when they are victimized.

Many issues of compensation are not treated in criminal court but civil court. If someone offered criminal victimization and wish to be restored, he or she is advised to seek civil redress. The judge might be reluctance to award restoration most especially if the offender has been convicted which to them is enough retribution. Crime in Nigeria is looked up as an offences against the state and not the individual. The interest of the victims as hardly taken into consideration.

I wish to further state that the Nigeria constitution permit the return of property to the victim that was criminally dispossessed. Such property are not easily recovered until such has been use as exhibits in the criminal

proceeding. It is only after verdict has been pass that the victim can claimed his or her property. Such acquisition is done through a written application to the appropriate authority. Most victims in an attempt to retrieved back their property has been subjected to rigorous tasks.

In Nigeria, restitution is prevalence among accident victims, when the culprit is apprehended or known. This indemnity most often than not, is done at the police station, with the police personnel playing a mediating role. The culprit will indemnify the victim by paying his or her hospital bill or the cost of repairing the vehicle, motor bike, bicycle depending on the types of transport use. If death occur, the culprit will pay to the deceased family the cost of the burial. Besides, the police mediating, their lawyers could undertake that role of reconciling the victim and the culprit. Where the culprit is not caught or unknown, then the victim suffers his or her fate alone. Many accident victims has suffered untold grief due to this lackadaisical posture of the state.

Many Nigerian were exposed to pervasive abuse of power during the prolonged military and despotic rule. Many Nigerian Fundamental Human Rights was infringed and violated by the military junta. Such violation is regarded as an offences which goes with some sanction. Many of the victims of Human Rights violation went without any compensation nor apology by their victimizer or the government. On the advent of the fourth republic, a commission was set up by President Obasanjo, himself a victim of Human Rights violation to address the myriad cases of Human Rights Encroachment by previous military regimes. All this was an attempt to reconcile Nigerian with their past agonizing experiences. The commission which was termed “Human Rights Reconciliation Commission” was headed by Hon. Justice Oputa, a retired supreme court judge.

It is worthy of note that the victims who were there to testify on various cases of Human Right violation were never compensated. Most of the victims

having suffered economic, socio-psychological and health loss had looked forward to restitution or compensation. But all what they received was an apology by their victimizer. This events showed the level of victims restitution and restoration justice in Nigeria.

### **SELF ASSESSMENT EXERCISE V**

Give an appraisal of the restitution of crime victims in Nigeria.

#### **4.0 CONCLUSION**

The victim of crime is an observer or a passive participant of the criminal justice process. He is always represented by the state, and as such acts as a prosecution witness. He is rarely consulted in any decision-making during the process. However, emphasis is so much laid on the rights of the accused, who enjoys some fundamental protection in order to ensure “fair” trial. The victim of crime does not enjoy such legal protection, and in fact he is made vulnerable to further victimization whenever he stands as a prosecution witness. While the accused enjoys free legal service from the tax payers’ money, if he cannot afford it, the victims is not compensated for his injury or loss.

#### **5.0 SUMMARY**

A victim must have suffered any such things as personal injury, death, loss of or injury to personal or real property, a a result of a crime. Furthermore, a person is regarded as a victim of crime “regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted, and regardless of the familial relationship between the perpetrator and the victim. In order to qualify as a victim of crime, therefore, an individual must have suffered loss or injury in emotional, economic and social terms. The branch of criminology concerned with the study of crime victims is known as victimology.

#### **6.0 TUTOR-MARKED ASSIGNMENT**

Discuss the problems of crime victims.

Discuss the various theories of victimization.

## 7.0 REFERENCES/FURTHER READINGS

- Adler, F., Mueller, G., Laufer, W., (1995) *Criminology*: 2nd edition. California: McGraw Hill. Inc.
- Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.
- Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.
- Dambazau, A. B. (2007) *Criminology and criminal justice*: 2nd edition Ibadan, Nigeria. Spectrum Books Ltd.
- Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.
- Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.
- Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth
- Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.
- Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley.

## **UNIT 6: TRANS-BORDER CRIME (HUMAN TRAFFICKING)**

### **CONTENT**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Victims of the Human Trafficking
  - 3.2 Root causes of trafficking in persons
  - 3.3 The social problems of trafficking on the victims and society
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References/Further Readings

### **1.0 INTRODUCTION**

Human trafficking is not a new phenomenon, it is as old as human society. It is regarded as a euphemism for slavery, since its activities are not different from the slave trade of the medieval era, which saw many able bodied African ferried across the Atlantic Ocean via Europe and other parts of the world. This unit will focus on the upsurge of human trafficking in our contemporary society.

### **2.0 OBJECTIVES**

At the end of this unit, you should be able to:

- Explain the meaning of human trafficking
- Identify the causal factors of human upsurge.
- Explain the social problems of trafficking on the victims and the society.

### **3.0 MAIN CONTENT**

#### **HIGHLIGHT OF THE ISSUES**

The trade in human beings, otherwise known as Trafficking in Persons (TIP) is slavery in disguise. Despite the formal abolition of slave trade and slavery

by the League of Nations in 1926, mankind continues to find itself in exploitative circumstances, mainly for sexual, domestic or forced labour purposes. Human trafficking involves a long-term exploitation for economic gain. While human trafficking itself is a crime, it also involves human rights violations against persons who are vulnerable, mostly of the low income, ill-educated, socially deprived, and those in abject poverty. These phenomena continued unabated till the sudden realization barely a decade ago, of its devastating effects on society and the global spread, fuelled by rapid globalization and increased migration, drew the attention of nations, particularly the organized economics, to the crime.

The menace of this crime became more worrisome when studies revealed that it was third in the hierarchy of organized transnational crimes, trailing only after arms and drugs trafficking. Because of its threat to national and global security, it became a burning issue worldwide, requiring prompt and urgent remedy. Quite a number of international instruments preceded this effort, but this was to come in more specific terms in the formulation of an international legal instrument in 2000 to specifically address the scourge. A UN resolution heralded the passage of the Transnational Organized Crime Convention (TOC) to address the issue of cross-the-border crimes, with two supplanting protocols on smuggling of migrants and the protocol to “Prevent, Punish and Suppress the Trafficking of persons especially women and children.” The passage of the protocol in Palermo, Italy in December, 2002, otherwise known as the Palermo Convention provided a benchmark for nations to get their bearing on domestic legislations against the crime: a situation that has positively provided a kind of uniformity in the criminalization of the offence worldwide.

Article 3 of UN Protocol to the Convention on Transnational Organized Crimes states that:

*“Trafficking in person shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the living or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” Exploitation shall include, at a minimum, the exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs.”*

Following the definition of the UN Protocol, section 50 of the Trafficking in Persons (prohibition) Law Enforcement and Administration Act, 2003 of Nigeria, define human trafficking as:

...all acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders, purchase, sale, transfer, receipt or harbouring of a person involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in force or bonded labour or in slavery – like conditions.

In the Nigeria definition, attempt to commit the acts of human trafficking attracts the wrath of the law. Similarly, the issue of bonding is emphasised, especially because of the peculiar nature of human trafficking in Nigeria in which the victims are bonded through the use of juju or “black magic”. Nigerian Government been aware of the damages caused by the perpetrators of human trafficking, resolved to make laws, captioned as Law Enforcement and Administration Act of 2003. In August 2003, the National Agency for the Prohibition of Traffic in Persons (NAPTIP) was also established.

The government had decided to collaborate with international agencies and NGOs in Nigeria to fight human trafficking. Among the Non-governmental

Organisations whose activities are relevant to the fight against trafficking in Persons are:

- (i) Women trafficking and child labour eradication foundation (WOTCLEF) Abuja.
- (ii) Idia renaissance, Benin City.
- (iii) Women's Consortium of Nigeria (WOCON) Lagos.
- (iv) Committee for the support of the Dignity for Women, Abuja.

Other law enforcement agencies and organizations operate in Nigeria to complement the activities of NAP TIP. These include the Nigeria Immigration Service (NIS), the Nigeria Police and the Nigeria Custom Service. The Federal Ministry of Labour and Productivity, Ministries of Women Affairs (and Youth and Social Services) in the states and civil society organizations complement the efforts of the law enforcement.

### **SELF ASSESSMENT EXERCISE III**

State the Statutory Functions of National Agency for the Prohibition of Traffic in Persons (NAPTIP).

### **Nigeria Profile as Regard to Human Trafficking**

The Trafficking in Persons Report of the U.S. State Department, July 2001, Identified Nigeria as a source, transit, and destination, country for trafficked persons. According to the US Department of State, Nigerian are trafficked to Europe, the Middle East and other African countries for the purposes of forced labour, domestic servitude, and sexual exploitation. Nigerians girls and women are trafficked for forced prostitution in Italy, France, Spain, the Netherlands, Cote d' Voire and South Africa. Nigerian children are trafficked for involuntary domestic labour and street hawking within Nigeria and to countries in West and Central Africa. Nigeria is a destination country for Togolese, Benineoise, Ghanaian and Cameroonian children trafficked for forced labour.

The main reason, according to them, is Nigeria's perceived wealth, poverty and the violent conflicts in such African countries therefore: severe poverty, illiteracy, breakdown of morality, bastardization of Nigeria (sic) culture, ignorance, unemployment, economic hardship, Africa's fosterage system, Nigeria's porous border system, are some of the factors, which scholars have used to explain the preponderance and prevalence of child trafficking in the country. Traffickers are capitalizing on the African traditional setting which allows children as asset to assist with household works, farm chores. The businesses as safety net to traffic children, the placing and fostering of children in the homes of relatives into money making venture, thereby providing conduit pipe for trafficking children.

The status of Nigeria as a source, transit and destination point notwithstanding, the country's response to issues of trafficking has been quite commendable. Nigeria has been a pace setter in interventions against trafficking. This has been demonstrated by her prompt ratification of the Transnational Organised Crime Convention (TOC) and the domestication of the Palermo Convention into National Legislation known as "The Trafficking in Persons (prohibition) Law Enforcement and Administration Act, 2003". An agency was also established to enforce the law.

## **SELF ASSESSMENT EXERCISE I**

What is human trafficking?

### **3.1 VICTIMS OF HUMAN TRAFFICKING**

Women and children are the main victims of human trafficking, and the majority being trafficked into commercial sexual exploitation. According to Amy Richard (2003), trafficking in women "is the use of forced and deception to transfer women into situations of extreme exploitation." The use of force to hold a victim against his or her will can be both physical and

psychological. Women and children are stereotyped as property, commodities, servants, and sexual objects.

Generally, human traffickers take advantage of the demand for cheap and unprotected labour, such as the phenomenon of “househelp” in most African countries. There is also the phenomenon of sex industry in some countries, such as Italy, where young girls mostly from Nigeria are trafficked to for the trade. A research findings shows that:

- Most of the victims are from low income background.
- Most victims are school dropouts.
- They were mainly recruited by family members and acquaintances, and although they traveled on their own freewill, they were deceived about the nature of their jobs in Italy.
- The victims’ earning for sexual exploitation were retained by their “madam/sponsors or (pimps)” until their debt was paid.

According to Telegraph Newspaper (March 9, 2001), in their editorial, “Trafficking in Persons and African Image” that there is a noticeable and increasing rate of trafficking in African women and young girls to the United Kingdom to work as domestic servants. The report also pointed out that an increasing number of young girls claiming asylum in the United Kingdom are infact trafficked persons.

## **SELF ASSESSMENT EXERCISE II**

Lists the victims of human trafficking

### **3.2 ROOT CAUSES OF TRAFFICKING IN PERSONS**

There seems to be an agreement about the root causes of trafficking in person especially women and children. Among the factors reported to be the root causes of trafficking are:

- Ignorance, low level or lack of (formal) education;
- Irrelevant school curriculum leading to lack of interest in school and consequently to school drop out. Another dimension of this factor is that irrelevant curriculum in combination with poor teaching methods lead to early school drop out by girls. Hence there is a differential impacts of defective school curriculum on the vulnerability to trafficking of boys and girls i.e. there is a gender specific curriculum impact with partly why girls are more vulnerable than boys.
- Poverty which has different interpretations-intellectual poverty and material poverty, often it is the material poverty that the public perceives to be more at the root cause of trafficking. More rational and serious-minded observers and field researchers will appreciate the fact that material poverty is a logical consequence of intellectual poverty. To this extent intellectual poverty reflected in ignorance, low level or lack of education, and other education-related factors are more at the root cause of trafficking in persons than material poverty.
- Large family size, which, in combination of ignorance and certain religious beliefs and traditional practices including polygamy have transformed women into baby factories. When this situation takes place in rural setting and among illiterate families who are also materially poor, then the ability to cater for the resultant large number of children facilitates the traditional placement of children and debt bondage.
- Lack of political will either to initiate anti-trafficking activities or to sustain the momentum started to combat trafficking.
- Lack of effective legal frame work or inability to enforce existing legal frame and fund existing law enforcement instructions to implement anti-trafficking activates.

- Corruption among law enforcement officers.
- Unemployment
- Greed – (get rich quick syndrome) by those involved in heinous crime.
- Greener pastures syndrome – the belief that it is better out side one's own country.
- Traffickers applied juju rituals (Oath taking) on their victims.
- Natural disaster-draught, famine, flood etc. which force emigration and illegal migration.

### **SELF ASSESSMENT EXERCISE III**

Discuss the social problems of human trafficking to the victim and the society?

#### **3.2.1 Facilitation Factors**

##### **(a) Globalization of the Sex Industry**

Through globalization, international financial institutions e.g. World Bank (WB) and International Monetary Funds (IMF) establish stringent conditions many of which result in the reduction of withdrawal of state support public services like health education and social welfare. Privatization and liberalization policies have also thrown individuals mainly men out of jobs resulting in dysfunctional families. Invariably the victims are women (wives) and their children who are then forced to prostitution in order to make ends meet.

##### **(b) Male Demand**

Raymond (2001) reported that the male 'customer' has become the most invisible factor in promoting prostitution and the trafficking of women for prostitution world wide. Myths about male sexually, reluctance to problematize the supposed male 'need' for commercial sexual exploitation, male sexual exploitations, and the way in which sex has been tolerated as a male right in a commodity culture are all part of this demand.

(c) **Military presence and Conflict Zones**

War, armed conflicts and civil strife have swelled trafficking of persons especially women and children. Sex and other entertainment industries have been established around military bases. Young girls are trafficked into these conflict zones and used as child soldiers and sex objects. UN Peace-Keeping Forces have trafficked citizens of different nationalities for prostitution.

(d) **Stringent, Immigration Policies**

Restrictive immigration policies almost invariably force migrants to seek for illegal means of migration. In the process, they became vulnerable to both smugglers and traffickers as immigration policies tighten to border controls. Some border countries want cheap labour and sex industries want a new fresh, young supply of 'high-performing' exotic girls and women for prostitution to put them at a competitive advantage with similar sex industries.

### 3.3 **THE SOCIAL PROBLEMS OF TRAFFICKING ON THE VICTIMS AND THE SOCIETY**

It can be inferred that the abuse of person's rights through trafficking is also associated with other equally criminal acts among them are abduction, sexual and physical violence, rape/sexual, assault torture and slavery. Records also show that some victims are drugged to death or murdered. Victims that are lucky to be rescued suffer from irreversible psychological disorder. Other offences associated with trafficking in person include:

- Slavery
- Slavery-like practiced
- Involuntary servitude
- Forced or compulsory labour
- Debt bondage
- Forced marriage
- Forced abortion
- Forced pregnancy

- Cruel, inhuman or degrading treatment
- Rape
- Sexual assault
- Assault
- Bodily injury
- Murder
- Kidnapping/unlawful confinement
- Labour exploitation
- Withhold of identity paper and
- Corruption.

Traffickers use a series of control mechanism to ensure the success of their criminal objectives; among these mechanisms are:

- Immediate physical/or sexual abuse; seizure and retention travel and identity documents;
- Detention and constant supervision in the safe house's maintained by traffickers without the possibility of normal social contact with others;
- Constant moving or locations and personnel to prevent the victims from establishing any form of relationship with other victims or gaining detailed knowledge of the trafficking operation.
- Placing them in fear of seeking police assistance, threats of exposure.
- The use of threats of physical and sexual violence towards them or their loved ones in their country of origin.

#### **SELF ASSESSMENT EXERCISE IV**

Discuss the factors that tend to facilitate human trafficking in Nigeria.

#### **4.0 CONCLUSION**

The human trafficking problem is inherent in the social system and has exerted much pressure on individuals as well as various groups in the society. Trafficking in persons can be likened to a cankerworm and has affected the future and well being of many young generations. It is disheartening to note that despite the ill impact of human trafficking on the lives of people, the illicit business has thrived for many years and has occupied a prominent place within a large segment of civilized society.

#### **5.0 SUMMARY**

It is truism that human trafficking is a global problem. People are been trafficked for the purposes of forced labour, domestic servitude and sexual exploitation. Human trafficking is said to be prevalence because of severe poverty, the illiteracy, ignorance, greener pastures syndrome, large family size, African's fosterage system, African's countries porous border system, corruption among law enforcement officers, are some of the factors which scholars have used to explain the preponderance and prevalence of human trafficking on some countries, especially underdeveloped ones.

#### **6.0 TUTOR MARKED ASSIGNMENT**

Discuss the root causes of human trafficking

## 7.0 REFERENCES/FURTHER READINGS

- Adler, F., Mueller, G., Laufer, W., (1995) *Criminology*: 2nd edition. California: McGraw Hill. Inc.
- Bohn, R. M. and Haley, K. N. (2002). *Introduction to criminal justice*, 3rd edition California McGraw Hill Inc.
- Carrabine, Eamonn, *et al.* (2004). *Criminology: A sociological introduction*. London: Routledge.
- Dambazau, A. B. (2007) *Criminology and criminal justice*: 2nd edition Ibadan, Nigeria. Spectrum Books Ltd.
- Iwarimie – JaJa, D. (2003) *criminology; The study of crime*, 3rd edition Owerri, Imo State Spring Field publishers Ltd.
- Paranjape, N. V. (2007) *Criminology and penology*, 13th edition, Allahabad, India, Central Law Publishers.
- Siegel, L. J. (2006) *Criminology* 9<sup>th</sup> edition. Belmont, USA: Thomson and wadsworth
- Williams, Hall J. E. (1984). *Criminology and criminal justice*. London: Butterworths.
- Wolfgang, Marvin, E. (ed.) (1968). *Crime and Culture*. New York: John Wiley.
- Naptip Act (2003) *Trafficking in Persons (prohibition) Law Enforcement and Administration Act, 2003*.
- Naptip Journal on Innovative Child Protection Interventions on the National Response to Cross Border and Multinational Trafficking in Nigeria (UNICEP).
- Naptip News: A publication of National Agency for the Prohibition of Traffic in Persons and other related matters, Vol. 1, No.2.