
UNIT 1 YOUNG AND ADULT OFFENDERS

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1.0 INTRODUCTION

In this unit you will be learning about the meaning and definitions of young offenders and adult offenders. You will also learn about the description of these offenders and the various causative factors leading to youngsters taking to criminal activities and behaving in deviant manner. We will classify the offenders and indicate the different kinds of offenders within young offenders. We will also deal with the various consequences these deviant behaviours will have on the society. We will also present the laws relating to dealing with such offenses. While laws will help to control crime and deviance, it is equally important to prevent such crimes and deviance from arising. For this we will present in this unit the various preventive measures to help youngster avoid deviant behaviours and criminal activities. This is followed by dealing with the adult offenders and the types of crimes that they commit and the various laws related to the same. The latest trends in regard to these crimes will also be presented.

1.1 OBJECTIVES

After completing this unit, you will be able to:

- Define young offenders;
- Describe the characteristic features of the young offenders;
- Elucidate the causes for such offenses in the youngsters;
- Analyse the laws related to such youngsters offenses;
- Explain the preventive measures to restrain youngsters taking to deviance;
- Define adult offenders;
- Describe the types of offenders in this category of adult offenders;
- Analyse the causes related to the criminal activities of adult offenders; and
- Explain the laws related the adult crimes.

1.2 MEANING AND DEFINITION OF OFFENDER/ CRIMINAL

According to the Webster's Revised Unabridged Dictionary, offender is one who violates any law, divine or human; a wrongdoer. Crime is the breach of rules or laws for which some governing authority (via mechanisms such as legal systems) can ultimately prescribe a conviction. Individual human societies may each define crime and crimes differently. While every crime violates the law, not every violation of the law counts as a crime. For example: breaches of contract and of other civil laws may rank as "offences" or as "infractions".

Modern societies generally regard crimes as offences against the public or the state, distinguished from torts. The latter are offences against private parties that can give rise to a civil cause of action. When informal relationships and sanctions prove insufficient to establish and maintain a desired social order, a government or a state may impose more formalised or stricter systems of social control. With institutional and legal machinery at their disposal, agents of the State can compel populations to conform to codes, and can opt to punish or attempt to reform those who do not conform.

1.2.1 Classification of Offenders

A method for classifying offenders has to be based upon personal or psychiatric or psychological factors, or situational environmental factors, or a combination of both psychological and situational elements. Besides the above, there are also the personality involvement in every criminal act and the presence of a certain situation or set of circumstances. The issue that should be considered here is that when classifying any offender one must take the history of the individual's criminal behaviour.

A person who commits only a single crime differs in personality make up from the one who repeats a criminal act several times or commits various crimes. The classification must reflect this, and the history of the offender's antisocial and criminal behaviour will indicate whether the person should be labeled an acute (momentary) or a chronic (habitual) offender.

Any classification, be it of plants, animals, or human beings, is to some extent artificial because there will always be individual characteristics or a set of characteristics which can properly be placed in more than one group. In our own attempt at classification, dealing as we often do with emotionally and mentally abnormal offenders, it is frequently difficult to distinguish between a criminal who is neurotic and one who suffers from a character disorder. Yet in spite of the shortcomings inherent in classification, we must attempt to categorise offenders if we are going to be successful in dealing with them. If we can classify them in a rational way, we can diagnose their characteristics, treat them, and predict their future behaviour. However, such classification means that we will have to examine carefully each criminal to be able to find the characteristic and predominant traits that will tell us in which particular category the individual (offender) belongs.

In trying to arrive at a system of classification in the field of criminology, we are faced with two problems — classifying the crimes and classifying the criminals. The first classification is a legal one, having its origin in criminal law. The law differentiates between crimes committed against the person (that is, crimes of violence, such as assault, murder, or sexual attacks), those committed against property (burglary or robbery), and crimes against the State. The law thus attempts to classify the criminal according to his act. This legally and sociologically colored method of classification is imperfect and unrealistic in the great majority of cases because an offender may very easily fit into two or all three of the categories. For example, he may kill and commit a burglary, thus committing crimes against person and property.

One way of classifying offenders is to divide them according to those who commit crimes which are primarily directed against society (manifest criminals, such as gangsters), and those who commit crimes which primarily express their inner conflicts which are symptomatic or reactive criminals, such as the kleptomaniac, pyromaniac, sex offender, and a certain type of murderer. On the whole, individuals suffering from a neurotic or psychotic condition or from a character disturbance can also commit crimes which are mainly due to their mental condition. However, the drawback to such a classification is that the overwhelming majority of all offenders manifest inner conflicts.

1.2.2 Theories of Classification

Theories of classification have been many Lombroso expounded a type of classification based upon different criminal types. He divided criminals into:

- 1) The born criminal
- 2) The epileptic criminal
- 3) The criminal of irresistible passion
- 4) The insane and the feeble-minded criminal, including those of border-line mentality
- 5) The occasional criminal.

The last group, that is the occasional criminal was subdivided into (i) pseudocriminal, (ii) the criminaloid, and the (iii) persistent offender of nonabnormal type.

Enrico Ferri divided criminals into occasional offenders and habitual offenders. To the first group belonged those whose criminal acts were due to external circumstances and who were driven to commit crimes because of a special passion. To the second group belonged those who were obviously insane or mentally defective, and those mental deviates with inborn criminal tendencies (the so-called psychopaths), and finally the persistent early offenders whose criminal behaviour was caused by environmental elements.

Franz von Liszt criticized the classification based upon the motivation of the criminal and instead followed a penological and sociological viewpoint, distinguishing between momentary offenders and corrigible and incorrigible permanent offenders. Although this classification is clear-cut, it neglects to include offenders who are legally insane and is therefore incomplete and inaccurate.

In order to avoid such a pitfall, Charles Goring classified criminals into physical, mental, and moral types.

An interesting method of classification was proposed by Ernst Kretschmer, who was the first to try to correlate the physical appearance of a person with his mental condition. Kretschmer's constitutional classification is based upon the study of people as psychobiological, or mental-physiological, entities.

He established three types of personalities

- i) the athletic
- ii) the asthenic-schizothymic-leptosomic, and
- iii) the pyknic.

He stated that there exists a clear biological connection between mental disposition toward schizophrenia and the asthenic-schizothymic-leptosomic and the athletic body builds and also between mental disposition toward a manic-depressive condition and the pyknic body type.

His theory was applied to the classification of criminals, noting in particular that offenders who committed serious crimes were of the asthenic-schizothymic-leptosomic body build, while those offenders who committed less serious crimes had a pyknic body build.

While Kretschmer's idea of constitution is limited to a person's hereditary qualities, Olof Kinberg includes a person's reactions if they are the result of his predisposition or of his environment. Kinberg, in collaboration with Sjobring, gives a psychological classification wherein psychobiological correlation is not so predominant as in Kretschmer's hypothesis.

Classification of criminals, it must be noted that can only be valid on a causative or on an etiological basis. To classify according to the crime committed is untenable because the cause or causes of the crime are interrelated with the perpetrator and the person's environmental situation. Therefore, we can classify an offender only if we see the seriousness of the individuals' crime in relation to that person's personality make up. This is as true for the momentary offender as for the habitual one.

While classifying the crime one must also consider the frequency of the commission of the crime as it reflects the degree of inclination toward crime and of abnormality present in the offender. Such classification, however, presupposes that criminals be carefully examined, particularly to determine how much of the ego participated in the criminal act.

Also, to ascertain the causative factors responsible for criminal activities in the offender, we must examine each person individually and give each case a special consideration. Sometimes an offender manifests signs of a character disturbance and yet still may have anxieties and feelings of guilt. Or, on the surface the offender may show signs indicating a neurosis, while deep within, the individual may have a character deformation, which will put the offender into another group altogether. Also it must be kept in mind that a criminal may appear to be suffering from an anxiety hysteria, which may very well cover up a schizophrenic condition. The latter condition will place the offender in the psychotic classification, and not the neurotic one.

Another important point to consider is whether or not a criminal's aggressive drive, which has become antisocial and which is the product of the offender's distorted emotional and mental condition. Only a careful examination of, the offender, including his psychobiological development and the person's own personality reaction, will determine the causative factors responsible for the crime and the offender's place in the classification system.

A system of classification which is methodologically sound may be limited in scope. The purpose of the formation of categories in criminology is to determine how to deal with the offender in a rational way, be it by the court, the district attorney, the prison official, the probation officer, or the psychiatrist. An operational approach is therefore necessary, which must take into consideration the offender's environmental background, immediate situation, and personality make up.

The classification will also have to be based on both sociological and psychological factors, the division of physical and mental diseases into acute and chronic ones and the degree of severity of the disorder. This division can also be used to great advantage in classifying offenders because it connotes at once the degree of criminal involvement of the personality of the perpetrator. Therefore, offenders can be divided into two groups viz., (i) acute or momentary offenders and (ii) chronic or habitual, offenders.

In designating a criminal as acute or chronic, we must take into consideration the seriousness of the crime or crimes committed, as well as the frequency and time factor. Otherwise, an individual who commits one premeditated murder would be considered simply an acute criminal, while another individual who repeatedly commits harmless or nuisance thefts would be considered a chronic offender. Obviously, this is wrong because the first individual is more dangerous than the second, even though the latter may have a personality defect. While such a personality defect may also be true of the murderer, the person might display definitely some emotional or mental imbalance. Such a person's personality make up will be involved too much with the person's act to put him or her into the category of an acute offender.

The offenders can also be classified as given below:

- 1) **Opportunist:** An opportunist offender seeks out his victim's regularly until caught.
- 2) **Experimenter:** This type of offenders abuses as a part of sexual exploitation.
- 3) **Inadequate and opportunistic:** This type of offender is mentally inadequate or has a stunted mental development.
- 4) **Pedophile:** A pedophile has no sexual interest in adults and is sexually attracted to only prepubescent children, under the age of thirteen.
- 5) **Ephebophile:** An ephebophile is sexually attracted to only post-pubescent children, adolescents between the ages of fourteen and eighteen.
- 6) **Pederast :** This type of offender engages in anal intercourse with boys under the age of eighteen.
- 7) **Non exclusive:** This type of offender is married or in a relationship with another adult but clearly desires children sexually and uses every opportunity to find situations where sexual contact with a child can happen.
- 8) **Exclusive offender:** This type of offender is attracted only to children.
- 9) **Sex offenders:** A sex offender is an individual who is either an ephebophile or a pedophile.

Self Assessment Questions

- 1) What do you understand by Offenders? Describe the characteristic of offenders.
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- 2) How will you classify the offenders?
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- 3) What are the different theories of classification?
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- 4) Explain with suitable examples the various offenders as discussed by the criminologists in the above text?

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- 5) Name the various kinds of Offenders? Elaborate with examples.

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1.3 YOUNG AND ADULT OFFENDERS

A young offender or juvenile offender is a person who has been convicted or cautioned for a criminal offence. Criminal justice systems often deal with young offenders differently from adult offenders, but different countries apply the term ‘young offender’ to different age groups depending on the age of criminal responsibility in that country. The United Kingdom has three separate and distinct criminal justice systems: England & Wales, Northern Ireland, and Scotland. Young offenders are often dealt with by the Youth Offending Team.

A Juvenile Delinquent is one who repeatedly commits crime. These juvenile delinquents sometimes have mental disorders/behavioural issues such as post traumatic stress disorder or bipolar disorder, and are sometimes diagnosed with conduct disorder partially as a result of their delinquent behaviours.

In England & Wales the age of criminal responsibility is set at 10. Young offenders aged 10 to 17 (i.e. up to their eighteenth birthday) are classed as a juvenile offender. Between the ages of 18 and 21 (i.e. up to their twenty-first birthday) they are classed as young offenders. Offenders aged 21 and over are known as adult offenders. In Northern Ireland it is 10, and in Scotland the age of criminal responsibility is set at 8, one of the lowest ages of criminal responsibility in Europe.

Minors who commit sexual crimes are adjudicated in a criminal court as sexual crimes are defined as sexually abusive behaviour committed by a person under the age of 18 that is perpetrated “against the victim’s will, without consent, and in an aggressive, exploitative, manipulative, or threatening manner.

It is important to examine the prevalence data and the characteristics of juvenile sex offenders, in order to obtain a precise understanding of this heterogeneous group. In the Europe and other advanced countries, there is a mandatory reporting of such offences and this mandatory reporting laws makes it a necessity for the law enforcement agency to report any incidents of disclosed sexual abuse.

Criminal youths or young offenders may further be classified as:

- i) **Pseudo criminals:** Those who may commit a criminal act but are not seriously out of social control. Their criminality is only incidental to the central problem they represent, namely, failure of society at large.
- ii) **Amoral criminals:** Those who have somehow failed to internalise and fully accept the moral principles of their socially-oriented families and sub-culture.
- iii) **Real criminals:** Those who have imbibed criminal values and do not suffer from any guilt-feeling when violating the law.

It is important to find out the various causes for youth crimes or crimes committed by young offenders. These causes are presented below.

1.3.1 Social disorganisation

Social disorganisation is one of the important causes. Current positivist approaches generally focus on the culture. A type of criminological theory attributes variation in crime and delinquency over time and among territories, to the absence or breakdown of communal institutions (e.g. family, school, church and social groups.) and communal relationships that traditionally encouraged cooperative relationships among people.

Merton, a sociologist suggested five adaptations to the above approach based on his Strain theory, and these are (i) Innovation (ii) Retreatism (iii) Ritualism (iv) Conformity (v) Rebellion. Let us elaborate each of these below.

- i) *Innovation:* Individuals who accept socially approved goals, but not necessarily the socially approved means.
- ii) *Retreatism:* Those who reject socially approved goals and the means for acquiring them.
- iii) *Ritualism:* Those who buy into a system of socially approved means, but lose sight of the goals. Merton believed that drug users are in this category.
- iv) *Conformity:* Those who conform to the system's means and goals.
- v) *Rebellion:* People who negate socially approved goals and means by creating a new system of acceptable goals and means.

A difficulty with strain theory is that it does not explore why children of low income families would have poor educational attainment in the first place. More importantly is the fact that much youth crime does not have an economic motivation. Strain theory fails to explain violent crime, the type of youth crime which causes most anxiety to the public.

1.3.2 Other Causative Conditions Leading to Criminal Behaviour

There are many reasons why young people may get into trouble. These may stem from reasons including:

- Lack of discipline at home and in school;
- Bad communication between parents and teenagers;
- Peer pressure;
- Violence at home;

- Money problems;
- Poor housing;
- Instability;
- Low grades at school;
- Availability of drugs and alcohol;
- Bullying and alienation;
- Hyperactivity;
- Learning problems;
- Mental health problems.

1.3.3 Differential Association

The theory of Differential association also deals with young people in a group context, and looks at how peer pressure and the existence of gangs could lead them into crime. It suggests that young people are motivated to commit crimes by delinquent peers, and also they learn criminal skills from them. The diminished influence of peers after men marry has also been cited as a factor in desisting from offending. There is strong evidence that young people with criminal friends are more likely to commit crimes themselves. However it can also be that the offenders prefer to associate with one another, rather than delinquent peers causing someone to start offending. Furthermore there is the question of how the delinquent peer group became delinquent initially.

1.3.4 Labeling

Labeling theory states that once young people have been labeled as criminal they are more likely to offend. (Eadie & Morley: 2003 p. 552) The idea is that once labeled as deviant a young person may accept that role, and be more likely to associate with others who have been similarly labeled. (Eadie & Morley: 2003 p. 552). Labeling theorists say that male children from poor families are more likely to be labeled deviant, and that this may partially explain why there are more lower-class young male offenders. (Walklate: 2003 p. 24)

1.3.5 Male Phenomenon

Youth crime is disproportionately male and theorists and others have examined why this is the case. One suggestion is that ideas of masculinity may make young men more likely to offend. Being tough, and reckless may be a way young men attempt to express their masculinity. Acting out these ideals may make young men more likely to engage in antisocial and criminal behaviour. Alternatively, rather than young men acting as they do because of societal pressure to conform to masculine ideals; young men may actually be naturally more aggressive, daring etc. As well as biological or psychological factors, the way young men are treated by their parents may make them more susceptible to offending. According to a study, adolescent males who possess a certain type of variation in a specific gene are more likely to flock to delinquent peers.

1.4 RISK FACTORS

There are many risk factors which contribute to a young person becoming a deviant or a criminal. These factors include the following:

- i) Individual risk factors
- ii) Mental disorders
- iii) Family and societal environment.

These are being discussed in detail below.

1.4.1 Individual Risk Factors

Individual psychological or behavioural risk factors that may make offending more likely include intelligence, impulsiveness or the inability to delay gratification, aggression, empathy, and restlessness (Farrington: 2002). Children with low intelligence are likely to do worse in school. This may increase the chances of offending because low educational attainment, a low attachment to school, and low educational aspirations are all risk factors for offending in themselves. Children who perform poorly at school are also more likely to truant, which is also linked to offending. If strain theory or sub cultural theory is valid poor educational attainment could lead to crime as children when they grow up are not in a position to take up a worthwhile job, earn and have wealth to spend on essentials. However it must be born in mind that defining and measuring intelligence is troublesome. Young males with a certain deficient background are especially likely to be impulsive which could mean they disregard the long-term consequences of their actions, have a lack of self-control, and are unable to postpone immediate gratification.

1.4.2 Mental Disorders

Conduct disorder usually develops during childhood and manifests itself during an adolescent life. Some juvenile behaviour is attributed to the diagnosable disorder known as conduct disorder. Juvenile delinquents who have recurring encounters with the criminal justice system are sometimes diagnosed with conduct disorders because they show a continuous disregard for their own and others safety and property. Once the juvenile continues to exhibit the same behavioural patterns and turns eighteen he is then at risk of being diagnosed with antisocial personality disorder and much more prone to become a serious criminal offender. One of the main components used in diagnosing an adult with antisocial personality disorder consists of presenting documented history of conduct disorder before the age of 15. These two personality disorders are analogous in their erratic and aggressive behaviour. This is why habitual juvenile offenders diagnosed with conduct disorder are likely to exhibit signs of antisocial personality disorder as they mature. Once the juveniles reach maturation their socially unacceptable behaviour will have grown into a life style and they develop into career criminals. "Career criminals begin committing antisocial behaviour before entering grade school and are versatile in that they engage in an array of destructive behaviours, offend at exceedingly high rates, and are less likely to quit committing crime as they age.

1.4.3 Family Environment and Societal Factors

Family factors which may have an influence on offending include; the level of parental supervision, the way parents discipline a child, parental conflict or separation, criminal parents or siblings, and the quality of the parent-child relationship. Children brought up by lone parents are more likely to start offending than those who live with two natural parents, however once the attachment a

child feels towards their parent(s) and the level of parental supervision are taken into account, children in single parent families are no more likely to offend than others. Conflict between a child's parents is also much more closely linked to offending than being raised by a lone parent. If a child has low parental supervision they are much more likely to offend. Many studies have found a strong correlation between a lack of supervision and offending, and it appears to be the most important family influence on offending. When parents commonly do not know where their children are, what their activities are, or who their friends are, children are more likely to truant from school and have delinquent friends, each of which are linked to offending. A lack of supervision is connected to poor relationships between children and parents, as children who are often in conflict with their parents may be less willing to discuss their activities with them. Children with a weak attachment to their parents are more likely to offend.

Similarly if the society itself is defective in some way, or that there is a disorganisation of the society, there is no rule of law and let us say that the particular society has always been at war with other societies, depriving its own people in many ways, or where a society (tribe for instance) could be a tribe that indulges in looting people and so on, children brought up in such societies will also tend to become so as they grow up.

1.4.4 Prevention

Delinquency Prevention is the broad term for all efforts aimed at preventing youth from becoming involved in criminal, or other antisocial, activity. Increasingly, governments are recognising the importance of allocating resources for the prevention of delinquency. Because it is often difficult for states to provide the fiscal resources necessary for effective prevention, organisations, communities, and governments are working more in collaboration with each other to prevent juvenile delinquency.

With the development of delinquency in youth being influenced by numerous factors, prevention efforts are comprehensive in scope. Prevention services include activities such as substance abuse education and treatment, family counseling, youth mentoring, parenting education, educational support, and youth sheltering.

Reductionism means over-simplifying complex experiences and circumstances by converting them to simple quantities, relying on a psychosocial focus whilst neglecting potential socio-structural and political influences.

Determinism means characterising young people as passive victims of risk experiences with no ability to construct, negotiate or resist risk;

Imputation means. assuming that risk factors and definitions of offending are homogenous across countries and cultures, assuming that statistical correlations between risk factors and offending actually represent causal relationships.

Also when the juvenile offender reaches maturation he or she is likely to continue exhibiting maladaptive behaviours and increase the risk of being cycled through the criminal justice system as an adult offender. Due to the small population of habitual adult and juvenile offenders attributing for the large percentage of violent crimes (i.e. murder and aggravated assault) the criminal justice system should supervise the small population of career criminals in an effort to prevent the spawning of serious violent offenders.

If mental disorders such as conduct disorder go undiagnosed and untreated the juvenile offender has the increased potential to later develop antisocial personality disorder and continue his life as a career criminal. Hence diagnosing and treating these youngsters at an early stage is very essential for prevention of delinquency.

The majority of violent offenders exhibit characteristics of antisocial personality disorder and exhibit it no later than age 15. Antisocial personality disorder is a common diagnosis for a serial killer. Authors Alvarez and Bachman found that one similarity among serial killers was their prior criminal convictions. In this case conduct disorder can become a probable constituent to serial murder if not diagnosed and treated before it fully develops in adulthood as antisocial personality disorder. Both conduct disorder and antisocial personality disorder are categorised as personality disorders under the DSM-IV-TR and share extremely similar definitions as explained above in 'Mental Disorders'.

Some of the common characteristics include consistent violation of societal norms, aggressive behaviour towards people, and a disassociation to the emotion of empathy. These traits are also common amongst serial killers and if the maladaptive behaviours are not treated they have the potential to conceive a person that fantasizes about killing several victims and then fulfills their impulsivity when they are no longer capable of suppressing it.

Self Assessment Questions

1) What do you understand by young and adult offenders?

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2) Classify the various types of young offenders?

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3) What are the causative factors involved in shaping a young person into an offender?

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4) Define the following:

a) Prevention of crime

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b) Societal consequences

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c) Differential association

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1.5 ADULT OFFENDERS

A normative definition views crime as deviant behaviour that violates prevailing norms. These are the cultural standards prescribing how humans ought to behave normally. This approach considers the complex realities surrounding the concept of crime and seeks to understand how changing social, political, psychological, and economic conditions may affect changing definitions of crime and the form of the legal, law-enforcement, and penal responses made by society

These structural realities remain fluid and often contentious. For example: as cultures change and the political environment shifts, societies may criminalise or decriminalise certain behaviours, which will directly affect the statistical crime rates, influence the allocation of resources for the enforcement of laws, and once again influence the general public opinion.

Similarly, changes in the collection and/or calculation of data on crime may affect the public perceptions of the extent of any given “crime problem”. All such adjustments to crime statistics, allied with the experience of people in their everyday lives, shape attitudes on the extent to which the State should use law or social engineering to enforce or encourage any particular social norm. Behaviour can be controlled and influenced in many ways without having to resort to the criminal justice system.

1.5.1 Types of Crimes Committed by Adult Offenders

Researchers and commentators may classify crime committed by adult offenders into categories, including the following:

- Property crime
- Public order crime
- Violent crime

Property crime

Property crime is a category of crime that includes, among other crimes, burglary, larceny, theft, motor vehicle theft, arson, shoplifting, and vandalism. Property crime only involves the taking of money or property from another person and does not involve force or threat of force against a victim.

Although robbery involves taking property, it is classified as a violent crime, as force or threat of force on an individual that is present is involved in contrast to burglary which is typically of an unoccupied dwelling or other unoccupied building.

Property crimes are high-volume crimes, with cash, electronics (e.g. televisions), power tools, cameras, and jewellery often targeted. “Hot products” tend to be items that are concealable, removable, available, valuable, and enjoyable, with an ease of “disposal” being the most important characteristic.

The various types of property crime include burglary, thefts etc. Let us see what is burglary.

Burglary

Burglary of residences, retail establishments, and other commercial facilities involves breaking and entering, and stealing property. Attempted forcible entry into a property is also classified as burglary.

In India, as of 2008, there were 93742 residential burglaries which was 36% less than the previous years. The clearance rate for burglary is around 36%..

In the United States, burglary rates are highest in August and lowest in February, with weather, length-of-day, and other factors having an effect on rates. There is no specific season for burglary. It happens through the year.

Theft

Theft of cash is most common, over everything else, followed by vehicle parts, clothing, and tools. In 2008, in India, there had been 316761 thefts, of which 38.8% have been convicted. In India theft had increased by 41.5%.

Motor vehicle theft

Motor vehicle theft is a common form of property crime, often perpetrated by youths for joyriding. In India in 2006, the number of motor vehicles stolen were 89880 of which 69447 were two-wheelers. In 2010, there had been 98930 motor vehicles theft. The percentage of cases in this category solved is far lesser and clear data are not available.

Arson

Arson involves any intentional fire setting or attempting to set fire. A frequent motive for arson is insurance fraud, with the fire staged to appear accidental. Other motives for arson include desire to commit vandalism or mischief, for thrill or excitement, for revenge, to conceal other crimes, or as a hate crime. In India according to the National Crime Records Bureau, in 2008 there had been a total of 9249 cases of arson. This about 1% of total IPC cases.

These may also be classified in terms of the following:

- Organised crime
- Serial crime
- Signal crime
- Verbal offence
- White-collar crime

Let us deal with each of these and elaborate upon the same.

Organised crime

There are two definitions of organised crime. One refers to organised crime any continuing unlawful activity by an individual, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion, or other unlawful means, with the objective of gaining pecuniary benefits, or gaining undue economic or other advantage for himself or any person or promoting insurgency; (Maharashtra Control of Organised Crime Act).

Serial crime

A serial killer is typically defined as a person who murders three or more people over a period of more than 30 days, with a “cooling off” period between each murder, and whose motivation for killing is largely based on psychological gratification. Other sources define the term as “a series of two or more murders, committed as separate events, usually, but not always, by one offender acting alone” or, including the vital characteristics, a minimum of at least two murders. The murders may have been attempted or completed in a similar fashion and the victims may have had something in common; for example, occupation, race, appearance, sex, or age group.

Signal crime

Signal crime is a concept in reassurance policing. It centres around the theory that certain crimes or incidents of anti-social behaviour may act as a “signal” to a community that they are at risk. Examples commonly given are vandalism of phone boxes and bus shelters, and people dealing with drugs.

Verbal crime

Cruel words from another person do not necessarily constitute a verbal threat under the law. The difference between a criminal act and a lack of courtesy are the specific violent nature of the threat and the creation of fear in the threatened person. The proper word for such a crime is “assault,” which can be defined as an intended but unsuccessful battery or an act that creates the immediate apprehension of harm. The latter of these two includes a verbal threat. For a threat to be a crime, it must be a threat to do physical harm. Threats to murder or cause serious injury to a person are specific enough to be the basis of a crime.

White-collar crime

Within the field of criminology, white-collar crime has been defined as “a crime committed by a person of respectability and high social status in the course of

his occupation” (Sutherland, 1949). This is a non violent crime, generally for personal gain and often involving money. Basically these crimes are committed for financial gains. Cheating, fraud, and commercial offences committed by administrative or managerial employees, business persons, professionals, or public officials is called white-collar crimes.

1.6 THE CRIMINAL LAW

Criminal law is designed to maintain social order and to protect the authority of the state. In capitalist societies, criminal law is also important in protecting personal property and creating a positive environment for economic activity.

As for criminal law in India, under the constitution, criminal jurisdiction belongs concurrently to the central government and the states. The prevailing law on crime prevention and punishment is embodied in two principal statutes:

- i) The Indian Penal Code and
- ii) The Code of Criminal Procedure of 1973.

These laws take precedence over any state legislation, and the states cannot alter or amend them. Separate legislation enacted by both the states and the central government also has established criminal liability for acts such as smuggling, illegal use of arms and ammunition, and corruption. All legislation, however, remains subordinate to the constitution.

The Indian Penal Code came into force in 1862; as amended, it continued in force in 1993. Based on British criminal law, the code defines basic crimes and punishments, applies to resident foreigners and citizens alike, and recognises offenses committed abroad by Indian nationals.

The penal code classifies crimes under various categories: crimes against the state, the armed forces, public order, the human body, and property; and crimes relating to elections, religion, marriage, and health, safety, decency, and morals.

Crimes are cognisable or noncognisable, comparable to the distinction between felonies and misdemeanors in legal use in the United States. Six categories of punishment include fines, forfeiture of property, simple imprisonment, rigorous imprisonment with hard labour, life imprisonment, and death.

An individual can be imprisoned for failure to pay fines, and up to three months' solitary confinement can occur during rare rigorous imprisonment sentences. Commutation is possible for death and life sentences. Executions are by hanging and are rare—there were only three in 1993 and two in 1994—and are usually reserved for crimes such as political assassination and multiple murders.

Courts of law try cases under procedures that resemble the Anglo-American pattern. The machinery for prevention and punishment through the criminal court system rests on the Code of Criminal Procedure of 1973, which came into force on April 1, 1974, replacing a code dating from 1898. The code includes provisions to expedite the judicial process, increase efficiency, prevent abuses, and provide legal relief to the poor. The basic framework of the criminal justice system, however, was left unchanged.

1.6.1 Trends

A report published by the National Crime Records Bureau compared crime rate from 1953 to 2006. The report noted that burglary declined over a period of 53 years by 38% (from 1,47,379 in 1953 to 91,666 in 2006), whereas murder has increased by 231% (from 9,803 in 1953 to 32,481 in 2006). Kidnapping has increased by 356% (from 5,261 in 1953 to 23,991 in 2006), robbery by 120% (from 8,407 in 1953 to 18,456 in 2006) and riots by 176% (from 20,529 in 1953 to 56,641 in 2006).

In 2006, 51,02,460 cognisable crimes were committed including 18,78,293 Indian Penal Code (IPC) crimes and 32,24,167 Special & Local Laws (SLL) crimes, with an increase of 1.5% over 2005 (50,26,337). IPC crime rate in 2006 was 167.7 compared to 165.3 in 2005 showing an increase of 1.5% in 2006 over 2005. SLL crime rate in 2006 was 287.9 compared to 290.5 in 2005 showing a decline of 0.9% in 2006 over 2005.

Year	Total cog. crimes under IPC	Murder	Kidnapping	Robbery	Burglary	Riots
1953	6,01,964	9,802	5,261	8,407	147,379	20,529
2006	18,78,293	32,481	23,991	18,456	91,666	56,641
% Change in 2006 over 1953	212.0	231.0	356.0	120.0	-38.0	176.0

Source: National Crimes Records Bureau (2006).

1.6.2 Violent Crimes

A violent crime or crime of violence is a crime in which the offender uses or threatens to use violent force upon the victim. This entails both crimes in which the violent act is the objective, such as murder, as well as crimes in which violence is the means to an end, (including criminal ends) such as robbery. Violent crimes include crimes committed with and without weapons. With the exception of rape (which accounts for 6% of all reported violent crimes), males are the primary victims of all forms of violent crime.

Types

Below are some forms of violent crimes outlawed by governmental legal entities

Type	Meaning
Abuse	To use wrongly or improperly used; misuse
Child abuse	Cruelty to children (people under the age of 18)
Sexual abuse	The act of injuring a person during sexual activity without mutual consent for the gratification of the abuser.
Child sexual abuse	When an adult forces a minor to engage in sexual activity, especially without regard for the mental, emotional, and physical well-being of the child who, by government law, cannot consent since it is believed that anyone under the age of 18 years does not have a developed enough understanding of sexuality.

Child-on-child sexual abuse	When a minor abuses another child sexually. No adult is involved.
Assault and battery	An assault involving actual bodily contact
Assault	An unlawful physical attack upon another or threat to do violence to another
Aggravated assault	Assault with the use of weapons or in other circumstances beyond the realm of normal assault
Sexual assault	When a person—regardless of gender—forcefully engages another person in sexual activity without mutual consent.
Battery	An unlawful attack upon another person by beating or wounding, or by touching in an offensive manner
Cruelty to animals	A cruel act upon an animal
Domestic violence	Acts of violence against a person living in one's household or a member of one's immediate family
Homicide	The killing of another human being
Murder	Homicide in certain proscribed conditions
Property damage	Damage to another's property (i.e.: breaking of things, burning, or harming in a devastating manner)
Rape	The unlawful compelling of someone through physical force or duress to have sexual intercourse
Statutory rape	Consensual sexual relations between an adult and a person below the local age of consent.
Robbery	Use of force or threat of force in the commission of theft.

Indeed, in those cases where no clear consensus exists on a given norm, the drafting of criminal law by the group in power to prohibit the behaviour of another group may seem to some observers an improper limitation of the second group's freedom, and the ordinary members of society have less respect for the law or laws in general — whether the authorities actually enforce the disputed law or not.

Legislatures can pass laws (called *mala prohibita*) that define crimes which violate social norms. These laws vary from time to time and from place to place: note variations in gambling laws, for example, and the prohibition or encouragement of duelling in history. Other crimes, called *mala in se*, count as outlawed in almost all societies, (murder, theft and rape, for example). The direct concern of the criminal law is to protect society as a whole and to seek conformity to the rules by which it operates. Moreover, criminal law protects the rights of any given individual in society. Through the instrument of punishment, criminal law protects social values which are considered essential to the order and morale of a society.

1.7 LET US SUM UP

Crime is the breach of rules or laws for which some governing authority (via mechanisms such as legal systems) can ultimately prescribe a conviction.

Individual human societies may each define crime and crimes differently. While every crime violates the law, not every violation of the law counts as a crime; for example: breaches of contract and of other civil law may rank as “offences” or as “infractions”. A young offender or juvenile offender is a person who has been convicted or cautioned for a criminal offence. Criminal justice systems often deal with young offenders differently from adult offenders, but different countries apply the term ‘young offender’ to different age groups depending on the age of criminal responsibility in that country. Criminal law along with protecting the interests of society and the victim, it is equally essential to protect the interests of the criminal too. According to criminologists and sociologists a person commits crime because of the malfunctioning of subsystems and social structures in society rather than because of his personality characteristics. This is more true of youths than of adults. A number of factors have come to affect the thinking and behaviour of the youth today. Some of these are: expansion of education, increasing unemployment, reservation policy of the government, lack of proper care and guidance by the parents, tremendous influence of the mass media, the newly acquired affluence of the young, failure of educational institutions of the peer group in an intermediate stage between leaving the protection of the family, with the distinctive patterns of behaviour and entering the increasingly impersonal and competitive wider society.

1.8 UNIT END QUESTIONS

- 1) Define offenders and classify the same.
- 2) Do You agree that the malfunctioning of criminal law is responsible for the rise of crimes in the youth as well as adult offenders?
- 3) Define violent crimes? What are the various type of crimes associated with it. Explain.
- 4) Explain Adult Offenders? What are the various types of crimes committed by them?
- 5) Define the following:
 - a) Property crime
 - b) Arson
 - c) Burglary

1.9 GLOSSARY

Offender	: one who offends; one who violates any law divine or human; a wrong doer.
Conviction	<ol style="list-style-type: none"> 1) an unshakable belief in something without need for proof or evidence. 2) (criminal law) a final judgment of guilty in a criminal case and the punishment that is imposed; “the conviction came as no surprise”
Breaches	: an act of breaking a law, agreement or code of conduct.

Acute or a chronic Offender	:	high rate and serious offending.
Neurotic disorder	:	former name for a category of mental disorders characterised by anxiety and avoidance behaviour, with symptoms distressing to the patient, intact reality testing, no violations of gross social norms, and no apparent organic etiology.
Character disorder	:	a type of high-level personality disorder with some neurotic characteristics.
Kleptomaniac	:	an obsessive impulse to steal regardless of economic need, usually arising from an unconscious symbolic value associated with the stolen item.
Pyromaniac	:	an uncontrollable impulse to start fires.
Psychopaths	:	a person with an antisocial personality disorder, especially one manifested in perverted, criminal, or amoral behaviour.
Momentary offenders	:	the ones who commit the crime at the spree of the moment.
Corrigible offenders	:	capable of being corrected, reformed, or improved.

1.10 SUGGESTED READINGS

Ahuja Ram (1969). *Female Offenders in India*. Meerut. Meenakshi Publications.

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