

Title: Forensic Psychology

Specification: Problems in defining crime. Ways of measuring crime, including official statistics, victim surveys and offender surveys.

WHAT YOU NEED TO KNOW

1. Understand problems in defining crime. For example:
 - a. Historical context
 - b. Cultural context
 - c. Age
 - d. Specific circumstances
2. Outline ways of measuring crime, including:
 - a. Official statistics
 - b. Victim surveys
 - c. Offender surveys

1. Problems in Defining Crime

Defining crime is problematic as it is a social construct and therefore heavily reliant on the context in which it is set. Simply put, crime is seen as an act against the community, which requires a legal punishment. In UK law, crime is determined when a guilty act (*actus reus*), violates the law. Furthermore, an act is seen as a crime when it is clear that the act was carried out voluntarily and that there was an intention (*mens rea* or “guilty mind”).

Despite this standpoint, there are numerous problems to consider when defining crime, including historical context, cultural context, age and specific circumstances.

Historical context – one important consideration is that as times change, so does the law. Acts which are considered criminal at one point in time are not necessarily considered criminal at another point. The most pertinent example of this is homosexuality: In the earlier part of the 20th century it was illegal in the UK to commit a homosexual act (specifically relations between two men), whereas now that would not be thought of as it was decriminalised in 1967 under the Sexual Offences Act.

The reality of this was dramatised in the 2014 film **The Imitation Game**, which told the true story of computer scientist Alan Turing, the man responsible for breaking the Nazi’s Enigma code during the Second World War. Turing was hailed as a hero for his wartime efforts, but arrested in 1952 for engaging in a same-sex relationship. Turing was offered the chance to escape imprisonment if he willingly took part in hormonal aversion therapy to remove his homosexual urges, which Turing opted for. In 1954, Turing was found dead in his home and it was concluded that suicide was the cause. In 2014 the Queen issued Turing a [Royal Pardon](#), overturning his charge of gross indecency.

Another more recent example of legal changes concerns child discipline: Section 58 of the Children Act 2004 stipulates that it is unlawful to hit a child under 3 where it is not in the context of “reasonable [parental] punishment” and where a mark of some description may be left on the child it constitutes grievous or actual bodily harm.

Another way of considering this issue is the way that technological advances have resulted in new forms of crime that previously did not have a legal framework, for example in the form of identity theft and cybercrime (**Wall, 2007**).

Cultural context – culture is also relevant to how we define crime, particularly as the United Kingdom is a very diverse country. For example, one culture may be accepting of polygamous marriage (having more than one wife). However, being married more than once (known as bigamy) is illegal under Section 57 of the Offences Against the Person Act 1861. Another area of increasing focus in the UK is that of female genital mutilation (FGM), often performed on young adolescent girls, which is considered acceptable in some cultures where it is seen as a sign of entering into womanhood, but is incredibly dangerous to the individual concerned. Consequently, it has been written into UK law that it is unlawful to perform FGM in the UK. Furthermore, it is also unlawful for permanent UK residents to take children out of the UK to have the procedure carried out. The Female Genital Mutilation Act 2003 replaced the Prohibition of Female Circumcision Act 1985 and the maximum penalty was increased from 5 to 14 years in prison, as a clear deterrent to those looking to practise it.

Furthermore, it is also worth noting that across the world, different countries exercise different laws. For example, homosexuality is illegal in an estimated 74 countries and in 13 of those, it is punishable by death. It is therefore important to consider **cultural relativism** when defining crime because it highlights that laws differ in different cultures.

Age – is another issue which affects the defining of crime. The age at which an individual is considered legally responsible is debated. For example, if a 3-year-old child took something off the shelf in a shop and left without the parent having noticed them taking it, would it be considered a crime? Technically it is stealing, but you wouldn't suggest that the child is criminally responsible because of their age. Of course, this is reasonable within this specific example, but what about when the child is 7 or 10? When do they actually know that they are breaking the law?

In the UK, the age of criminal responsibility is ten, but previously it was eight. What this means is that a 10-year-old can be tried in court as the legal system regards them as having sufficient understanding to tell the difference between right and wrong. While this makes sense, in theory, it still poses a discussion when very serious crimes are committed by young children. The most notorious example in this country is that of 3-year old James Bulger, who was murdered by Robert Thompson and Jon Venables, who were both ten at the time. The severity of their crime caused an outcry, but prompted the discussion of who was really to blame, the boys or their difficult backgrounds. If it was the latter, that would add a further question mark to the age of criminal responsibility: Were they emotionally mature enough to know that what they were doing was so seriously wrong?

Specific circumstances – despite the UK's legal approach of *actus reus* and *mens rea* (see introduction), there are occasions where this approach to defining a crime is not appropriate. There are circumstances under which a law might be broken and a court

judges it to be for good reason. For example, a man may be caught speeding, but he is desperately trying to get his wife to hospital as she is in labour. In this situation, has he committed a crime? Yes, in terms of the legal framework, but not necessarily when one considers the specific circumstances of his motivations for speeding. **Blackburn (1993)** argues that the defining feature of crime is that it should be seen as “conscious rule breaking”, in short when people know that what they are doing is wrong and yet choose to do it anyway.

Ultimately a legal court is an important part of judging a crime and as such these problems are hopefully taken into consideration when a judgement is being made.

2. Ways of Measuring Crime

It is important to consider the frequency of criminal activity across the country, so that one can observe if crime levels change over time or where they appear to happen the most. There are three main ways that crime is measured by forensic psychologists and these include both quantitative and qualitative measures.

Official statistics – the Office for National Statistics is responsible for collecting a wide range of quantitative data on varying areas of interest. It holds the information on current crime surveys carried out on victims (see below), as well as those recorded by the police. Some of the areas of crime covered include criminal damage, property crime, drug crime as well as physical and sexual crime.

Victim surveys - one of the largest victim surveys carried out in the UK is the **Crime Survey for England and Wales (CSEW)**, which was previously known as the British Crime Survey and can be found [online](#). It is a face-to-face survey which collects data from 50,000 households in the UK (2016/17), who are selected at random through a “postcode lottery”. This means that not all households will be interviewed and also participants have the right to withdraw or refuse to be interviewed. Adults and children are questioned on their experiences of crime and questions are followed up to obtain their attitudes on crime and the police, as well as to help identify those groups most at risk.

Offender surveys – these surveys are designed to take information from offenders, often those in prison, in order to develop an understanding of the behaviour and attitudes of offenders. The **Offending Crime and Justice Survey (OCJS)** was a longitudinal study carried out between 2003 and 2006. It took data from a variety of areas including self-reported offending, indicators of recidivism (repeat offending) and the types of offences committed. By interviewing a range of young offenders looking back over the previous years, they identified specific trends in anti-social behaviour, namely a peak between the ages of 14 and 16, and the relationship between offending behaviour and the use of drugs or alcohol. This kind of data helps researchers to identify potential risk factors and develop ways to prevent a person from becoming an offender, for example through treatment programmes targeted at certain age groups.

Key Study: The Crime Survey for England and Wales (2016)

Aim: To investigate victim experiences of crime and attitudes towards crime and the legal system in England and Wales.

Method: As noted previously, those surveyed were asked questions on a range of different crimes. This year (2016) questions on fraud and computer misuse were added to the list.

Results: Overall the CSEW collected data on 6.3 million incidences of crime since the previous year, suggesting a 6% decrease in criminal activity. Comparatively, the police recorded 4.5 million crimes between March 2015 and 2016, which indicated an annual

rise of 8%. The CSEW showed no significant changes in the number of physical or sexual assaults since the previous year, while the police reported an increase.

Conclusion: The data helps us to understand trends in society concerning crime and to particularly see whether there are increases or decreases in criminal behaviour. The introduction of questions on fraud and computer misuse is interesting for future analysis but wasn't used fully in this bulletin as it was only used in the second half of the data collection. For future reference, it will add more to the CSEW, but also highlights the changing face of crime.

Evaluation

- Official statistics are considered fairly limited as they are easily skewed by data which is omitted such as unreported crime and categories of crime which do not necessarily get brought up in a simple survey or questionnaire. This is why victim and offender surveys are considered useful as they can give more accurate details about crimes which may not get reported in the official statistics.
- As with any survey, there is an issue of honesty in those being questioned. Since the CSEW claims that 4 in 10 crimes don't get reported, what is to stop those 6 in 10 not reporting crimes holding back in an interview? The CSEW argue that their data is invaluable for this reason as it gives people the opportunity to talk honestly without fear of repercussions. However, critics may argue that there could still be a reluctance to put forward fully their experiences or attitudes, particularly if complete honesty would implicate the victim in criminal activity as well.
- Another issue with surveys is that the company conducting the research may be given a random pool of participants to approach, but it is up to them whether or not they take part. On the CSEW website, they note that they must rely on the "goodwill" of individuals to agree to be a part of the [research](#). This is a problem if many people decide that they don't wish to, resulting in a diminished sample size.
- Offender surveys are likely to be limited by the honesty of their respondents, perhaps even more so than victim surveys. However, there is debate over this as some argue that an offender may be more likely to be honest in order to use the information to their advantage, while others suggest that they will be reluctant to give up information that implicates another person.

Critical Thinking

Why might people not report a crime? While there are plenty of crimes that get reported to the police, the CSEW estimates that 4 in 10 crimes are not [reported](#). What reasons might people have for not reporting a crime? How does this affect the reliability of official statistics?

Has there been an increase or a decrease in crime? The data from the CSEW appears to be conflicting. However, this is the benefit of carrying out victim surveys. As noted

previously, it is estimated by the CSEW that 4 in 10 crimes don't actually get reported. Further to this, they suggest that police recording of crime has improved over the last year. This information can help us to more accurately understand the data, but also raises a question mark over whether the victim surveys are likely to be completely honest.

Possible Exam Questions

1. Short Answer: Each statement below - (a), (b) and (c) - applies to a different way of measuring crime. For each of these statements, identify the way of measuring crime that is most appropriate:
 - (a) It fails to account for all those crimes that are unreported or unrecorded.
 - (b) It is a measure of crime that also tells us who is responsible for those crimes.
 - (c) It measures only those crimes where someone suffers as a result of the crime.
 [Total 3 marks]

2. Application: Read the item and then answer the questions that follow. In the UK, it is against the law to have more than one wife or husband at the same time. Smacking children was not illegal before 2004 in the UK, but now can be a criminal offence.

Referring to the statements above, explain two problems in defining crime. [Total 4 marks]

3. Essay: Discuss problems with defining crime with reference to examples. [16 marks]
4. Essay: Discuss ways of measuring crime. [16 marks]