celebrities, and military leaders often have access to national and international power, and in some cases, their decisions affect everyone in society. Because of this, the rules of society are stacked in favor of a privileged few who manipulate them to stay on top. It is these people who decide what is criminal and what is not, and the effects are often felt most by those who have little power. Mills’ theories explain why celebrities such as Chris Brown and Paris Hilton, or once-powerful politicians such as Eliot Spitzer and Tom DeLay, can commit crimes with little or no legal retribution.

Crime and Social Class

While crime is often associated with the underprivileged, crimes committed by the wealthy and powerful remain an under-punished and costly problem within society. The FBI reported that victims of burglary, larceny, and motor vehicle theft lost a total of $15.3 billion dollars in 2009 (FB1 2010). In comparison, when Bernie Madoff was arrested in 2008, the US Securities and Exchange Commission reported that the estimated losses of his financial Ponzi scheme fraud were close to $50 billion (SEC 2009).

This imbalance based on class power is also found within US criminal law. In the 1980s, the use of crack cocaine (cocaine in its purest form) quickly became an epidemic sweeping the country’s poorest urban communities. Its pricier counterpart, cocaine, was associated with upscale users and was a drug of choice for the wealthy. The legal implications of being caught by authorities for crack versus cocaine were starkly different. In 1986, federal law mandated that being caught in possession of 50 grams of crack was punishable by a 10-year prison sentence. An equivalent prison sentence for cocaine possession, however, required possession of 5,000 grams. In other words, the sentencing disparity was 1 to 100 (New York Times Editorial Staff 2011). This inequality in the severity of punishment for crack versus cocaine paralleled the unequal social class of respective users. A conflict theorist would note that those in society who hold the power are also the ones who make the laws concerning crime. In doing so, they make laws that will benefit them, while the powerless classes who lack the resources to make such decisions suffer the consequences. The crack-cocaine punishment disparity remained until 2010, when President Obama signed the Fair Sentencing Act, which decreased the disparity to 1 to 18 (The Sentencing Project 2010).
Symbolic Interactionism

Symbolic interactionism is a theoretical approach that can be used to explain how societies and/or social groups come to view behaviors as deviant or conventional. Labeling theory, differential association, social disorganization theory, and control theory fall within the realm of symbolic interactionism.

Labeling Theory

Although all of us violate norms from time to time, few people would consider themselves deviant. Those who do, however, have often been labeled “deviant” by society and have gradually come to believe it themselves. Labeling theory examines the ascribing of a deviant behavior to another person by members of society. Thus, what is considered deviant is determined not so much by the behaviors themselves or the people who commit them, but by the reactions of others to these behaviors. As a result, what is considered deviant changes over time and can vary significantly across cultures.

Sociologist Edwin Lemert expanded on the concepts of labeling theory, identifying two types of deviance that affect identity formation. **Primary deviance** is a violation of norms that does not result in any long-term effects on the individual’s self-image or interactions with others. Speeding is a deviant act, but receiving a speeding ticket generally does not make others view you as a bad person, nor does it alter your own self-concept. Individuals who engage in primary deviance still maintain a feeling of belonging in society and are likely to continue to conform to norms in the future.

Sometimes, in more extreme cases, primary deviance can morph into secondary deviance. **Secondary deviance** occurs when a person’s self-concept and behavior begin to change after his or her actions are labeled as deviant by members of society.
control theory: theory that states social control is directly affected by the strength of social bonds and that deviance results from a feeling of disconnection from society.

cultural deviance theory: theory that suggests conformity to the prevailing cultural norms of lower-class society causes crime.

differential association theory: theory that states individuals learn deviant behavior from those close to them who provide models of and opportunities for deviance.

labeling theory: the ascribing of a deviant behavior to another person by members of society.

master status: a label that describes the chief characteristic of an individual.

power elite: a small group of wealthy and influential people at the top of society who hold the power and resources.

primary deviance: a violation of norms that does not result in any long-term effects on the individual’s self-image or interactions with others.

secondary deviance: occurs when a person’s self-concept and behavior begin to change after his or her actions are labeled as deviant by members of society.

social disorganization theory: theory that asserts crime occurs in communities with weak social ties and the absence of social control.

strain theory: theory that addresses the relationship between having socially acceptable goals and having socially acceptable means to reach those goals.

7.4 Crime and the Law

Summary:
- Identify and differentiate between different types of crimes.
- Evaluate U.S. crime statistics.
- Understand the three branches of the U.S. criminal justice system.

Figure 8: How is a crime different from other types of deviance? (Photo courtesy of Duffman/Wikimedia Commons.)
Although the UCR contains comprehensive data on police reports, it fails to take into account the fact that many crimes go unreported due to the victim’s unwillingness to report them, largely based on fear, shame, or distrust of the police. The quality of the data collected by the UCR also varies greatly. Because officers’ approaches to gathering victims’ accounts frequently differed, important details were not always asked for or reported (Cantor and Lynch 2000).

To offset this publication, in 1973 the U.S. Bureau of Justice Statistics began to publish a separate report known as the National Crime Victimization Survey (NCVS). The NCVS is a self-report study. A self-report study is a collection of data acquired using voluntary response methods, such as questionnaires or telephone interviews. Each year, survey data are gathered from approximately 135,000 people in the United States on the frequency and type of crime they experience in their daily lives (BJS 2011). The surveys are thorough, providing a wider scope of information than was previously available. This allows researchers to examine crime from more detailed perspectives and to analyze the data based on factors such as the relationship between victims and offenders, the consequences of the crimes, and substance abuse involved in the crimes. Demographics are also analyzed, such as age, race, gender, location, and income level (National Archive of Criminal Justice Data 2010). The NCVS reports a higher rate of crime than the UCR.

Though the NCVS is a critical source of statistical information, disadvantages exist. “Non-response,” or a victim’s failure to participate in the survey or a particular question, is among them. Inability to contact important demographics, such as those who don’t have access to phones or frequently relocate, also skew the data. For those who participate, memory issues can be problematic for the data sets. Some victims’ recollection of the crimes can be inaccurate or simply forgotten over time (Cantor and Lynch 2000).

While neither of these publications can take into account all of the crimes committed in the country, some general trends may be noted. Crime rates were on the rise after 1960, but following an all-time high in the 1980s and 1990s, rates of violent and nonviolent crimes once again started to decline.

In 2009, approximately 4.3 million violent crimes occurred in the United States, the majority being assault and robbery. An estimated 15.6 million nonviolent crimes took place, the most common being larceny. Less than half of all violent and nonviolent crimes were reported to the police (BJS 2010).

In general, demographic patterns tend to correlate with crime: factors such as sex and socioeconomic status may relate to a person’s chances of being a crime victim or a perpetrator. Women are much more likely than men to be victimized by someone they know, such as a family member or friend, and one-fourth of all nonfatal attacks on women are carried out by a romantic partner (BJS 2011b).