

# Glossary

## **Abduction**

In criminal law, the taking away of a wife, child, or ward by persuasion, fraud, or open violence. To abduct an individual is to restrain that person with intent to prevent his or her liberation by holding him or her in an unlikely place, and/or through the threat of deadly force. Although statutes regarding abduction vary from state to state, most specify that the taking and carrying away, detention, and harboring of a woman under a certain age (16 to 18 years of age), with or without her consent, constitutes abduction. In the case of abduction, the consent of her husband is no defense, although the consent of parents is a defense to abduction under some statutes.

## **Actus Reus**

Any overt act that accompanies the intent to commit a crime. Brandishing a knife at a bank teller while in the process of robbing the bank is an *actus reus* or overt act. Building a bomb while plotting to destroy another person's property is an overt act that promotes the criminal conspiracy.

## **Affray**

The unpremeditated fighting of two or more persons in a public place that disturbs the public peace. In English common law, an affray was a misdemeanor offense punishable by a fine or imprisonment. An affray differs from a riot or a duel in that it is not premeditated or planned, and it differs from assault and battery, which happens in a private rather than public place. Although the idea that an affray must be public has been debated, most statutes adhere to the common law definition.

## **Aggravated Assault**

The intentional, unlawful attack by one person on another for the explicit purpose of inflicting serious bodily injury.

## **Aggravating Circumstances**

Special circumstances that increase either the severity or the punishment for the crime. To aggravate means to make worse or to exacerbate the situation. The given punishment may increase with the presence of aggravating circumstances, such as murder for hire; extreme cruelty or depravity; vulnerability of the victim due to age, mental capacity,

or disability; or a prior criminal record. In criminal cases, aggravating circumstances have the opposite effect of mitigating or extenuating circumstances.

## **Aggression: Intergenerational Transmission**

The *cycle of violence hypothesis* proposes that children who were raised in violent families become violent with their children as adults. Although some studies indicate that children raised in violent families have significantly higher rates of creating family violence as adults, other important factors also contribute to the cycle of violence hypothesis (e.g., alcohol and/or other substance abuse, environment, and socioeconomic status). Albert Bandura's social learning theory proposes that violence is learned through interactions with others, especially intimates. He believed that human personality is mainly learned within a social context, with the family being the primary social environment for children. The social learning theory emphasizes the importance of watching and modeling behaviors, attitudes, and emotional reactions of others.

## **Anarchism**

A theory of social organization representing individualism in an extreme form, and advocating that equality and justice are to be sought through the abolition of government as a necessary precondition for a free and just society. The term *anarchism* comes from the Greek meaning "without a ruler." Anarchists believe that people are naturally good and self-ruling but are corrupted by the law and ruling body, described as the twin sources of all social evils. Zeno of Citium, founder of stoic philosophy, has been called the "father of anarchy."

## **Anthropophagy**

The consumption of a victim's flesh postmortem.

## **Armed Robbery**

Taking or attempting to take anything of value from the possession, care, control, or custody of another person by force or intimidation using some form of weapon or threat of a weapon. Examples are robbing a storeowner at gunpoint or pretending to have a bomb in order to force the storeowner into compliance to gain possession of his property.

**Arson:** See *Pyromania*

**Assassins: Professional Killers**

Professional killers, commonly referred to as assassins or “hit men,” are popular subjects of fiction, but, although a few assassins do exist, professional assassination is becoming more and more rare. A professional killer is engaged in a learned profession or occupation requiring a high level of training and proficiency. Most crime executions appear to be assigned to members of organized crime families in addition to their ordinary tasks. Professional killers, as opposed to other categories of criminal behavior, tend to come from better economic backgrounds, begin their careers at a later age, approach crime in a businesslike manner, are highly identified with criminal activity, and are proud of their work. Some of the most famous professional killers were members of *Murder Inc.* James Clarke identified five types of assassins (a) political assassins, (b) ego-centric assassins, (c) psychopathic assassins, (d) insane assassins, and (e) “atypical.”

**Assault**

Using illegal force or violence to harm, injure, or frighten a person.

**Assault and Battery**

An assault carried out by inflicting some form of harm or violence to another person.

**Attempted Murder**

An overt act, beyond mere preparation, characterized by (1) the intent to commit the unlawful killing of a human being with premeditation and malice aforethought (murder), and (2) action taken toward the commission of murder but that ultimately fails to accomplish the criminal act. If a person fires a weapon toward another human being with the intent to kill but the bullet misses the intended target, the individual who fired the weapon is guilty of attempted murder. The question of how close a person must come to completing the act of murder to be found guilty of attempted murder has no direct answer, although the attempt must consist of more than mere preparation.

**Autoerotic Asphyxia**

The practice of inducing cerebral anoxia, usually by the means of self-applied ligatures or suffocating devices, including scarves, ropes, and plastic bags, to enhance sexual gratification while the individual masturbates to orgasm. Also called *scarfing* or *sexual hanging*, autoerotic asphyxia is practiced most commonly by adolescent and young male adults. Research suggests that several hundred deaths each year are the result of autoerotic asphyxiation.

**Battery**

The intentional or negligent application of physical force or unlawful touching of any part of the person of another, or of anything worn or carried by another or intimately associated with another, without his or her consent at that moment. Contact must be intended by the aggressor, and it must be reasonably considered offensive. Physical injury or violence need not be present for a battery to take place. Battery includes *mens rea*, meaning that the contact was intentional or resulted from wanton misconduct. Battery may also be considered a tort, or civil wrong, giving rise to a cause of action for civil damages.

**Bestiality**

Sexual relations between a person and an animal. The laws regarding bestiality or zoophilia vary from state to state, as does the penalty classification for violation of law(s) when an individual is found guilty. Moreover, some states have no known laws specifically relating to bestiality. There is no federal law that prohibits sex between humans and animals; however, a few federal laws list bestiality under laws relating to acts prohibited when involving children.

**Bludgeon**

A noncutting injury wherein enough force has been applied to a body to cause trauma. Instruments of bludgeoning cause abrasions, contusions, lacerations, and bone fractures/breaks. These instruments can be fists, clubs, tire irons, pipes, or anything else without a sharp edge or point that would lacerate. Bludgeoning is categorized as *blunt force trauma* and is synonymous with the term “beaten to death.”

**Bride Burning**

The murder of a woman by members of her own family because of late or an unpaid dowry or because of divorce, which may be perceived as bringing shame on the entire family. Sometimes called “dowry death,” bride burning involves dowsing the woman in kerosene or gasoline and setting her on fire. These horrific acts, typically dismissed as “kitchen accidents” by husbands and in-laws of the victims, remain largely unpunished and have, according to some sources, reached epic proportions. India’s National Crimes Bureau, Home Ministry, has reported more than 5,000 deaths from bride burnings each year and estimates another 20,000 women a year are disfigured but not killed over dowry disputes. Cultural interpretations fault the dowry system and what is perceived as family dishonor as the major motivators for the crime. When a culture views a woman’s worth only in terms of her dowry, her family’s honoring of dowry payments becomes critical to the woman’s well-being. Without a dowry, she faces a hostile living environment within her matrimonial home, much social stigma, and more often than not, no possibility of returning to her family or father’s house. Government

shelters offer little protection, and some people claim that shelter conditions are so horrible, brides may prefer death at the hands of her husband and in-laws.

### **Brutalization Effect**

The hypothesis claiming that increased exposure to acts of violence causes a desensitization in individuals, thereby increasing the probability of such acts escalating in frequency because their occurrence no longer “bothers” the exposed individuals. In other words, rather than having a cathartic effect on an individual, repeated exposure to certain situations is believed to have the opposite effect: An individual is more likely to commit violent acts because of previous and continued exposure to them. Studies on the deterrent effects of capital punishment have endeavored to illustrate the brutalization effect by showing a relationship between increased rates of homicide and the period of time surrounding an execution.

### **Cadaver**

A dead body. Human cadavers may be used for dissection and/or transplant purposes. Andreas Vesalius was one of the first anatomists to conduct systematic examinations of human cadavers and published his findings in 1543. Yielding an abundance of medical information, cadavers have enabled practitioners to gather valuable information relating to human anatomy and physiology. Cadavers are also major sources of transplant tissues and organs.

### **Caffey’s Syndrome**

A familial autosomal dominant disease of unknown etiology, also known as *infantile cortical hyperostosis*. Characteristic signs and symptoms include fever, irritability, swelling of soft tissues, and cortical bone thickening typically seen in the jaw and forearm, but other osteological involvement is not uncommon. The onset of Caffey’s syndrome usually appears in an infant by 5 months of age. An affected infant may experience marked periods of remission and exacerbation. To the untrained practitioner, Caffey’s syndrome may be mistaken as child abuse. Radiographic and serum lab work tests offer confirmation in the presence of this syndrome.

### **Capital Offense**

Any offense punishable by death. The United States and China lead in the frequency of imposition of capital punishment. Since the 1970s, almost all capital sentences imposed in the United States have been for homicide. Capital offense cases occur at substantial economic expenditures compared with other types of cases.

### **Capital Punishment**

Punishment by death for a crime. Capital punishment is one of the most debated, researched, and studied public policy issues relating to criminal justice. Historically, capital

punishment was widely applied in ancient times but began to decline within the 18th century. Writings of Montesquieu, Voltaire, Beccaria, Bentham, and other philosophical theorists ushered in the modern movement to abolish capital punishment in a number of countries. The United States is one of the few remaining Western nations to employ the death penalty.

The three main points of contention in the debate over capital punishment are the allocation of resources (cost), general deterrence, and retribution/vengeance. The resources allocated to capital punishment cases are consistently shown to be at least twice the cost of housing a convicted murderer for life in a high-security correctional institution. Proponents of the death penalty state that these costs are part of the sacrifice paid to obtain the desired deterrent effects of capital punishment. Opponents claim that no matter the expenditure, scholarly research illustrates that there is no deterrent effect from the use of capital punishment. Retribution/vengeance arguments assume the certainty of a guilty verdict. Opponents claim that the lack of certainty about a verdict cannot warrant such a severe and final sentencing of an individual. The taking of another’s life carries other religious, moral, and ethical considerations. Retribution/vengeance arguments lie in the realm of philosophy and religion and illustrate the volume of conflicting emotions, morals, ethics, and values surrounding the use of capital punishment.

### **Carjacking**

The opportunistic theft of a motor vehicle by force. Although not a new crime, carjackings have recently been popularized by the media. With newer and more technologically advanced alarms and antitheft devices, more criminals are resorting to this type of car theft. Most carjackings occur after dark and in various locations, such as intersections, shopping centers, gas stations, and other places that provide easy access to a freeway and a quick getaway.

### **Conduct Disorder**

According to diagnostic criteria from *DSM-IV (Diagnostic and Statistical Manual of Mental Disorders (4th ed.)*, “The essential feature of conduct disorder is a repetitive and persistent pattern of behavior in which the basic rights of others or major age-appropriate social norms or rules are violated.” The disorder is broken into four groups: aggressive conduct, nonaggressive conduct, deceitfulness or theft, and serious violations of rules. All forms of the disorder range from mild to severe. There are two periods of onset: childhood onset, which occurs before the age of 10, and adolescent onset, which is characterized by an absence of the disorder prior to the age of 10. In recent years, the prevalence and recognition of the disorder have increased dramatically, and it has become a frequent diagnosis for children.

**Coroner**

An elected official (as opposed to a medical examiner, who is appointed) concerned with the investigation of unnatural or suspicious deaths. Depending on the state, the position of coroner may require a medical degree from an accredited university. A coroner determines whether the cause of death was the result of a crime. The process begins by calling an inquest in which inquiries are made regarding the circumstances surrounding the death. These inquiries may come from testimony heard in a courtroom or from an autopsy conducted postmortem.

**Corporal Punishment**

Inflicting pain or physical confinement as a measure of punishment. Most commonly referenced in the field of education, where corporal punishment occurs when any educational personnel, teacher or otherwise, disciplines a student through the use of pain. In the United States, corporal punishment is sometimes deemed child abuse, but this is not the case in many other nations. In 1867, New Jersey became the first state to make corporal punishment illegal in its schools. As of 1997, only 27 states had banned corporal punishment on all levels in their schools. With each year, however, new laws are introduced that further restrict corporal punishment nationwide.

**Crime Index**

Eight offenses—murder or nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, auto theft, arson, and larceny/theft—thought to provide a fair representation of the crime picture as a whole; their total number make up a *crime index*.

**Crime Rates**

Two major sources are commonly used to measure crime rates in the United States: the Uniform Crime Reports (UCR) and the National Crime Victim Survey (NCVS). The UCR is calculated by the FBI and based on arrest statistics from local police departments. NCVS, considered to be the more accurate of the two methods, uses a telephone survey by the U.S. Census Bureau to measure whether anyone in the home has been the victim of seven specific crimes. Crime rates are composed of numbers that can be manipulated with statistics; they are not exact in measuring crime data.

**Crime Scene Investigation:**

*See Coroner, Dying Declaration, Postmortem*

**Criminal Enterprise**

An organized, continuing criminal activity operated as a business for profit. Traditional criminal enterprises such as La Costra Nostra are the archetypes of the organized crime entity; other organizations, however, especially large,

multinational drug traffickers can also be considered criminal enterprises. Within the United States, there are two broad sets of federal statutes to such activity: (a) the continuing criminal enterprise (21 U.S.C. 848) statutes, which target long-term and complex drug trafficking organizations and (b) the antiracketeering statutes (18 U.S.C. 1951-1968), which include the Racketeer Influenced and Corrupt Organizations Act (RICO). Both are used against top managers of criminal enterprise.

**Criminal Homicide**

The act of purposely, knowingly, recklessly, or negligently causing the death of another human being. Criminal homicide is prohibited and punishable by law, but not all homicides are illegal. For example, a law enforcement officer who must use deadly force to kill an individual but who has acted in accordance with law has committed a justifiable homicide. If it is shown, however, that the officer used deadly force in a manner that is against the law, the officer may be guilty of criminal homicide.

**Criminal Intent**

The state of a defendant's mind that prosecutors must prove existed at the time of the crime. Also known as *mens rea* (guilty mind) and the *mental element*, proving criminal intent is necessary to secure a conviction. See *Mens Rea*.

**Criminal Law**

The body of law that defines criminal offenses; regulates how suspects are investigated, charged, and tried; and establishes punishments for convicted offenders. In the United States, there are a number of sources for criminal law, including common law, case law, and statutory law. Federal, state, and local governments have differing jurisdictions and definitions of criminal law violations. Some of these laws overlap, and some are the exclusive venue of a particular jurisdiction. The location in which a violation occurred may determine which jurisdiction and which set of laws (federal, state, or local) will be applied in criminal proceedings.

**Criminalist**

One who practices the science of crime detection, or criminalistics, which involves the subsection of physical evidence to ballistic analysis, bloodstain analysis, and other tests that are helpful in determining guilt or innocence. Criminalists also perform DNA analysis and forensic anthropology, which have proven to be highly effective. Criminalists increasingly use computers as investigative tools for data analysis, to create forensic animations of crime scenes, to enhance photographs, and for data distribution. Criminalists are normally trained in the physical or biological sciences and are increasingly in demand.

**Criminologist**

One who studies the phenomena of crime. Early criminologists include Beccaria and Bentham (Europe, 18th century), Edwin Sutherland, Robert Merton, Thorsten Sellin, Clifford Shaw, and Henry McKay.

**Criminology**

The scientific study of (a) the causes and prevention of crime, (b) law enforcement and the punishment and/or rehabilitation of offenders, and (c) victims and victimization. Criminology encompasses disciplines that include sociology, psychology, and anthropology. Although closely related to criminal justice studies, criminology focuses on investigating the social aspects of criminal phenomena, whereas the study of criminal justice predominantly addresses issues surrounding law enforcement. Four broad categories of criminological theories attempt to explain crime: (a) classical or choice theories emphasize individual decision making and free will, (b) biological or positivist theories stress biological causes for criminal behavior, (c) Marxist or conflict theories explain crime as a byproduct of class struggle, and (d) sociological explanations understand crime as being a result of an individual's relation with family, community, and society.

Early attempts at studying and explaining crime began in Europe with the classical theories of Beccaria and Bentham in the 18th century. Scientific exploration into crime started with the positivist contributions of Lombroso and Ferri in the mid-1800s; the social perspectives of Durkheim appeared later that century. In the United States, Parks and Burgess of the University of Chicago helped lay the groundwork during the early 20th century for criminology to evolve into a subdiscipline of sociology.

**Cruel and Unusual Punishment**

Punishment that is torturous, disproportionate to the crime in question, degrading, inhuman, or otherwise shocking to the moral sense of the community. The Eighth Amendment of the United States Constitution states that such punishment is a violation of an individual's civil rights. The status of the death penalty as either legal or cruel and unusual has been in flux over time, and the debate is ongoing. Currently, the death penalty is legal in the United States providing it is carried out in a fair and nondiscriminatory manner.

**Culpability**

The state of responsibility for an event or situation deserving of moral blame. In penal code usage, culpability is the state of mind of a person who commits a criminal act that makes the person liable for prosecution for that act.

**Deadly Force**

Violent action known to create a substantial risk of causing death or serious bodily harm. A person may use deadly

force in self-defense only if retaliating against another's deadly force. Law enforcement officers generally may use deadly force in the course of their duties when their lives are in danger, another person's life is in danger, or a person presents a serious and grave threat to others. The use of force by police is governed by the general rule that the level of force used to control an individual must be proportional to the situation. Consequently, considering the circumstances, all other force options should have been considered before an officer resorts to using deadly force.

**Death Penalty:** *See Capital*

*Offense, Capital Punishment, Death Warrant, Executive Clemency, Lying in Wait*

**Death Warrant**

A document issued by a competent authority, usually a court body or official, which provides a warden or prison official with specific information about how and when (time and place) to carry out a death sentence.

**Domestic Violence**

Violence that results in injury to children, spouses, and/or others living in the home by someone presently or previously close to the victim. Domestic violence can be psychological, physical, or sexual in nature and includes a range of controlling and abusive behaviors, such as threatening to injure or kill, name-calling, hitting, torturing, and raping. Partner violence, spousal abuse, battering, and wife beating are all forms of domestic violence. See also *soul murder*.

**Dying Declaration**

A deathbed confession of personal knowledge of a crime. An exception to the hearsay rule, which declares that statements other than those made by witnesses testifying at a hearing are not admissible, a dying declaration is admissible in court as evidence.

**Executive Clemency**

The power entrusted to the president by means of the United States Constitution, and to state governors by most state constitutions, to pardon or commute a criminal sentence, including the death penalty, of a person who was previously convicted in a court within their jurisdiction. The act involves granting mercy or leniency to an offender. If pardoned, a person is often relieved of further punishment unless conditions are specified, as seen in the case of a conditional pardon.

**Euthanasia or Mercy Killing**

Ending a person's life, justified by the belief that such termination relieves the victim from the misery of a terminal illness. Euthanasia or mercy killing can be with or without the individual's consent. In addition, someone can assist

another person to commit suicide by providing the means to do so without actively participating in the death itself by an action such as unplugging a life-sustaining machine or giving the individual a lethal dose of medicine. The Netherlands is the first and only country at this time to legalize euthanasia. In 1994, voters in the state of Oregon passed the Death with Dignity Act, by which terminally ill patients may obtain prescriptions for self-administered, lethal medications from their physicians, but this act specifically prohibits euthanasia, whereby a physician or other person participates in the act itself.

### **Execution**

Carrying out a death sentence imposed on a person who has been convicted of a crime. The death penalty, or capital punishment, is most often imposed on a person who has been convicted of murder but may be imposed for other serious crimes such as armed robbery, kidnapping, rape, or treason. Capital punishment is state-imposed, and the laws vary from state to state, dictating specific circumstances under which a judge or jury may impose it.

An executioner carries out capital punishment on the state's behalf. This is done in a manner congruent with procedures and conditions specified in a death warrant. Throughout the United States, states that impose the death penalty may use more than one method of execution, including death by lethal injection, hanging, electrocution, a firing squad, or the gas chamber.

In the late 1990s, 38 states had laws that allowed the death penalty. The U.S. Supreme Court has heard cases challenging the constitutionality of the death penalty on the grounds that it constitutes "cruel and unusual punishment" in violation of the Eighth Amendment, made applicable to the states via the Fourteenth Amendment. In a 1972 U.S. Supreme Court decision, the court held that the death penalty itself was not cruel and unusual but that the indiscriminatory manner in which it was applied did qualify as such, in violation of the Eighth Amendment (see *Furman v. Georgia*, 408 U.S. 238, 1972). Reforms were made, and today the death penalty continues to be imposed for certain crimes and applied by execution according to clear standards as dictated by the law.

### **Expert Witness**

A witness qualified by knowledge, skill, experience, training, or education to give testimony about a particular issue or piece of evidence presented in court. The expert witness, also called a *skilled witness*, may provide the court with scientific, technical, or other specialized information pertinent to the case at hand and may give *expert testimony* under oath or affirmation, by affidavit, or in person, or by oral or written deposition.

**Family Slaying:** *See Bride Burning*

**Family Violence:** *See Domestic Violence*

### **Felon**

Someone who commits an offense of such a serious nature that he or she is punishable by significant fines and/or incarceration in a state or federal correctional facility for a period of one 1 year or longer. Similar terms include *serious criminal* and *dangerous offender*.

### **Felony**

One of two designations used by the legal system to distinguish the seriousness of a crime and the appropriateness of punishment. *Felony offense* is the more serious classification, whereas a *misdemeanor* is considered a less serious offense. Conviction of a felony can result in lengthy and severe punishment compared with conviction for a misdemeanor. In the United States, each state and the federal government have the jurisdiction to determine which crimes constitute felonies. Common felony offenses include armed robbery, murder, rape, and aggravated assault. Using weapons or force during the commission of a crime often results in felony criminal charges. Punishments for felony offenses usually include incarceration, although this varies between states and within federal jurisdiction.

### **Felony Murder Rule**

A doctrine that applies to cases in which an individual commits or attempts to commit a felony and a person is killed in the process. The felony murder rule holds that any death resulting from the commission or attempted commission of a felony is murder. Some states restrict this rule to inherently dangerous felonies such as rape, arson, robbery, or burglary; criteria may vary from state to state.

### **Feticide**

The intentional killing of a fetus in vitro by means other than elective or therapeutic abortion. Currently, most states have case law or statutes that govern feticide. As an example, Oklahoma's *Hughes v. State*, 868 P.2d 730 Okla. Cr. (1994) involved an intoxicated driver who collided with a car driven by a woman who was 9 months pregnant. The fetus died as a result of the collision but would have been viable given the number of weeks of gestation. The driver, Hughes, was convicted of feticide. One state, Minnesota, has a comprehensive feticide statute with graded severity that parallels the murder statute and provides for first-, second-, and third-degree convictions. *See also Filicide*.

### **Filicide**

The murder of children by their parents. Several distinctions are made based on the age of the victim. *Neonaticide* is the murdering of a newborn within the first 24 hours of life. *Infanticide* is the murdering of a child between the period after the first 24 hours of life and up to 5 years of

age. *Filicide* is the term used for the murder of one's own child over the age of 5 years. *Early filicide* is defined as the killing of one's child between the ages of 5 and 18 years; and *late filicide* is the term for killing one's adult child over the age of 18 years.

### **First-Degree Murder**

Murder that is willful, deliberate, or premeditated, or murder committed during the course of another serious felony. Also called *murder of the first degree* or *murder one*. All murder that is perpetrated by poisoning or by lying in wait is also included in this classification.

### **Fratricide**

Killing one's own brother or sister. *See also Filicide.*

### **Gerontophilia**

Engaging in sexual activity with elderly people. The perpetrator often relies on fantasy as a key component in the commission of this behavior or sexual act.

### **Habitual Offender**

A person convicted of two or more felonies, which, in turn, may qualify that person to be sentenced under the habitual offender statute. Habitual offender classification usually draws longer prison sentences. In many states, conviction of three or more serious felonies within a specific time frame can result in a mandatory life sentence. Each state has specific behaviors that qualify a person as a habitual offender. For example, California Penal Code defines an habitual offender as any person convicted of a felony in which the person inflicted great bodily injury or personally used force that was likely to produce great bodily injury or who has served two or more prior separate prison terms for the crime of murder, attempted murder, voluntary manslaughter, mayhem, rape by force, and many other acts of violence, intimidation, and duress toward others.

**Homicide:** *See Attempted Murder, Criminal Homicide, Criminal Intent, Culpability, Felon, Felony, Felony Murder Rule, Feticide, Filicide, First Degree Murder, Fratricide, Kinicide, Malum in se Crimes, Manslaughter, Mens Rea, Murder, Parricide, Siblicide, Sororicide, Thanatology*

### **Inchoate Offenses**

Behaviors deemed criminal even though the conduct has not yet created the harm that the law seeks to prevent. These are considered preparatory to carrying out other crimes, for example, solicitation for sex or conspiracy to commit robbery.

### **Insanity**

A defense for crimes that require intent. Insanity (mental illness, mental defect, or derangement) can mean that the offender is not responsible for his or her actions and can

thus enter a "not guilty by reason of insanity" plea. In California, the test for insanity is whether the suspect is capable of knowing or understanding the nature and quality of his or her act and of distinguishing right from wrong at the time of the commission of the offense (California Penal Code Section 25).

### **Irresistible Impulse Rule**

In homicide defense, establishes a provision for an impulse to commit an unlawful or criminal act that cannot be resisted or overcome because mental disease has destroyed the freedom of will, the power of self-control, and the choice of actions. The test of this rule is broader than the M'Naughten Rule: Persons may avoid criminal responsibility even though they are capable of distinguishing right from wrong and are fully aware of the nature and quality of the act, provided they establish that they were unable to refrain from committing the act.

### **Juvenile Delinquents**

Youthful offenders who violate the law. Similar terms include *delinquent minors, delinquent children, juvenile delinquents, juvenile offenders, youthful offenders, or minors*, all of which usually describe a person who has not reached the age of 18 years of age, which is the point at which the criminal justice system treats the person as an adult. Minors found guilty of criminal behavior are punishable by special laws not pertaining to adults. In fact, *juvenile delinquent* was originally a legal term established so that young lawbreakers could avoid the disgrace of being classified in legal records as criminals.

Juvenile delinquency laws were designed to provide treatment rather than punishment. In the late 1800s, the juvenile court appeared in the court structure to effectively handle delinquent children who had committed a broad range of offenses, from murder to habitual truancy. Juvenile court proceedings, also referred to as juvenile hearings, are considered civil in nature, not criminal. The objectives of the juvenile court are to provide measures of guidance and rehabilitation for the child and protection to society. When going through the court proceedings, juvenile delinquents have certain constitutional guarantees. If, as a result of the hearing, the judge declares the child to be delinquent, he or she becomes a ward of the court, and the judge must then determine what action should be taken to benefit both the child and the public. The delinquent may be placed on probation, informal or formal, or may be required to serve a specified number of months or years in a juvenile facility.

**Kidnapping:** *See Abduction*

### **Kinicide**

Murdering members of one's extended family: aunts, uncles, grandparents, cousins, and so on.

**Lycanthropy**

The folklore of a human being—man, woman, or child—either voluntarily or involuntarily changing or morphing into the form of a wolf, who then possesses all the characteristics, appetites, ferocity, strength, and swiftness of the animal. The word comes from the Greek legend of King Lycaon, who was changed into a wolf by Zeus after offending him. Jeffrey Dahmer has been exemplified as the contemporary “were-wolf” because he killed, dismembered, and cannibalized his victims. One of the most famous werewolf-type killers was Jack the Ripper, who is believed to have butchered as many as 15 women in London’s East End in the late 1800s.

**Lying in Wait**

Hiding, holding, or concealing oneself so as to watch for and wait for a victim for the purpose of committing a crime, making an unexpected attack, or murdering or inflicting bodily injury when the opportunity arises. In some jurisdictions in which there are several degrees of murder, it must be shown that lying in wait implied premeditated intent or malice aforethought necessary for a first-degree murder conviction.

**Lynching**

Killing a person, usually by hanging, via mob action without legal sanction or due process of law. In U.S. history, lynching has been most often associated with African Americans during the Civil Rights Movement of the 1960s being tortured, dismembered, hung, or burned at the stake.

**Maim**

To willfully inflict bodily injury upon a person, often resulting in the loss of a body part such as an organ or limb.

**Malice**

The intent to commit a wrongful act without acceptable or legitimate reason or having legal justification.

**Malice Aforethought**

The *mens rea* requirement for murder that includes the intention to kill while at the same time being fully aware that the right to kill does not exist.

**Malum in Se Crimes**

Illegal acts that are inherently wrong or intrinsically evil, such as arson, rape, or murder.

**Manslaughter**

The unintentional killing of another person.

**Mass Murder:** *See Multicide***Mens Rea**

The state of a defendant’s mind that prosecutors must prove existed at the time of the crime. Also known as *guilty mind*,

the *mental element*, or *criminal intent*. For example, in the crime of receiving stolen goods, knowing that the goods were stolen; in the case of murder, premeditation; in the case of theft, a conscious intent to steal. Prosecutors may combine *mens rea* with *actus reus*, the guilty act, to establish that a particular individual committed a criminal act.

**Misdemeanor**

An offense less serious than a felony; any crime not a felony is considered a misdemeanor. Misdemeanor crimes are usually punishable by a fine and/or up to 1 year in a county jail. Individuals charged with misdemeanors may also receive probation, depending on their specific case. Examples of common misdemeanor offenses are resisting arrest, disorderly conduct, battery, prostitution, and petty theft. Most people charged with these types of crimes receive formal judgment in a mandatory court appearance. Repeated misdemeanors may likely be reclassified as felonies.

**Modus Operandi**

The *mode of operation* that a perpetrator uses to commit his or her crimes. By studying the modus operandi or *MO*, forensic analysts can learn important details about criminals as well as link their crimes. The MO includes type of victim, location of crime, and means of attack. In addition, crime scene investigators examine what was taken from the scene and what evidence was left behind. MO is learned behavior that is constantly changing. Offenders adapt their techniques based on past mistakes and successes to gain a more effective method of operation. The study of these methods allows investigators to make crucial decisions in solving crimes.

**Multicide**

Multiple homicides, usually committed by one individual. Perpetrators of multicide can be categorized into three groups according to the time frame in which the murders were committed. *Serial killers* murder multiple victims over a period of time and may kill numerous people within several days or years. *Mass murderers* kill their victims during the same time period, usually within hours of each other, although not all victims may have been murdered at the same location. *Spree killers* murder their victims within a short time period.

**Murder**

The taking of a human life intentionally or with malice aforethought. Most U.S. criminal codes distinguish between two degrees of murder, although as many as five degrees exist in some states. In general, murder in the first degree involves a deliberate, premeditated design to cause the death of the person. Murder in the second degree involves the intent to cause death, but without premeditation and deliberation. Most states classify a homicide that

occurs during the commission of a felony as first-degree murder, even though the element of premeditated intent is absent. Some states classify the commission of an act that is imminently dangerous to others, such as throwing a bomb into a crowd and causing death, as first-degree murder.

### **Mysoped**

A type of sadistic pedophile or child molester who hates children. After killing their victims, these extremely violent offenders often sexually mutilate and, in some cases, cannibalize them. They often travel significant distances to stalk their preferred victims and may plan an elaborate blitz attack or abduction ploy in efforts to sidetrack parents and authorities. Mysopeds sometimes lead rather transient existences but studies show them most likely to be of middle income and with white-collar jobs.

### **Necrophilia**

Sexual relations with a victim postmortem.

### **Neglect**

The omission, failure, or forbearance of proper attention to an action that can be done or is mandated to be done, or a disregard of duty resulting from carelessness, indifference, or unwillingness to perform one's duties. Neglect can be both physical and psychological. The notion of neglect includes *culpable neglect*, which occurs when a party is careless or folly, as well as *willful neglect*, which is the failure to provide (for one's family) out of idleness or recklessness, even when one has the ability to do so. *Child neglect* is a form of child abuse in which one fails to provide a child under one's care with the proper food, clothing, shelter, supervision, medical care, or emotional stability.

### **Paraphilia**

A pattern of recurrent, intense, sexually arousing fantasies, sexual urges, or behaviors that involve arousal through deviant or bizarre images or activities.

### **Parricide**

The murder of parents by their children. The two forms of parricide are *matricide*, or the killing of one's mother or stepmother, and *patricide*, or the killing of one's father or stepfather.

**Pedophiles:** *See Mysoped*

### **Postmortem**

Actions done, occurring, or collected after death. Postmortem generally applies to an autopsy or examination of the body of a deceased person to determine the cause of death.

### **Predatory Crimes**

Crimes committed by individuals who injure their victims by unjust and excessive means. As with predatory animals, perpetrators of predatory crimes kill or prey on the weakest, least desirable, or most easily victimized members of the population, including women, children, and mentally or physically disabled people. Predatory crimes include rape, child sexual abuse, pedophilia, and certain forms of stalking.

### **Proxy Murders**

When people become murder victims simply because they represent or resemble someone hated by the offender. For example, serial killers often kill for real or imagined wrongdoings. Ed Kemper killed several college students at University of California at Santa Cruz because his mother, whom he both loathed and loved, worked there. According to Kemper, he had to kill his mother before he could stop killing students. Some killers murder because of the rejection or abandonment experienced at the hands of a parent. Donald Harvey killed more than 50 men, all hospital patients, because they reminded him of the men who had repeatedly raped and molested him as a child. Frequently, proxy murders represent tangible or intangible goals that cannot be obtained by the offender, such as love, beauty, power, or assertiveness. Proxy victims sometimes remind offenders of their own limitations. Others victims symbolize what proxy killers fear or loathe, including gays, the homeless, prostitutes, the elderly, and the infirm.

### **Pyromania**

The intentional and uncontrollable impulse to set fires, repeatedly, by a person experiencing tension or affective arousal. Pyromania is a symptom of a severe emotional disorder and is much more common in men than in women. Offenders often express feelings of gratification or relief when watching fires in progress. Occasionally, pyromaniacs report sexual gratification in setting or watching fire scenes. For these *erotic pyromaniacs*, fire is seen as a destructive force symbolizing the intensity of a sexual urge. Pyromania develops in childhood or adolescence and may persist into adulthood and throughout one's life. In children, pyromania is explained as a conduct disorder in the *DSM-IV (Diagnostic and Statistical Manual of Mental Disorders, 4th ed.)*. Fire setting in children may begin as a response to stressors in the family environment, possibly stemming from frustration, disappointment, or rejection. Pyromania in children should be differentiated from the occasional or accidental setting of a fire by a child, satisfying normal curiosity.

### **Recidivism**

A relapse into criminal behavior or activity. A criminal recidivist is referred to as a *second offender* or a *habitual criminal*. Recidivists are often subject to extended terms of imprisonment under habitual offender statutes. A multitude of programs have been implemented to reduce the level of

recidivism in the United States, including boot camps (highly regimented programs designed to instill discipline and accountability for first-time offenders in their later teens and early twenties), drug courts (as opposed to sending the criminals to prison or probation), and the ideology of punishment as a specific deterrent to criminal activity. None of these options, however, have substantially reduced the level of recidivism among criminals.

**Siblicide**

The murder of a sibling by a sibling.

**Simple Assault**

An illegal attack on another person that results in little or no physical harm or injury.

**Soul Murder**

The purposeful attempt to destroy the identity of another person through domestic violence or other abuse. Victims of

soul murder feel trapped in a state of emotional bondage and have been brainwashed to suppress their feelings, leaving them unable to break away from their abusers. Sometimes, in order to cope with the abuse, the victims of soul murder *disassociate*, distancing themselves emotionally from the anger, depression, guilt, confusion, or other feelings associated with the abuse.

**Sorricide**

Murdering one's own sister.

**Thanatology**

The study of dying, death, and grief, including aging, AIDS, art, children's and parents' problems, euthanasia, funerals, history, hospices, life-threatening diseases, medical ethics, pain, poetry, pharmacology, stress, suicide, urban violence, widows and widowers, and gravestones.