

CONCEPTUALISING THE SCIENCE OF CRIMINOLOGY: A CONTEMPORARY APPROACH

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ABSTRACT

Crime, as different from social deviance, is the commission or omission of an act, prohibited by law and made punishable by the State. The study of what crime is, and the various types of crimes along with their punishments and procedure, thereof, is a subject-matter of criminal law. Criminology, on the other hand, is an academic discipline, which tends to study the phenomenon of crime in the society and embodies the possible reasons for the offender to commit crime. It has been regarded as a scientific study of the crime as well as the criminals, incorporating within its ambit, the study of making and breaking of criminal laws. From pre-classical school, classical school, neo-classical to the contemporary positive school of criminology, there has been a paradigm shift in the outlook towards the study of crime. A scientific approach has been adopted in the modern times to study crime and criminal behaviour. However, the fact that criminology is a science or not, is certainly not a well-settled issue.

The paper discusses the meaning of criminology, and subsequently delves into its scope by viewing it from the lens of a multidisciplinary field with its wings spread across various disciplines of social sciences. The paper then looks into the possibility of criminology being a science, by explaining the application of scientific methods and tools in criminology, to examine the change in the nature of criminology from social science to natural science. The paper finally concludes by analysing the contemporary scientific approach to study criminal tendencies and highlights the problems arising out of such approach.

Keywords: Crime, criminal law, criminology, science, scientific approach.

1. Introduction

Can you imagine a State free from all kinds of crimes and offences? It is hard to imagine because there can be no such State or society. Every State tries to maintain peace and harmony in the society by protecting the social order. Whenever this social order is disrupted due to any reason, it results in commission of crime leading to failure of law and order. We know that every man owes some kind of duties towards his fellows. This means that when a State gives you certain rights in the form of fundamental rights, it also imposes a duty not to infringe such rights of other people. This mutual respect among people helps in maintaining social order and harmony.

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A society is heterogeneous in nature. It comprises of different people with different mindsets and backgrounds having different opinions and perspectives. What may be right for a person may not be for others. The way people perceive things and control their emotions is dependent on various factors. With such variations, clashes are bound to happen. These clashes further result in deviant behaviour. In order to regulate the behaviour of people and prevent deviancy, State frames laws and regulations that are expected to be followed by everyone. But as mentioned earlier, variations are inevitable. There might be some people who will definitely abide by the laws but others may not. This further breaks the society in two different parts. One part comprising of law-abiding citizens and the other consisting of law breakers.

With the introduction of welfare State, the duties of a State have increased enormously. It is now, the duty of a State to punish the lawbreakers and protect the interests of law-abiding citizens. While punishing the offenders and law breakers, several factors have to be considered, especially whether they can be reformed to law abiding citizens or not. This is because principles of a welfare State consider offenders as the subject matter of State and thus, there is an obligation on the State to work for their welfare and reformation as well. To reform the offenders and treat them with the best suited policy, the sovereign authority has to adopt a suitable criminal policy. The object of such policy must be to reduce and prevent the incidences of crime in society. This can only be achieved with the help of efficient administration. This study of crime and adoption of criminal policy is studied under the ambit of ‘Criminology’.

As the name suggests, Criminology is the study of criminals and their behaviour. It studies the factors that lead a person to commit any offence and further, with the formation of guidelines and principles to deal with such offenders. While studying crimes and criminals, it uses various tools and techniques ranging from research to scientific tests. Over the decades, there has been a rapid increase in the science and technology. We have devised and invented various scientific tools that could read human mind and behaviour. No field has been left unaffected with the expansion of science and inventions therein. Criminology and the criminal justice system, thereof is one such field which has developed in recent years in terms of techniques and tools used for investigation of a crime and to study criminal behaviour. It has changed its traditional approach to scientific with the implementation of scientific methods and tools. The paper discusses such scientific approach and tools used in criminology and whether there has been any change in the nature of criminology from social science to natural science. It emphasizes on the contemporary approach to study criminal tendencies and problems arising out of such approach.

2. Meaning of Criminology

From the bare reading of the word ‘Criminology’, we can understand that it is related to crime and criminals. The word has been derived from Latin and Greek terms “crimen” which means crime and “logia” which means study. Thus, the term, ‘Criminology’ means the study of crimes and criminal behaviour. Research and studies indicate that there can be no specific definition of criminology. Though various criminologists tried to define criminology, but it is difficult to define its scope and ambit especially in a modern State. Coleman and Norris defined Criminology as the “*study of nature of crime, its perpetrators and causes and formulation and enforcement of such laws that help in controlling crime.*” Sutherland on the other hand defined the term comprehensively. He considers criminology as a body of knowledge related to delinquents and that crime is a social phenomenon which includes:

- The process of making laws,
- Breaking of laws and
- Reaction of society to such breaking of laws.

The history of criminology can be traced back to the time when State was struggling to maintain law and order in their territory in the absence of any rules and regulations to regulate the conduct of people. With the emergence of criminal laws and punishment, there was a need to study the reason behind people turning hostile to such laws and orders and showcasing criminal tendencies. With this emerged the concept of criminology, which studies human behaviour especially in terms of crimes and criminal behaviours. It explains the reasons why some people are more prone to criminal activities as compared to others. The aim of criminology is to devise effective measures to control criminal activities by regulating and eliminating the factors encouraging a person to commit crime.

Though it is mostly theoretical, the practical aspect lies in the study of causation of crime and criminal behaviour. Apart from criminal behaviour, it also studies the methods adopted by any person to commit a crime. For example, in case of a murder, it would study the background of criminal, factors encouraging him to commit such crime, mental condition, tools and techniques to commit crime, appropriate punishment, etc. Criminology is one such field which also covers two different areas of research within its ambit. These are 'Penology' and 'Victimology'. After a crime is committed and criminal behaviour is carefully scrutinized, there comes the stage of punishment which is the subject matter of penology. While awarding punishment, the court also determines the impact and pain suffered by victim and tries to provide compensation for the loss and injury suffered by him which is covered under victimology. Thus, it can be said that criminology, penology and victimology are interconnected and interrelated to each other. All three of them serve the object and purpose of criminal justice system with criminal law at the beginning of journey.

3. Criminology: A Multidisciplinary Field

The development of criminology as a separate field of research can be traced back to the schools of criminology which have helped in evolving its concept from time to time. With the expansion of technology and advancement in every field, there has been a change in the way crimes are committed. Various new approaches and methods have been introduced in the past. There has been a major shift in the way crimes were perceived in pre-classical school to the modern positive school which believes that the real cause of criminality lies in the anthropological features and factors. To deal with such changes, it is necessary that criminology is in consonance with the emerging technologies and concept. It must be flexible enough to deal with such situations and for this, it has to be dynamic.

Criminology is a multi-disciplinary field which involves an interaction and relation with other areas of study. It connects itself with other spheres of disciplines apart from studying crime in order to understand the factors and reasons compelling a person to commit crime. This can be easily seen with multiple factor approach of crime causation to study criminology. Various criminologists tried to propound a single theory or factor to study criminal behaviour but failed and then emerged the concept of 'Multiple factor approach' which provides that there can never be one single reason for the commission of crime. Several factors work together and push a person towards criminality.

Professor Healy devised this approach of multiple factors which also suggests that criminology can never be studied in isolation and is a multidisciplinary area to explore. Such multiple factors are mobility, conflicts of culture, family background, political ideology, impact of religion, economic conditions, ecology, media and its influence, and influence of neighbourhood.

4. Relation of Criminology with other Social Sciences

As explained earlier, criminology cannot be studied in isolation. It is study of human beings especially the ones committing any criminal activity or showcasing criminal tendencies. It studies the legal as well as non-legal aspect of criminality. It not studies criminal mind and behaviour but also impact of crime on law-abiding citizens and society at large. It devises methods to reform and reintegrate criminals back into the society which is a part of penology which in turn is a branch of criminology especially dealing with the punishments and treatment of criminals. Whenever any research or field of study tries to study human beings and considers people as its subject matter, it falls within the ambit of social science. It's time to explore the relation of criminology with other areas of social science like sociology, economy, psychology etc.

4.1. Relation with Sociology

Sociology is considered to be a mother of all the other prevailing social sciences. It is a general study of human beings in a society and institutions related to people like marriage, family, kinship, societies etc. It is the ultimate study of people in a society and how they regulate their relations with each other, society and country. Criminology, on the other hand, studies a particular class of people i.e., the actual and potential criminals.

Gabriel de Tarde was the first criminologist who pointed out that the factors of crime lay outside an individual which means in his surroundings and environment. Sociologists have opined that crime depends on social interaction among people, interaction between a person and a group and interaction with the State. In this view, sociological theory has been propounded by various criminologists and sociologists asserting that some people do not abide by the established norms and practices formulated by law in a society. The theory depends on a presumption that every criminal is a product of society or environmental factors around him. Sociological theory is further divided into social structure theory that determines the factors arising due to structure of society and social process theory dealing with factors of crime causation due to working and functioning of society. One of the major theories among various sociological theories is the 'Social learning- Differential association theory' based on the principle which states that birds of same feather flock together. According to this theory, criminal behaviour is never inherited but learned because of criminal associations that are constantly interacting with a person. Criminal tendencies of a person are greatly determined by his company and association which could either be criminal or non-criminal. A person becomes a criminal if circumstances that are favourable to violation of law outweigh those that might result in non-violation of law.

Another major theory is the 'Social Structure- Anomie theory' given by Durkheim. He mentioned that whenever there is a shift from mechanical society to organic or industrial society, differences and crimes are inevitable and cannot be avoided. He considered anomie as a form of normlessness which is necessary to bring any kind of social change in society. He remarked that anomie is an abnormal form of division of labour with no regulation encouraging cooperation among people. Another sociologist from America, Robert Merton considered that

deviance is a result of differences in culture and structure of society. According to him, when goals of people are unregulated because there are no means of achieving them, it results in social disorganization.

Other sociological theories that help in determining criminality are labelling theory, rational choice theory, containment theory, culture conflict theory, cartographic theory etc. These theories suggest that sociology and criminology go hand in hand and criminology is dependent on sociology for studying the factors of crime arising from society.

4.2. Relation with Economics

Economics is the branch of social science that studies the production, distribution and consumption of goods and services by people in a country. The focus of the study is to analyze the importance and effect of resources in a country and its economy. Economy of any nation is also one of the major reasons of criminality and criminal behaviour among people. The relation between economy and criminal behaviour is given by economic theory of criminology which can be understood in two ways:

- The first and foremost idea suggests that the relationship between economic conditions and criminal behaviour among people are inversely proportional to each other. When the economic conditions of any nation are favourable, there are fewer incidents of crimes but there is an increase in the number of crimes at time of economic depression.
- The second condition reveals that the relationship between two is direct which means criminality is affected with increase and decrease in the economy of the country in the same pattern as the economy is affected.

Karl Marx, proponent of Marxist theory, propagated the idea that the reason behind higher rates of crime in any nation is the emergence of capitalist class. This class consists of industrialists, businessmen, people from upper class etc. They exploit and transgress the rights of working class by means of unfair division of labour and low wages. As a result, the working class would become agitated and overthrow the capitalistic class. However, this was refuted on the grounds that despite favourable economic conditions, some crimes are still committed by people. For example, white collar crimes, embezzlement, counterfeiting etc., and such crimes are often ignored because of the power and influence of money. Moreover, the present situation states the opposite of what has been stated by Karl Marx. It reveals that crimes are bound to happen irrespective of increase or decrease in economy of any nation.

Bonger was another economist who commented on this theory of crime causation. He did an empirical study and prepared a data that showed 79% of criminals are financially unstable and belong to poor and underprivileged class. With his study and research, he tried to establish a relationship between financial stability and deviant behaviour. With regard to impact of capitalistic society, he pointed out that it creates disparity among people by increasing inequality of income and resources because of which there are frequent chances of inflation and deflation.

4.3. Relation with psychology

Criminology is the study of crime, its nature, causes, detection and prevention. It also studies the criminal tendencies and behaviour of criminals and factors that encouraged them to indulge in criminal activities which can further be used to treat them and reform them back as law abiding citizens. On the other hand, psychology is the study of human mind and behaviour at

large while psychiatry being the branch of medicine deals with diagnosis and treatment of mental disorders suffered by a person. The three are interrelated to each other in a way that psychology studies human mind while psychiatry deals with mental disorders and mentally insane people and criminology finally deals with factors that could lead such people who suffer from mental disorders to commit crime. It also decides their liability and whether such people be punished or not depending on their mental disorders and depravity.

The Indian legal system has also adopted some measures and safeguards while dealing with such criminals. There is a provision of mental insanity as defense under Section 84 of Indian Penal Code, 1860 on the basis of which, a mentally insane person could escape the liability of his criminal activity. This is only possible when it is proved beyond reasonable doubt that he was mentally insane during commission of crime and *M' Naughten's* rule could be applied.

5. Possibility of Criminology being a Science

The very nature of criminology as discussed above suggests that it is a multidisciplinary field. Its wings are spread in almost all the disciplines. But can we say it is related with science or is any there scientific approach to study criminal minds and behaviour? Well, there is no specific answer to this question. Many criminologists believe that criminology is nothing but a part of social science. It has no relevance in science and vice-versa. On the other hand, other criminologists have remarked it is a scientific study of causation of crime and its prevention. One such criminologist is Donald Taft who defines criminology as “it includes scientific analysis and observation of crimes and criminals”. This definition in itself reveals that there is some connection between science and criminology.

In order to study the relation between science and criminology, let us first understand science and its characteristics. Science is that discipline which is majorly based on experiments and tests and has following characteristics:

- Universality
- Observability
- Objectivity
- Tested and verified
- Experiments and research

To deal with the question whether criminology is science, we need to find out the similarities between the two.

- **Objectivity**

Every experiment in science is marked by its objective for which it is done. If there will be no objective, there can be no experiments and tests. Similarly, criminology has a definite objective. The purpose of study is to understand and analyze the causes of crimes and devise method for its correction and prevention. The overall objective is to work for welfare of people by reducing the instances of crimes. This shows that like science, criminology has an objective to achieve.

- **Observability**

The study of science involves observation of nature, characteristics and features of elements under study. On the basis of these observations, the different elements are classified into different types. In the same way, criminology observes criminal behaviour which varies from

case to case and then groups the criminals into different types like hardened criminals, petty offenders, offenders beyond reformation etc.

- **Universality**

The uniqueness of science lies in the fact that is universally accepted by all. A fact once proven cannot be denied. Though the principle of universality cannot be applied in criminology in a strict sense but a certain uniformity and universal nature can be observed when a preventive step to reduce crimes yields positive result, is applied to different criminals with a hope that it might reform them into legally abiding citizens. This can further be used for their rehabilitation and reintegration. There might be different causes for commission of crime but some of those are common for all criminals. The criminologists with the help of common causes try to find measures to reduce criminality in society.

- **Experiments and Research**

The principles of science are based on experiments and tests which can easily be verified by anyone in the laboratory with the help of scientific tools. There are no laboratories in criminology to conduct experiments and tests but empirical studies are done in society. These studies and research help in collecting statistics and data which further helps to create a pattern between crime and criminal behaviour along with its causes and factors.

- **Tested and Verified**

Science can be tested and verified easily because it is the study of controlled variables, on the other hand, criminology studies uncontrolled variables in a society which makes it difficult to verify a particular theory of crime causation. It might be verified if the factors leading a person towards criminality lay inside him but cannot verify those outside his surroundings and environment.

The above arguments are in favour of criminology being a science. However, the fact that it is the ultimate study of human beings (actual and potential offenders) living in a society, cannot be ignored. There is a big difference between essence of science and criminology but a scientific approach has been adopted by criminologists in modern society to study criminal behaviour. This can also be proved with the shift in the notion of crime from pre-classical, classical and neo classical school to positive school.

6. Transition from Traditional Approach to Scientific Approach

The pre-classical school was based on spiritualistic approach and supposed that a man commits crime because of some evil spirit or under the influence of demon. The causation of crime was demonology, witchcraft and supernatural powers. People used worships, sacrifices and ordeals to pacify the spirits. However, this approach withered away with time and advancements. The classical school rejected the theory of pre-classical school and assumed that it is the free will of people because of which they chose to commit crime. Both the thinkers of this school Bentham and Beccaria had developed a rational thinking towards cause of crime and based their analysis on the principle of hedonism (people seek pleasure and avoid pain) given by Bentham. Though this school had practicality in its approach but failed to make a difference between first time offenders and habitual offenders. The first school to recognize these variations of age, gender, mental conditions while sentencing a criminal was the Neo-classical school.

However, there was a complete change in the way crime was perceived after the emergence of Positive school which was also known as Italian School. Cesare Lombroso, Enrico Ferri and Raffaele Garofalo were the thinkers or main exponents of this school. Amongst them, Cesare Lombroso was the first person to study the personality of offenders and was considered to be the originator of modern criminology. He classified criminals on the basis of peculiar physical traits such as:

- Atavists or born criminals,
- Insane criminals,
- Criminaloids.

With this, scientific approach was introduced in criminology which was carried forward by Enrico Ferri who proved that apart from biological factors, other factors like emotions, geographical conditions etc., also play a major role in determining criminal tendencies. He treated criminal as product of his past life and conditions. He further classified criminals in five different categories:

- Born criminals,
- Occasional criminals,
- Insane criminals,
- Passionate criminals,
- Habitual criminals.

The last exponent of this school, Raffaele Garofalo was influenced by Darwin theory propounded by Charles Darwin. He introduced the concept of social Darwinism i.e., survival of the fittest and explained the necessity of eliminating offenders who are incapable of adapting themselves to the changes in society. He considered crime as an act violating the sentiments of pity and probity. If there is lack of pity, it results in crimes related to human body while lack of probity leads to property related crimes.

With the help of this school, there was an advancement in the field of criminology and various theories were given by different criminologists which suggested that the individual factors lying inside a person that encourage him to commit crimes are a part of studying science as well.

7. Application of Scientific Tools and Methods in Criminology

With the expansion of knowledge and advancement in technology, there has been drastic change in the field of science. It is with this technology that man is able to make a robot which looks exactly as a normal human being. Not only this, but we have devised such methods and tools that could help a person determine his relationship with others or test the truth. The DNA tests and lie detector tests have been a boon to the criminal justice system. Other such scientific techniques like post mortem report, CT scan, polygraph test, expert opinions have made the process of trial easy and facilitated the importance and role of evidence.

Detection deception tests, popularly known as DDTs are such scientific and psychiatric tests that are used to detect lies and gather important information in a case. This test includes three main tests: Brain mapping, Narco analysis and Polygraph test.

8. Analysis

Criminology as explained above, studies criminal behaviour and causes that push a person toward such behaviour. It is a multidisciplinary field which cannot be studied in isolation. However, with the new inventions and innovations, there has been a shift in the way crimes were committed a decade ago. To deal with such new crimes, it was necessary to adopt scientific methods and tools in the study of criminals and factors around them. There is no doubt that these tools and scientific approach has made the work easy but it has also introduced several other problems.

Criminology cannot be considered a pure science because it involves the study of human beings and their behaviour especially those who deviate from the norms and laws established in a country and impact of such deviancy on society. Where science is the study of controlled variables, criminology studies the opposite. There is no assurance that whether a preventive step or technique will yield positive result unlike in science wherein the experiments and tests pre-determine the effect of a medicine or any other scientific tools. There is no uniformity in criminology because every case is different in its own aspects whether it is the facts, circumstances or manner of commission of crime.

The scientific tests that are used in criminal justice system to investigate and understand the criminal behaviour are inaccurate and not reliable because the subject matter of these tests consists of different people every time they are used. They may give accurate information in one case but may fail in other. Moreover, with the introduction of welfare State, the functions of State and sovereign authorities have changed enormously. It is the duty of a welfare State to protect its citizens, of which criminals also form a part. The sovereign authority has to adopt measures to reform these criminals and protect their fundamental rights as well. This is the reason that the scientific tests have been challenged on the grounds of inhumanity, degrading treatment and violation of fundamental rights of accused. Every criminal in criminology has to be seen in his uniqueness and must be dealt with accordingly. This is only possible if we do not strictly consider criminology as a science but a multidisciplinary field. It will also help us find and devise new methods and tools to deal with every criminal according to the various factors that have influenced him to commit a crime.

9. Conclusion

According to Durkheim, crimes are inevitable in society and cannot be ignored. Whenever there will be a shift from agricultural society to organic or industrial society, social disorganization will take place which will result in more number of crimes and people will move toward deviant behaviour. No State can be free from crimes completely but can regulate the conduct of its citizens which will in return reduce the chances of commission of crime. We all know, a society comprises of different people with different ideas and opinions, different cultures and backgrounds each demanding the authorities to work in his favour.

In such a heterogenous society, it is difficult to avoid conflicts of cultures. But a State can work towards understanding the demands put forth by every person or group. To deal with criminality, the authorities first have to try and understand the sociological and environmental factors that might influence a person commit crime against State. With this, State can easily dissolve such factors which are in its control. These factors could be poverty, unemployment, discrimination, corruption and so on. As suggested by Enrico Ferri, a criminal is the product of his surroundings and past life experiences. State must try to eliminate such factors from society.

The remaining factors that are developed inside a person can be reduced with the help of proper education and channelization of education in the correct direction so much so that people become law abiding citizens rather than law breaking citizens. This is what scientific approach has gifted to criminal justice system. It has made the study of such individual factors that lay inside a person simple and clear. If the causes are known, measures could be framed accordingly to reform such person. On the other hand, there are some hardened criminals which are beyond reformation. These criminals as suggested by Raffaele Garofalo must be eliminated from society or awarded harsh punishments in accordance with procedure established by law. It can be concluded that criminology or study of criminal behaviour and criminal justice system can never be departed from the effect of other social sciences and scientific approach. A strong criminal justice system is the cumulative efforts of all the fields of discipline that have its effect in some way or the other, either on the person or on the State i.e., the sovereign authority.

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